

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Environmental Management Commission gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-2 of the Department's Environmental Management Commission Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Environmental Management Commission designated by the Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Rulemaking Committee of the Alabama Environmental Management Commission has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of the proposed rules in response to oral and written submissions, the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Rulemaking Committee of the Alabama Environmental Management Commission.

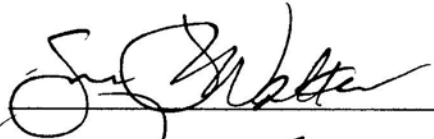
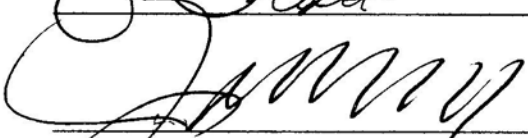


NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-2 [335-2-1-.12/Subpoenas (Amend)] of the Department's Environmental Management Commission Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-2 – Environmental Management Commission Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 11<sup>th</sup> day of December 2020.

APPROVED:

  
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DISAPPROVED:

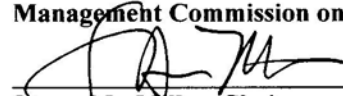
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**This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 11th day of December 2020.**

ABSTAINED:

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\_\_\_\_\_  
**Samuel L. Miller, Chair**  
**Environmental Management Commission**  
**Certified this 11th day of December 2020**

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**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 that are paid witnesses in the courts of Alabama pursuant to Ala. Code § 12-19-131 and Ala. Code § 12-21-181, and shall be paid from funds of the Department.

**Authors:** 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:** **Filed:** December 31, 2020; **Effective:** February 15, 2021.