

SOAH DOCKET NO. 582-24-19086
TCEQ DOCKET NO. 2024-0671-DIS

APPLICATION OF STEPHEN	§	BEFORE THE STATE
SELINGER FOR THE	§	
CREATION OF ELLIS COUNTY	§	OFFICE OF
MUNICIPAL UTILITY DISTRICT	§	
FM 984	§	ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR’S EXCEPTIONS TO THE PROPOSAL FOR DECISION

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE.

COMES NOW, the Executive Director (“ED”) of the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) and files these exceptions in the above-referenced matter.

I. Overview

The Executive Director supports the findings and conclusions contained in the ALJ’s Proposal for Decision (PFD) and respectfully recommends the Commissioners adopt the Executive Director’s recommended changes described below.

II. Recommended Changes to PFD

As the ED supports denying the petition, the ED does not believe that the ALJ is required to opine as to the suitability of the temporary directors proposed by the applicant: Dionne Bryant, Gene Gibbs, Kia Thompson, Christopher Steiner, and Trevor Bryant Hunt. The ED notes that no party objected to the suitability of the temporary directors or that their proposed appointment violated any applicable statutory or regulatory requirements. The ED reviewed their qualifications as documented in the ED’s technical memo, exhibit ED-JT-3, and found them to be suitable for appointment.¹

Additionally, the ED respectfully requests that the ALJ revise the procedural history section of the PFD to reflect the Applicant’s status in the hearing and his appearance for the record.

B. Findings of Facts

The ED recommends revising the following findings of facts in the PFD.

Finding of Fact 5

This finding of fact is incorrect. This matter was directly referred to SOAH pursuant to 30 TAC § 55.254(g) after the ED, Applicant, Office of Public Interest

¹ Each of the above persons named is qualified, as required by 30 TAC Section 293.32(a), to serve as a temporary director of the proposed District. Pursuant to TWC Section 54.022, the majority of the directors satisfy the residency requirements outlined in the statute.

Counsel, and Ellis County and the City of Ennis (Protestants) agreed on a list of issues and a maximum expected duration of the hearing.

Finding of Fact 7

The ED recommends revising this finding of fact to incorporate the following information: The preliminary hearing was convened July 22, 2024. The Applicant did not appear at the July 22 hearing. The Protestants filed a motion to dismiss for the applicant's failure to appear, but the ALJ denied the motion after the applicant responded that he did not have notice of the hearing.

Finding of Fact 26

There is a typographical error in this finding of fact. The Applicant proposed an additional 8.5 million dollar increase in the cost associated with water infrastructure. The ED respectfully requests that this figure be revised.

III. CONCLUSION

The Executive Director supports the findings and conclusions contained in the ALJ's PFD and respectfully recommends the Commission revise the Findings of Fact, Conclusions of Law, and Proposed Order, as reflected in the above Exceptions.

Respectfully submitted,

Texas Commission on Environmental Quality

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following by electronic mail at the address listed below on this 21st day of July, 2025.

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