

Jerry M. Stell

RN103465167

Docket No. 2022-0508-WOC-E

Order Type:

Default Order (SOAH preliminary hearing)

Media:

All Occupational Licenses

Small Business:

Yes

Location Where Violation Occurred:

2702 Tipps Road, Crossroads, Denton County

Type of Operation:

process control duties

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third Parties: None

Texas Register Publication Date: December 20, 2024**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$1,191**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$1,191**Compliance History Classifications:**

Person/CN – Unclassified

Site/RN – N/A

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** January 28, 2021**Investigation Information****Complaint Date:** N/A**Date of Investigation:** January 13, 2022**Date of NOV:** N/A**Date of NOE:** January 14, 2022

Jerry M. Stell
RN103465167
Docket No. 2022-0508-WOC-E

Violation Information

Failed to have a current, valid water system operator's license prior to performing process control duties in production or distribution of public drinking water [TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and 30 TEX. ADMIN. CODE § 30.5(a) and 30.381(b)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

Respondent ceased performing process control duties for the production and distribution of drinking water at the Facility, as of March 11, 2022.

Technical Requirements:

None

Litigation Information

Date Petitions Filed: April 30, 2024
Dates of Service: May 4, 2024
Date Answer Filed: June 20, 2024
SOAH Referral Date: July 23, 2024
Hearing Date:
Preliminary hearing: September 12, 2024 (defaulted)

Contact Information

TCEQ Attorneys: Alexander Kepczyk, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, (361)-881-6990
TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817)-588-5800
Respondent Contact: Jerry M. Stell, 10633 Farm-to-Market Road 2153, Aubrey, Texas 76227-3047
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022	Screening	25-Apr-2022	EPA Due	
	PCW	3-May-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	Jerry M. Stell
Reg. Ent. Ref. No.	RN103465167
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62249	No. of Violations	1
Docket No.	2022-0508-WOC-E	Order Type	1660
Media Program(s)	All Occupational Licenses	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ronica Rodriguez Scott
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$100
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$191	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$186	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	32.3%	Adjustment	\$291
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 1 and Good Faith Efforts to comply offset.

Final Penalty Amount	\$1,191
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,191
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,191
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Screening Date	25-Apr-2022	Docket No.	2022-0508-WOC-E	PCW
Respondent	Jerry M. Stell			
Case ID No.	62249			
Reg. Ent. Reference No.	RN103465167			
Media	All Occupational Licenses			
Enf. Coordinator	Ronica Rodriguez Scott			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 25-Apr-2022 Respondent Jerry M. Stell Case ID No. 62249 Reg. Ent. Reference No. RN103465167 Media All Occupational Licenses Enf. Coordinator Ronica Rodriguez Scott Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code §§ 30.5(a) and 30.381(b), Tex. Water Code § 37.003, and Tex. Health & Safety Code § 341.034(b) Violation Description Failed to have a current, valid water system operator's license prior to performing process control duties in production or distribution of public drinking water. Specifically, the Respondent was performing the duties of a licensed operator with an expired license.	Docket No. 2022-0508-WOC-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty \$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
	Matrix Notes	100% of the rule requirements were not met.			

	Adjustment \$4,500
	\$500

Violation Events

Number of Violation Events 2	57 Number of violation days	
<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">daily</div> <div></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">weekly</div> <div></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">monthly</div> <div style="text-align: center;">x</div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">quarterly</div> <div></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">semiannual</div> <div></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">annual</div> <div></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">single event</div> <div></div> </div>	Violation Base Penalty \$1,000	

Two monthly events are recommended, calculated from the January 13, 2022 record review to the March 11, 2022 compliance date.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on March 11, 2022.	
	Violation Subtotal \$900	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$191	Violation Final Penalty Total \$1,191
This violation Final Assessed Penalty (adjusted for limits) \$1,191	

Economic Benefit Worksheet

Respondent Jerry M. Stell
Case ID No. 62249
Reg. Ent. Reference No. RN103465167
Media All Occupational Licenses
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$186	7-Aug-2021	11-Mar-2022	0.59	\$5	\$186	\$191
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to obtain an applicable water operator license (\$111 test fee plus \$75 training cost), calculated from the date when the operator license expired to the date of compliance.

Approx. Cost of Compliance

\$186

TOTAL

\$191



Compliance History Report

Compliance History Report for CN601985120, RN103465167, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601985120, Jerry M. Stell

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN103465167, STELL, JERRY M

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 2702 Tipps Road in Crossroads, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: November 09, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 09, 2018 to November 09, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ronica Rodriguez Scott

Phone: (361) 881-6990

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five-year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 11/9/2018 and 11/9/2023

N/A

Appendix B

All Investigations Conducted During Component Period November 09, 2018 and November 09, 2023

Item 1 April 15, 2022** (1787185)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JERRY M. STELL;
RN103465167

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2022-0508-WOC-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Jerry M. Stell ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent performed process control duties, as defined in 30 TEX. ADMIN. CODE § 290.38(69), in the production, treatment, or distribution of public drinking water at 2702 Tipps Road in Crossroads, Denton County, Texas (the "Facility"), and is required to be licensed under TEX. WATER CODE chs. 37 and 30 TEX. ADMIN. CODE ch. 30, Subchapter K. The Facility provides water for human consumption, has approximately 248 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS, as defined in 30 TEX. ADMIN. CODE § 290.38(73). Therefore, Respondent is subject to TCEQ jurisdiction pursuant to TEX. WATER CODE ch. 37 and TEX. HEALTH & SAFETY CODE ch. 341.
2. During a record review for the Facility conducted on and about January 13, 2022, an investigator documented that Respondent failed to have a current, valid water system operator's license prior to performing process control duties in production or distribution of public drinking water. Specifically, Respondent was performing the duties of a licensed operator with an expired license.
3. The Executive Director recognizes that Respondent ceased performing process control duties for the production and distribution of drinking water at the Facility, as of March 11, 2022.
4. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Jerry M. Stell" (the "EDFARP") in the TCEQ Chief Clerk's office on April 30, 2024.
5. A written response to the EDFARP was filed as an Answer in the TCEQ Chief Clerk's Office on behalf of Respondent on June 20, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on July 23, 2024.
6. On August 14, 2024, the TCEQ Chief Clerk mailed notice of the preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
7. On September 12, 2024, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.

8. On September 16, 2024, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 2 so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to ch. 37, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to have a current, valid water system operator's license prior to performing process control duties in production or distribution of public drinking water, in violation of TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b).
3. As evidenced by Finding of Fact No. 5, Respondent's answer was filed as a written response to the EDFARP, as authorized by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
4. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.425, and 80.6.
5. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$1,191 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of \$1,191 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Jerry M. Stell; Docket No. 2022-0508-WOC-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF ALEXANDER R KEPczyk

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Jerry M. Stell' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on April 30, 2024.

A written response to the EDFARP was filed as an Answer in the TCEQ Chief Clerk's office on behalf of the Respondent on June 20, 2024, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on July 23, 2024. On August 14, 2024, the TCEQ Chief Clerk mailed notice of the preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.

Respondent failed to appear on September 12, 2024 at that hearing and the Executive Director requested that the Administrative Law Judge ("ALJ") enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 2, issued on September 16, 2024, so that TCEQ may dispose of this case on a default basis."

"My name is Alexander R Kepczyk, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 9th day of December, 2024

Alexander Kepczyk

Declarant