

**ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**NOTICE OF PUBLIC HEARING  
FOR PROPOSED REVISIONS TO DIVISION 335-2  
ADEM ADMINISTRATIVE CODE**

**PUBLIC NOTICE - A180**

<b>Rule No.</b>	<b>Rule Title</b>
335-2-1-.12	Subpoenas

Notice is hereby given that a hearing before the Alabama Environmental Management Commission of the Department of Environmental Management of the State of Alabama will be held on **November 12, 2020, at 10:30 AM in the Main Hearing Room at the ADEM – Central Office location at 1400 Coliseum Boulevard in Montgomery**, to consider proposed revisions to Division 335-2 of the ADEM Administrative Code.

The Alabama Environmental Management Commission proposes to amend the ADEM Administrative Code rules listed above. Additional information on the basis for these proposed rule changes can be found in the summary of reasons.

Copies of the [proposed rules](#) are available at a cost of 30 cents per page at each of the locations listed below. The [summary of reasons](#) supporting the revisions are available free of charge. Copies of the proposed rules and the summary of reasons can also be found on the Internet at [adem.alabama.gov/PubHearings/PubHearings.htm](http://adem.alabama.gov/PubHearings/PubHearings.htm) at no cost.

**ADEM, Office of General Counsel**  
**Attn: Christie Lacey**  
**1400 Coliseum Boulevard**  
**Montgomery, AL 36110-2400**  
**(334) 260-4510**

**ADEM, Birmingham Field Office**  
**Attn: Mary Taylor**  
**110 Vulcan Road**  
**Birmingham, AL 35209-4702**  
**(205) 942-6168**

**ADEM, Decatur Field Office**  
**Attn: Jan Childers**  
**2715 Sandlin Road, SW**  
**Decatur, AL 35603-1333**  
**(256) 353-1713**

**ADEM, Mobile Field Office**  
**Attn: Jenika Monroe**  
**2204 Perimeter Road**  
**Mobile, AL 36615-1131**  
**(251) 450-3400**

The public hearing is being held to receive data, views, and arguments from interested persons regarding the proposed rules. Attendance at the hearing is not necessary to present such data, views, arguments, or comments as the same may be submitted in writing, but must be received by the Hearing Officer prior to **5:00 p.m. on Thursday, November 12, 2020**.

Written submissions and other inquiries should be directed to: Alabama Environmental Management Commission, c/o ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at [Hearing.Officer@adem.alabama.gov](mailto:Hearing.Officer@adem.alabama.gov).

Any person wishing to participate in this hearing who needs special accommodations should contact the Department's Permits & Services Division at (334) 271-7714 at least five working days prior to the hearing.

This notice is hereby given this **27th day of September, 2020**, by authorization of the Alabama Environmental Management Commission of the Alabama Department of Environmental Management.

<b>Samuel L. Miller</b> <b>Chair</b>
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**Nondiscrimination Statement:** The Department does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the administration of its programs.

### **335-2-1-.12 Subpoenas.**

(1) The attendance of witnesses or the production of documentary evidence may be required by subpoena. The Chair of the Commission or the Hearing Officer may grant a request for a subpoena upon a showing of (a) the grounds and necessity therefor, and (b) the materiality and relevance of the evidence to be adduced. Request for the production of documents shall describe the evidence sought as specifically as practicable. A subpoena may be issued by the Chair of the Commission, the Hearing Officer, or a designee.

(2) Subpoenas shall be served in accordance with the Alabama Rules of Civil Procedure.

(3) Witnesses summoned before the Hearing Officer shall be paid the same fees for attendance and travel mileage that are paid witnesses in the courts of Alabama pursuant to Ala.

Code § 12-19-131 and Ala. Code § 12-21-181, and ~~fees~~

~~shall be paid by the party at whose instance the witness appears. Where a witness appears pursuant to a request initiated by the Commission or Hearing Officer, fees~~ shall be paid from funds of the Department.

**Author:** Olivia H. Jenkins, ~~Shawn Sibley~~

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-7, 22-22A-8.

**History:** November 01, 1994; **Amended:** Proposed: September 21, 2020