

**2/22/10**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
February 9, 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 February 9, 2010.



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Anita L. Archie, Chair  
Environmental Management Commission

Certified this 19th day of February 2010.



**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
February 9, 2010**

**Convened: 11:00 a.m.  
Adjourned: 11:17 a.m.**

**Part A**

**Transcript**

**Part B**

**Attachment Index**

**Attachments 1 – 5**



**Part A**





AEMC COMMISSION MEETING - 2/9/2010

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING</p> <p style="text-align: center;">February 9, 2010, 11:00 a.m.</p>	<p style="text-align: right;">Page 3</p> <p>1 COMMISSIONER ARCHIE: I would like to 2 call this meeting to order. 3 I would like to acknowledge that we do 4 have a quorum for this morning's meeting. 5 Agenda Item Number 1 is the 6 consideration of minutes of meetings held 7 on December the 11th and 23rd, 2009. I 8 would like to at this time entertain a 9 motion from the Commission. 10 COMMISSIONER BROWN: So moved. 11 COMMISSIONER LESTER: Second. 12 COMMISSIONER ARCHIE: Any discussion? 13 (No response.) 14 COMMISSIONER ARCHIE: Call for the 15 question. All in favor say aye. 16 (Whereupon, an affirmative 17 vote was taken.) 18 COMMISSIONER ARCHIE: Motion carried. 19 Agenda Item Number 2, discussion and 20 consideration EPA's Greenhouse Gases 21 Endangerment Findings, I would like to note 22 that the Commission will not be taking up 23 this item at this time.</p>
<p style="text-align: right;">Page 2</p> <p>1 2 COMMISSION MEMBERS PRESENT: 3 ANITA L. ARCHIE, CHAIR 4 DR. JOHN H. LESTER, VICE CHAIR 5 H. LANIER BROWN, II 6 W. SCOTT PHILLIPS 7 SAM H. WAINWRIGHT 8 ALSO PRESENT: 9 JOHN P. HAGOOD, ADEM DIRECTOR 10 ROBERT TAMBLING, EMC LEGAL COUNSEL 11 DEBI THOMAS, EMC EXECUTIVE ASSISTANT 12 13 * * * * 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 Agenda Item Number 3 is narrow 2 candidates for the ADEM Director position 3 to those to be interviewed by the 4 Commission at its meeting on February the 5 12th, 2010. At this time, I would like a 6 motion to authorize the Chair and Debi to 7 set up those interviews. 8 COMMISSIONER LESTER: So moved. 9 COMMISSIONER ARCHIE: I think at this 10 time we will have a discussion on those 11 candidates. If you will, turn to your 12 packet. 13 COMMISSIONER PHILLIPS: We need a 14 second. 15 COMMISSIONER ARCHIE: Excuse me. 16 Second? 17 COMMISSIONER BROWN: Second. 18 (Whereupon, an affirmative 19 Vote was taken.) 20 COMMISSIONER ARCHIE: In your packet, 21 you should have a list of. 22 MS. THOMAS: Excuse me. Would you like 23 to vote on that motion?</p>

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1 COMMISSIONER PHILLIPS: I would rather  
 2 have a discussion.  
 3 COMMISSIONER ARCHIE: We'll have a  
 4 discussion before we go further on that.  
 5 MS. THOMAS: Yes, ma'am.  
 6 COMMISSIONER ARCHIE: In your packet,  
 7 you should have the list of candidates that  
 8 actually submitted their application to be  
 9 considered for the Director position for  
 10 ADEM. On last week, I asked Debi to poll  
 11 the Commissioners on possibly five  
 12 candidates for us to interview on Friday; on  
 13 yesterday, you submitted those lists of  
 14 those five candidates to us, and you have  
 15 them in two particular orders -- the one who  
 16 received the most number of votes, and the  
 17 other one is the ones who were just  
 18 actually -- just names were submitted, and  
 19 we got a vote tally. At this time, you  
 20 know, I will entertain a discussion on how  
 21 you would like to proceed on those  
 22 candidates.  
 23 COMMISSIONER LESTER: I would like to

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1 take three -- the top three.  
 2 COMMISSIONER WAINWRIGHT: I second.  
 3 COMMISSIONER ARCHIE: Those top three  
 4 candidates -- Based on polling of the  
 5 various Commissioners, those three top  
 6 candidates would be --  
 7 COMMISSIONER LESTER: Thirteen, ten and  
 8 nine.  
 9 COMMISSIONER ARCHIE: Number thirteen,  
 10 ten and nine. On those individuals, those  
 11 names are Lance LeFleur, Louis Montgomery  
 12 and Dean Argo. We will take a vote on each  
 13 one of those separately. So is there any  
 14 further discussion on how we will actually  
 15 go with this process.  
 16 COMMISSIONER PHILLIPS: Just out of  
 17 curiosity, when I look at the listing of  
 18 what has turned out to be a vote of the  
 19 Commission, the top three have votes, but  
 20 then the next two -- we went to five that we  
 21 all gave our preference on our top five.  
 22 Why did we cut off at three?  
 23 COMMISSIONER ARCHIE: That is something

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1 that we can actually -- At the previous  
 2 meeting, we discussed five. We can have a  
 3 motion to either stay with the five or  
 4 someone is asking for a motion for the top  
 5 three, so I would entertain that after we --  
 6 you know, before we actually vote on that.  
 7 COMMISSIONER PHILLIPS: I'm not taking  
 8 a position one way or the other. I was just  
 9 curious why the motion for three, since  
 10 we're in that motion.  
 11 COMMISSIONER LESTER: My thought was it  
 12 was just a difference in the numbers on  
 13 down. The fourth and fifth are half of what  
 14 the first one was, and fourth one -- I'm  
 15 sure all the Commissioners have gone through  
 16 all of these applications for the position;  
 17 I know I have. It's narrowed down to  
 18 whether or not they're people -- what we  
 19 were looking for is in their applications or  
 20 not. That was my only thought about it.  
 21 COMMISSIONER ARCHIE: Well, let me make  
 22 this suggestion here: We basically stated  
 23 at the last Commission meeting when we

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1 discussed these issues that we were going to  
 2 go with the top five candidates to be  
 3 interviewed. What if we do still take those  
 4 top five candidates, but with the condition  
 5 we interview the first three and that the  
 6 other two -- if we feel like on Friday that  
 7 we need to interview the two additional, we  
 8 bring them back before the Commission? Is  
 9 there any discussion on that?  
 10 COMMISSIONER WAINWRIGHT: You're  
 11 suggesting a special meeting to handle those  
 12 two or have them come in also?  
 13 COMMISSIONER ARCHIE: It's sort of like  
 14 we're doing -- It's like alternates, that we  
 15 have three and two alternates. We decide  
 16 on -- We're still keeping with the fact that  
 17 we're going to choose five, but if we find  
 18 out on Friday that we just really are not --  
 19 feel like we need to interview the other  
 20 two, we already have that in place to  
 21 interview them, and it would have to be a  
 22 special-called meeting. I don't know how  
 23 that will work with our timing or what it

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1 would require. It probably would not work	1 COMMISSIONER ARCHIE: Any discussion?
2 at all with our time, but --	2 (No response.)
3 COMMISSIONER PHILLIPS: I guess my	3 COMMISSIONER ARCHIE: Call for the
4 sense, Madam Chairman, is it is really the	4 question. All in favor say aye.
5 majority of the Commission here that	5 COMMISSIONER BROWN: Aye.
6 believes that we really should knock it to	6 COMMISSIONER PHILLIPS: Aye.
7 three, then I'm assuming that's because --	7 COMMISSIONER LESTER: Aye.
8 as Doc said, it's because we think that	8 COMMISSIONER WAINWRIGHT: Aye.
9 there's a split with those three, and if	9 COMMISSIONER ARCHIE: Those opposed?
10 that's -- if that vote is made, then I think	10 (No response.)
11 we should split that way. I don't really	11 COMMISSIONER ARCHIE: The motion
12 think we should delve into bringing people	12 carried.
13 back.	13 (Whereupon, an affirmative
14 COMMISSIONER WAINWRIGHT: Motion for	14 vote was taken.)
15 three, Madam Chair.	15 COMMISSIONER ARCHIE: I would like to
16 COMMISSIONER ARCHIE: I have a motion	16 entertain a motion to invite Louis
17 for three. Do I have a second on that?	17 Montgomery to interview with the Commission
18 COMMISSIONER PHILLIPS: Yes.	18 on February 12th for the Director position.
19 COMMISSIONER ARCHIE: All right. Any	19 COMMISSIONER LESTER: So moved.
20 more discussion?	20 COMMISSIONER PHILLIPS: Second.
21 (No response.)	21 COMMISSIONER ARCHIE: Any discussion?
22 COMMISSIONER ARCHIE: Call for the	22 (No response.)
23 question. All in favor say aye.	23 COMMISSIONER ARCHIE: Call for the
Page 10	Page 12
1 COMMISSIONER LESTER: Aye.	1 question. All in favor say aye.
2 COMMISSIONER PHILLIPS: Aye.	2 COMMISSIONER WAINWRIGHT: Aye.
3 COMMISSIONER WAINWRIGHT: Aye.	3 COMMISSIONER PHILLIPS: Aye.
4 COMMISSIONER BROWN: Aye.	4 COMMISSIONER BROWN: Aye.
5 COMMISSIONER ARCHIE: Those opposed?	5 COMMISSIONER LESTER: Aye.
6 (No response.)	6 COMMISSIONER ARCHIE: Those opposed.
7 COMMISSIONER ARCHIE: Motion carried.	7 (No response.)
8 (Whereupon, an affirmative	8 COMMISSIONER ARCHIE: The motion
9 vote was taken.)	9 carried.
10 COMMISSIONER ARCHIE: I think that in	10 (Whereupon an affirmative
11 the issue of making sure that we've done	11 vote was taken.)
12 this correctly, I think we need to	12 COMMISSIONER ARCHIE: At this time, I
13 officially vote on each three candidates to	13 would like to entertain a motion to invite
14 invite them to come and interview for us, so	14 Dean Argo to interview with the Commission
15 I would entertain a motion at this time,	15 on February 12th for the Director position.
16 move to invite the name of the candidates	16 Do I have a motion?
17 with the Commission on February 12th for the	17 COMMISSIONER LESTER: So moved.
18 Director position, and the first name would	18 COMMISSIONER WAINWRIGHT: Second.
19 be Lance LeFleur, so I'm asking for a motion	19 COMMISSIONER PHILLIPS: Second.
20 to invite Lance LeFleur to interview with	20 COMMISSIONER ARCHIE: Any discussion?
21 the Commission on February 12.	21 (No response.)
22 COMMISSIONER WAINWRIGHT: So moved.	22 COMMISSIONER ARCHIE: Call for the
23 COMMISSIONER LESTER: Second.	23 question. All in favor say aye.

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1 COMMISSIONER WAINWRIGHT: Aye.  
 2 COMMISSIONER BROWN: Aye.  
 3 COMMISSIONER LESTER: Aye.  
 4 COMMISSIONER PHILLIPS: Aye.  
 5 COMMISSIONER ARCHIE: Those opposed,  
 6 say no.  
 7 (No response.)  
 8 COMMISSIONER ARCHIE: Okay. At this  
 9 time, we will sign those orders.  
 10 MS. THOMAS: This is the one on the  
 11 motion to accept the top three candidates.  
 12 COMMISSIONER WAINWRIGHT: Madam Chair,  
 13 while we're signing these, how do you plan  
 14 to handle the questions that we're going to  
 15 ask the candidates?  
 16 COMMISSIONER ARCHIE: I think the best  
 17 way that we can handle the interview on  
 18 Friday, there was a -- we asked for public  
 19 input on the questions that the public would  
 20 like for us to ask of the candidates; I  
 21 think that Debi put that in a form for us to  
 22 possibly pick the questions for us to ask,  
 23 the public input questions, so I think the

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1 best way to possibly approach this is -- and  
 2 this is for discussion -- one thing that was  
 3 brought up this morning is that maybe we  
 4 send the ten questions that we actually  
 5 picked out of the list from the  
 6 Commission -- that we send those ten  
 7 questions to the candidates, have them put  
 8 them in writing for us to review prior to  
 9 the interview. That was one idea. I  
 10 personally prefer that they basically -- we  
 11 have live input instead of somebody going  
 12 home and doing an open-book test, so I just  
 13 think that the preferred method is for us to  
 14 ask those questions openly in public so  
 15 everybody can see their reaction on it, so  
 16 we will take those ten questions on Friday.  
 17 Also, I want to say this, too, while  
 18 we're signing this order: I want each  
 19 commissioner to consider that we probably  
 20 need to do background checks on these  
 21 candidates. Whichever candidate we offer  
 22 for the position, we need background checks  
 23 done on them. Mr. Hagood, I'm looking at

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1 you to advise us on how we can secure the  
 2 services of someone going in and conducting  
 3 -- and not just a criminal background  
 4 check. I mean civil and nationwide  
 5 background check on these candidates. We  
 6 do not need any surprises with any  
 7 candidates.  
 8 MR. HAGOOD: You said criminal and  
 9 civil?  
 10 COMMISSIONER ARCHIE: Yes.  
 11 MR. HAGOOD: So you're looking at court  
 12 action?  
 13 COMMISSIONER ARCHIE: Any court action  
 14 that has been entered.  
 15 MR. HAGOOD: All right.  
 16 COMMISSIONER PHILLIPS: Just one other  
 17 thought here. Today is the 9th. Maybe all  
 18 these individuals were prepared for the  
 19 12th, but what if we have one of these three  
 20 that really just can't be here on Friday?  
 21 COMMISSIONER ARCHIE: I'm of the  
 22 opinion that we are timed. The time line  
 23 has been out there publicly for the last

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1 couple of months. If anybody was interested  
 2 in this position and applied for it, they  
 3 knew what our time line is. If they can't  
 4 make it, we're just not going to -- my  
 5 recommendation would be we would not  
 6 consider that person.  
 7 Once again, just for the audience, the  
 8 three names are Lance R. LeFleur, Louis M.  
 9 Montgomery and Dean Argo, the candidates  
 10 the Commission will be interviewing on  
 11 Friday.  
 12 Do we have any other business of the  
 13 Commission at this time?  
 14 COMMISSIONER WAINWRIGHT: Madam Chair,  
 15 I would like to settle this thing about the  
 16 questions. I would like to make a motion  
 17 that the questions be forwarded to these  
 18 candidates and the answers be returned to us  
 19 prior to the interview.  
 20 COMMISSIONER ARCHIE: Would you like to  
 21 amend your motion to put a time certain on  
 22 that, Commissioner?  
 23 COMMISSIONER WAINWRIGHT: Well, just

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<p>1 prior to the interview.                  2 COMMISSIONER ARCHIE: Do I have a                  3 second?                  4 COMMISSIONER LESTER: I'll second.                  5 COMMISSIONER ARCHIE: Any discussion?                  6 (No response.)                  7 COMMISSIONER ARCHIE: Call for the                  8 question. All in favor say aye.                  9 COMMISSIONER WAINWRIGHT: Aye.                  10 COMMISSIONER ARCHIE: Those opposed?                  11 COMMISSIONER PHILLIPS: No.                  12 COMMISSIONER ARCHIE: No.                  13 COMMISSIONER BROWN: No.                  14 COMMISSIONER ARCHIE: The motion                  15 failed.                  16 (Whereupon, an opposing vote                  17 was taken.)                  18 COMMISSIONER LESTER: Are y'all going                  19 to send the questions to them?                  20 MS. THOMAS: No. The motion just                  21 failed in that regard.                  22 COMMISSIONER LESTER: He was talking                  23 about a written answer back.</p>	<p>1 Commissioners.                  2 We received a courtesy copy of the                  3 petition the night before it was officially                  4 delivered to EPA. We got the official                  5 notice yesterday at 7:00 in the evening,                  6 granting us sixty days with which to                  7 respond to the Commission. Since we have                  8 been in receipt of the courtesy copy, we                  9 have organized our response team to the                  10 Commission, headed by General Counsel,                  11 Olivia Rowell, in permeating through all of                  12 the programs that work in NPDES through the                  13 branch chiefs and the division chiefs in                  14 each one. Through conversations with                  15 Region 4 -- Through conversations with                  16 Region 4, we are told that, dependent upon                  17 the thoroughness of our response, this                  18 process can take from six months to two                  19 years. That was their best estimate.                  20 We're approaching this with a very serious,                  21 intensive, thorough response; so,                  22 hopefully, the six months is more likely.                  23 I can take any other questions -- With the</p>
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<p>1 COMMISSIONER ARCHIE: Which means you                  2 have to send the questions out.                  3 COMMISSIONER LESTER: So the questions                  4 are not going out, so we're not going to let                  5 them know what the questions are?                  6 MR. TAMBLING: What's the motion?                  7 MS. THOMAS: That the questions be                  8 forwarded to the candidates prior to the                  9 interviews.                  10 MR. TAMBLING: That motion was                  11 defeated, so no questions should be                  12 forwarded to the candidates.                  13 COMMISSIONER ARCHIE: Any other                  14 business before the Commission?                  15 COMMISSIONER WAINWRIGHT: One other                  16 item, Madam Chair, is can we get a report                  17 from the Director regarding our -- the                  18 EPA's -- I guess there's been a petition                  19 filed with EPA to remove our authority, and                  20 I would like to know where we stand with                  21 that.                  22 COMMISSIONER ARCHIE: Mr. Hagood?                  23 MR. HAGOOD: Thank you, Madam Chair and</p>	<p>1 understanding that this is an adversarial                  2 process and my worthy adversaries happen to                  3 be in the same room, I will take any                  4 questions you may have.                  5 COMMISSIONER ARCHIE: Thank you.                  6 MR. HAGOOD: Thank you.                  7 COMMISSIONER ARCHIE: Any other                  8 business before the Commission?                  9 (No response.)                  10 COMMISSIONER ARCHIE: If not, I                  11 entertain a motion to adjourn.                  12 COMMISSIONER WAINWRIGHT: So moved.                  13 COMMISSIONER LESTER: Second.                  14 (Whereupon, an affirmative                  15 vote was taken.)                  16 COMMISSIONER ARCHIE: We're adjourned.                  17                  18                  19 * * * *                  20                  21                  22                  23</p>

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1 REPORTER'S CERTIFICATE  
2 STATE OF ALABAMA  
3 ELMORE COUNTY  
4 I, Anita D. Griffith, Certified  
5 Professional Reporter and Notary Public in and  
6 for the State of Alabama at Large, do hereby  
7 certify on Tuesday, February 9, 2010, I reported  
8 the meeting of the Alabama Department of  
9 Environmental Management Commission; that the  
10 foregoing colloquies, statements, questions and  
11 answers thereto were reduced to 3-19 typewritten  
12 pages under my direction and supervision.  
13 I certify that I am duly licensed by  
14 the Alabama Board of Court Reporting as a  
15 Certified Court Reporter, as evidenced by the  
16 ACCR number following my name below.  
17 This the 10th day of February, 2010.  
18  
19  
20 /s/ Anita D. Griffith  
21 Anita D. Griffith ACCR #380  
22 Certified Court Reporter and  
23 Notary Public  
Commission expires: 8/17/2011

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REPORTER'S CERTIFICATE

STATE OF ALABAMA  
ELMORE COUNTY

I, Anita D. Griffith, Certified Professional Reporter and Notary Public in and for the State of Alabama at Large, do hereby certify on Tuesday, February 9, 2010, I reported the meeting of the Alabama Department of Environmental Management Commission; that the foregoing colloquies, statements, questions and answers thereto were reduced to 3-19 typewritten pages under my direction and supervision.

I 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.

This the 10th day of February, 2010.

*Anita D. Griffith/ca*  
/s/ Anita D. Griffith  
Anita D. Griffith ACCR #380  
Certified Court Reporter and  
Notary Public  
Commission expires: 8/17/2011





<p style="text-align: center;"><b>A</b></p> <p><b>accept</b> 13:11  <b>ACCR</b> 21:16,20  <b>acknowledge</b> 3:3  <b>action</b> 15:12,13  <b>additional</b>s 8:7  <b>ADEM</b> 2:9 4:2 5:10  <b>adjourn</b> 20:11  <b>adjourned</b> 20:16  <b>adversarial</b> 20:1  <b>adversaries</b> 20:2  <b>advise</b> 15:1  <b>affirmative</b> 3:16              4:18 10:8 11:13              12:10 20:14  <b>Agenda</b> 3:5,19 4:1  <b>Alabama</b> 1:4 21:2              21:6,8,14  <b>alternates</b> 8:14,15  <b>amend</b> 16:21  <b>Anita</b> 2:3 21:4,19              21:20  <b>answer</b> 17:23  <b>answers</b> 16:18              21:11  <b>anybody</b> 16:1  <b>application</b> 5:8  <b>applications</b> 7:16              7:19  <b>applied</b> 16:2  <b>approach</b> 14:1  <b>approaching</b> 19:20  <b>ARCHIE</b> 2:3 3:1              3:12,14,18 4:9,15              4:20 5:3,6 6:3,9              6:23 7:21 8:13              9:16,19,22 10:5,7              10:10 11:1,3,9,11              11:15,21,23 12:6              12:8,12,20,22              13:5,8,16 15:10              15:13,21 16:20              17:2,5,7,10,12,14              18:1,13,22 20:5,7</p>	<p>20:10,16  <b>Argo</b> 6:12 12:14              16:9  <b>asked</b> 5:10 13:18  <b>asking</b> 7:4 10:19  <b>ASSISTANT</b> 2:11  <b>assuming</b> 9:7  <b>audience</b> 16:7  <b>authority</b> 18:19  <b>authorize</b> 4:6  <b>aye</b> 3:15 9:23 10:1              10:2,3,4 11:4,5,6              11:7,8 12:1,2,3,4              12:5,23 13:1,2,3,4              17:8,9  <b>a.m</b> 1:12</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 8:8 9:13 17:23  <b>background</b> 14:20              14:22 15:3,5  <b>Based</b> 6:4  <b>basically</b> 7:22              14:10  <b>believes</b> 9:6  <b>best</b> 13:16 14:1              19:19  <b>Board</b> 21:14  <b>branch</b> 19:13  <b>bring</b> 8:8  <b>bringing</b> 9:12  <b>brought</b> 14:3  <b>BROWN</b> 2:5 3:10              4:17 10:4 11:5              12:4 13:2 17:13  <b>business</b> 16:12              18:14 20:8</p> <hr/> <p 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**Part B**



## **Attachment Index**

- Attachment 1            Agenda**
- Attachment 2            Order adopting motion to accept top three candidates for the Director position for interview**
- (Agenda Item 3 – Narrow the candidates for the ADEM Director position to those to be interviewed by the Commission at its meeting on February 12, 2010)**
- Attachment 3            Order adopting motion to invite Lance LeFleur to interview with the Commission on February 12<sup>th</sup> for the Director position**
- (Agenda Item 3 – Narrow the candidates for the ADEM Director position to those to be interviewed by the Commission at its meeting on February 12, 2010)**
- Attachment 4            Order adopting motion to invite Louis Montgomery to interview with the Commission on February 12<sup>th</sup> for the Director position**
- (Agenda Item 3 – Narrow the candidates for the ADEM Director position to those to be interviewed by the Commission at its meeting on February 12, 2010)**
- Attachment 5            Order adopting motion to invite Dean Argo to interview with the Commission on February 12<sup>th</sup> for the Director position**
- (Agenda Item 3 – Narrow the candidates for the ADEM Director position to those to be interviewed by the Commission at its meeting on February 12, 2010)**





**Attachment 1**



**Amended 1/26/10**

**AGENDA\***

**MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION**

**DATE: February 9, 2010**

**TIME: 11:00 a.m.**

**LOCATION: Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Hearing Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059**

**ITEM**

1. Consideration of minutes of meetings held on December 11 and 23, 2009\*\*
2. Discussion and consideration of EPA's Greenhouse Gases Endangerment Findings
3. Narrow the candidates for the ADEM Director position to those to be interviewed by the Commission at its meeting on February 12, 2010
4. Other business

\*The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under EMC Information and Calendar of Events.

\*\*The Minutes for these meetings will be available on the ADEM website under EMC Information.



**Attachment 2**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept top three candidates for interview

ORDER

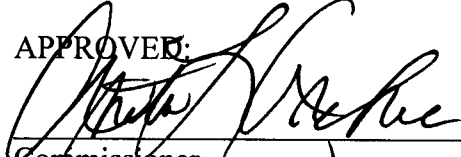
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

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.

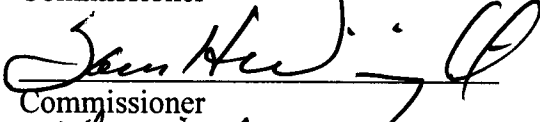
Environmental Management Commission Order  
Page 2

ISSUED this 9<sup>th</sup> day of February 2010.

APPROVED:

  
\_\_\_\_\_  
Commissioner

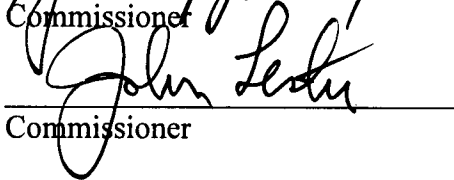
  
\_\_\_\_\_  
Commissioner

  
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Commissioner

  
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Commissioner

DISAPPROVED:

\_\_\_\_\_  
Commissioner

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Commissioner

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Commissioner

ABSTAINED:

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Commissioner

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Commissioner

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Commissioner

This is to certify that this Order is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 9th day of February 2010.

  
\_\_\_\_\_  
Chair

Environmental Management Commission  
Certified this 9th day of February 2010



**Attachment 3**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Invite Lance LeFleur to interview with the Commission on February 12th  
for the Director position

ORDER

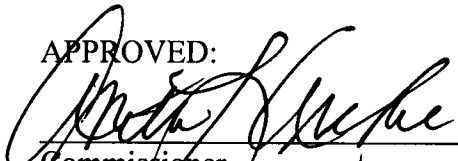
This cause having come before the Environmental Management Commission pursuant to  
the above motion, and having considered the same, the Commission hereby ORDERS,  
ADJUDGES, and DECREES as follows:

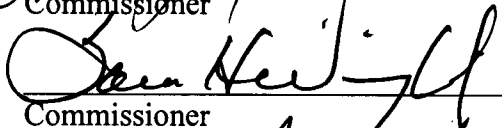
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective  
as of the date shown below.

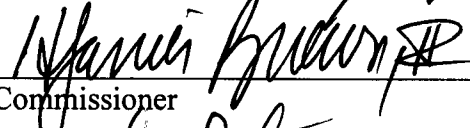
Environmental Management Commission Order  
Page 2

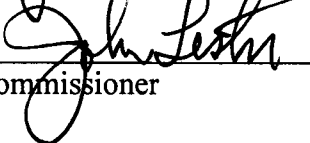
ISSUED this 9<sup>th</sup> day of February 2010.

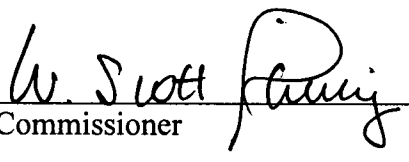
APPROVED:

  
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Commissioner

  
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DISAPPROVED:

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Commissioner

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Commissioner

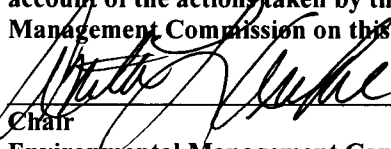
ABSTAINED:

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Commissioner

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Commissioner

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Commissioner

This is to certify that this Order is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 9th day of February 2010.

  
\_\_\_\_\_  
Chair  
Environmental Management Commission  
Certified this 9th day of February 2010

**Attachment 4**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Invite Louis Montgomery to interview with the Commission on February 12th  
for the Director position

ORDER

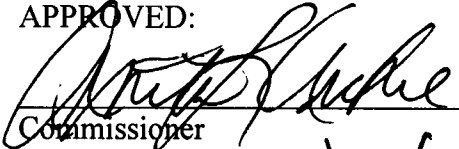
This cause having come before the Environmental Management Commission pursuant to  
the above motion, and having considered the same, the Commission hereby ORDERS,  
ADJUDGES, and DECREES as follows:

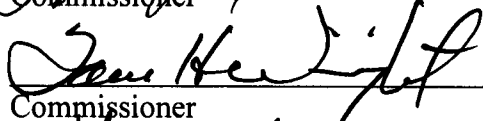
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective  
as of the date shown below.

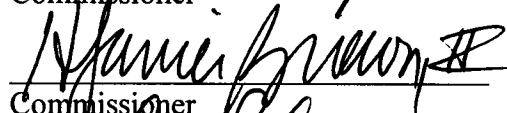
Environmental Management Commission Order  
Page 2

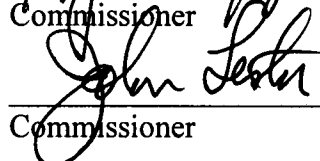
ISSUED this 9<sup>th</sup> day of February 2010.

APPROVED:

  
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DISAPPROVED:

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Commissioner

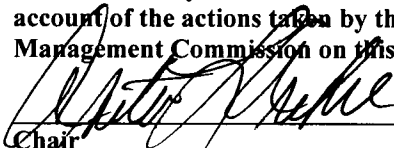
ABSTAINED:

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Commissioner

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Commissioner

This is to certify that this Order is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 9th day of February 2010.

  
\_\_\_\_\_  
Chair

Environmental Management Commission  
Certified this 9th day of February 2010



**Attachment 5**



BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Invite Dean Argo to interview with the Commission on February 12th  
for the Director position

ORDER

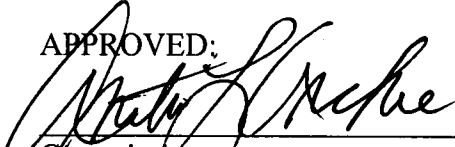
This cause having come before the Environmental Management Commission pursuant to  
the above motion, and having considered the same, the Commission hereby ORDERS,  
ADJUDGES, and DECREES as follows:

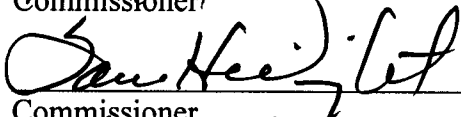
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective  
as of the date shown below.

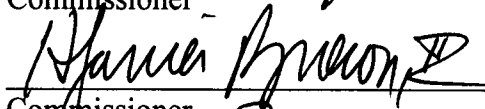
Environmental Management Commission Order  
Page 2

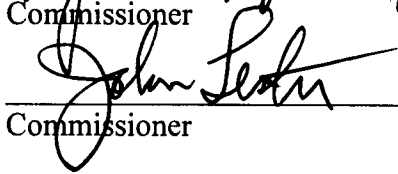
ISSUED this 9<sup>th</sup> day of February 2010.

APPROVED:

  
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DISAPPROVED:

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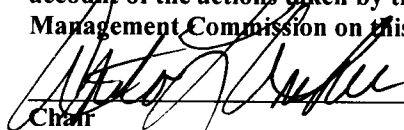
ABSTAINED:

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Commissioner

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Commissioner

This is to certify that this Order is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 9th day of February 2010.

  
\_\_\_\_\_  
Chair

Environmental Management Commission  
Certified this 9th day of February 2010