Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
May 6, 2010
This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on May 6, 2010.

John H. Lester, Vice Chair
Environmental Management Commission

Certified this 25th day of June 2010.
Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
May 6, 2010

Convened: 11:30 a.m.
Adjourned: 11:50 a.m.

Part A
Transcript

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Attachments 1 – 2
Part A
PROCEEDINGS

THE CHAIR: I'd like to call this Commission meeting to order. I'd like to recognize the fact that we do have a quorum present today.

The purpose for this emergency meeting of the Environmental Management Commission is relating to ratification of the effective date -- the employment effective date of Mr. Lance LeFleur that was selected by this commission at its previous commission meeting back in April.

The reason -- what brought us here today is on Friday, while I was out traveling, I received a phone call from the governor's -- Governor Bob Riley's legal advisor, informing me of the situation that's going on with the oil spill; that the government was going to declare a state of emergency and that -- that they had been in conversation with the State Personnel Department. That basically Mr. LeFleur is an employee of the Alabama Department of Environmental Management. However, it was just a formality of going through the process of state board approval.

And that because of this emergency that they are willing to go ahead and consider this appointment for May 1st because of the state of emergency that was going to be declared by Governor Bob Riley.

After numerous conversations with the Governor's Office, as well as talking with legal counsel for the board, trying to have conversation with Commissioners and here with the Department, conversation going on with our HR and the State Personnel Department, I did sign a letter making Mr. LeFleur's effective date as of May 1st.

Upon advice of counsel -- and I'd like to thank Ms. Olivia Jenkins as being a part of that discussion as well. We are having this meeting today to ratify that action that took place on Friday.

So at this time, I will entertain a motion.
COMMISSIONER PIERCE: Madam Chairman, I move to ratify the Chair's action, making the effective date of Mr. Lance LeFleur's employment to May 1, 2010.
THE CHAIR: Do I have a second?
COMMISSIONER BROWN: Second.
THE CHAIR: Any discussion?
(No response.)
THE CHAIR: All in favor, say "aye."
ALL: Aye.
THE CHAIR: Those opposed?
(No response.)
THE CHAIR: The motion carries.
Item number two on the agenda is an update on the situation with the oil spill. But before I turn this over to our new director, I would like to say this. ADEM's staff has been phenomenal throughout this whole, entire situation in the Gulf, and all the credit goes to the employees here who have worked extremely hard in trying to deal with this crisis in -- crisis in the Gulf. They have been working overtime. They are tired. They are trying to make sure that they are covering all the action.
In particular, you know, I recognize Steve Jenkins especially, in light -- he has some personal issues going on in his life right now. He's over ER.
Phillip Woods, I think -- I think I said it correctly. His work as well. Good legal advice coming from the department. And I'd just like to take my hats off to you. The Commission -- the Chair really appreciates your due diligence and your hard work, and we want to recognize you for that. So I just want to say that.
As well -- I want to also say that Robert Tambling is not here with us today. I'd like to recognize Ms. Tori Adams, who's sitting in here -- sitting in today as our counsel. And welcome --
MS. ADAMS: Thank you.
THE CHAIR: -- to the Environmental Management Commission.

Also, Mr. Hagood, who has been for the last six months -- who has made sure that everything sticks together, is not with us today. He has a very important matter with his daughter today, and we understand family comes first. But we would like to also say that we appreciate his hard work and dedication that he has done to help us through this process for the last six months. We could not have done this without his guidance, his support in keeping this ship running effectively.
I'd like to at the same time thank Marilyn -- Marilyn Elliott, who's always a champion when it comes down to being a dedicated employee -- employee here with the Department and all the other divisions.
And, Olivia, we're going to miss you. So I want to say that you have been a joy. So I just -- just want -- you know, I think you're not going to be here at our next meeting. You made mint juleps. So -- but we really appreciate you and just want to let you know that you are a very, very credible, honest, and effective person in your job. And the Department is going to be at a great loss for you not being here anymore. So at this time, I'll turn -- and, also, I have to say this too. Mr. LeFleur, for somebody who has -- I think you went four days without any change of clothes, and you have been down on that Gulf. He has -- I have to recognize the fact that he -- I said to him, are you crazy? You want to go ahead and jump in this right now? And he has been there on the ground. And that's what the Commission wants you to do, to make sure you're the -- you're the face of this department and working closer with your staff. And you have done it.
So at this time, I turn it over to you for an update.
MR. LEFLEUR: Thank you, Madam Chair. I apologize for my informality, but I do look better than I did the other day, after being in the same clothes for several days.
The quick -- a quick hats off to some additional people down there. I want to...
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<td>assure the Commission and the people of Alabama that all of the people that are necessary from state government are on the scene, including the Governor. The Governor has been down there every day having briefings. Our Senators have been briefed down there on several occasions. Congressman Joe Bonner has been briefed down there also. The local elected officials -- mayors, council people. We have had tremendous interest and tremendous participation. Your state government is working well. And I am four days in state government, but I have a lot of years not in state government. So as a private citizen, I can appreciate all that they're doing. I will attempt to give a very quick update. The first piece of information is, there's no impact to our shoreline at this time, and there's no impact anticipated in the projection period that we have available. And I have these charts up here for a reason. These are -- these are old charts. They're a day old. They come out every single day. They're prepared twice a day, actually. And this -- these are the charts that we used for some of our presentations to various citizen groups down there -- tourism group, shrimpers, charter boat captains. We've briefed about 1,500, 2,000 people so far. These look out three days. This was the projection for the day after these were made. This was made on a Tuesday for Wednesday. This is the oil slick. The light blue is what's called the sheen field. That's the low concentration. The darker the color, the heavier the concentration. Plus, it's right next to the well bed. You can see the transition over time is not very great. It tends to -- it's tending to spread apart. The battle plan on this is to attack this out to sea. We want to put everything we can possibly put to this while it's out to sea. Keep it from ever reaching the shoreline. We've had some very bad weather lately, and it has interfered with our efforts at the shoreline to lay out boom. But the other side of that coin has been that the heavy wave action has actually dissipated a lot of the slick. So we are actually better off even though we have less boom out, because we've been accumulating assets. And the weather has had a very beneficial effect on this slick. The battle plan out here is injecting dispersants at the well head. A new technique. Very effective. They have ocean-going skimmers that are pulling off the heavier grades of oil that are on the surface. We have surface dispersion. We have in situ burning that's been approved. Many, many assets are being put on this. They're also trying several things. There's an attempt today to try to cut off one of the leaks on a well casing. The well casing -- the well is one mile, 5,000 feet below the surface of the ocean. When the rig burned and collapsed, a thousand -- a 1,500 foot piece of casing was attached to the blowout prevention device, and</td>
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<td>that 1,500 foot piece of well casing fell and fell in a configuration that had three leaks in it -- the one at the very end exiting the well, one shortly before that, and then one about 1,500 feet down where it actually bent from the blowout protection -- blowout preventer valve. Today they will be attempting to put a dome over the end leak. The dome will have an opening in it and an umbilical will come to the surface, with the idea being that it will then take the oil that's coming from there and directly put it into a tanker. It's experimental at this depth, but it has worked in other situations. COMMISSIONER PIERCE: Lance, we're talking about at the very end of the riser where they're putting this dome, not over the -- MR. LEFLEUR: Correct. Correct. The blowout prevention mechanism is a very large piece of equipment designed for safety on this well. We were describing -- it's a 60 foot piece of equipment that weighs 450 tons and has three methods of trying to close</td>
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off the well -- a ball valve, a crimp mechanism, and then finally a guillotine. And all of those have failed. They're continuing to try to get that to work with remote-operated vehicles down at the bottom. Have not been able to do that yet.

There are several other strategies. Some of them were higher risk. But they are continuing to work on that.

The size of the slick has been kept in check by the weather, the skimming, the dispersants, many activities which has helped us very much.

This is the line of uncertainty in the projection that's been provided by NOAA. This line of uncertainty was right on Dauphin Island on Friday. So it has dropped by this scale, about 40 miles -- 35, 40 miles from where it was, and the distance to the first sheen area is in the end range of 50 to 55 miles. So we are -- we have been very fortunate in this slick and its containment and the weather conditions that have helped it.

Now, many things can still happen at this well head. We can have free flow. We don't have free flow now. There's some constricted flowing. Right now it's flowing between 1,000 and 5,000 barrels per day. That's between 40,000 and 200,000 gallons per day flow rate. And they can't judge it precisely because of the way that it sits.

The largest wells and the most productive wells in the Gulf area have a maximum production rate of about 24,000, 28,000 barrels per day. This one was an exploratory well in a new area. They don't know what the maximum flow rate is. Average wells in that area flow at about ten to 15,000 barrels per day.

The place -- stopping as I said is at sea. We are -- we will have the entire area from -- well, from the state line with Mississippi to the state line with Florida will receive boom to prevent oil hitting the beach.

Mobile Bay is being closed off with a double booming set up. It required some adjustment to the contingency plan. Pilings are being driven into the area on the land side and the seaward side of the entrance to the bay in a convex and concave pattern that will allow the boom to be held there. There's very strong hydraulic pressures there, and it takes a lot of support to be able to keep those booms in place.

It will be a two-stage boom arrangement. The Port of Mobile will not be closed. It will be -- it will continue to operate. Ships that come in will be decontaminated in the area between the two boom lines, and activity will continue in the port.

The oyster beds and the estuarial areas, the grass flats are being protected by boom. And we're doing an experimental form of barrier that we'll be putting up there. It's a barrier that's been used in other applications, but we're trying to use it in this one also. It will protect this area of Dauphin Island also.

As I said, the entire area for us. Same arrangement over at Perdido.

The strategy is that if it can be stopped here, then we protect the entire bay area. We don't have to have every place within Mobile Bay protected. We do have -- we have double protection here. We will also have an additional line of protection in those most sensitive areas of Mobile Bay -- Gaillard Island and Weeks Bay and some of those areas over there.

The program, as I said, was slow to begin with. Things were very disorganized, as might be expected.

The project is being managed by what's called a unified command. The -- since this is an incident that involves four states, it becomes a federal -- federally run program. The top federal agencies -- the coast guard, beneath the coast guard we have BP -- who has raised their hand as the responsible party -- and then each state has its environmental and other state agencies that are responding to this. ADEM is the lead agency for the state, working with EMA, Department of Health, six or seven other agencies.
And that's the very quick, very brief summary. If there's any questions, I'll be pleased to answer those.

THE CHAIR: Any questions from Commissioners?

(No response.)

THE CHAIR: Mr. LeFleur, thank you for your hard work. And, staff, continue to do your hard work.

I entertain a motion to adjourn.

VICE CHAIR LESTER: So moved.

MR. WAINWRIGHT: So moved.

THE CHAIR: We're adjourned.

VICE CHAIR LESTER: Now, before we leave, though, I'd like to say I talked to Debi while ago. And you know her son ten days ago got run over by -- on a bicycle by a vehicle on campus at the University of Alabama. Been in the hospital the day before yesterday. He's out now at the house she has rented over there. Will get to graduate Saturday from the university and be in a wheelchair. But they've made arrangements with the school to take care of that. So just to let her know we're all thinking about her.

Thank you.

THE CHAIR: We are. And we love Debi. Thank you.

We adjourn.

(End of proceedings.)

FURTHER DEONENT SAITH NOT

CERTIFICATE

STATE OF ALABAMA

MONTGOMERY COUNTY

I hereby certify that the above and foregoing deposition was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the deposition given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name below.

GWENDOLYN P. TIMBIE, CCR Certificate No: AL-CCR-172

My commission expires March 10, 2013.
CERTIFICATE

STATE OF ALABAMA )
MONTGOMERY COUNTY )

I hereby certify that the above and foregoing deposition was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the deposition given by said witness upon said hearing.

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GWENDOLYN P. TIMBIE, CCR
Certificate No: AL-CCR-172

My commission expires March 10, 2013.
Part B
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<td>Order ratifying the Chair’s action making the effective date of Mr. Lance LeFleur’s employment May 1, 2010</td>
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(Agenda Item 1 – Amend the effective date of Lance LeFleur’s appointment)
Attachment 1
AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: May 6, 2010
TIME: 11:30 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

ITEM

1. Amend the effective date of Lance LeFleur’s appointment

2. Commission Chair Archie to brief the Commission on the situation in the Gulf of Mexico

*The agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.
Attachment 2
BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Ratify the Chair’s action making the effective date of
Mr. Lance LeFleur’s employment May 1, 2010

ORDER

This cause having come before the Environmental Management Commission pursuant to
the above motion, and having considered the same, the Commission hereby ORDERS,
ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and

2. That this action has been taken and this Order shall be deemed rendered effective
as of the date shown below.
ISSUED this 6th day of May 2010.

APPROVED:

[Signatures]

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

ABSTAINED:

Commissioner

Commissioner

Commissioner