

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2024

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Attention: Docket Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: James L. Davis; CN602268583; RN103753240
Denial of Renewal Applications for On-Site Facility Installer II License OS0022913 and
On-Site Sewage Facility Maintenance Provider License MP0001005
TCEQ Docket No. 2024-0174-LIC & 2024-0177-LIC

On behalf of the Executive Director, and pursuant to 30 TEX. ADMIN. CODE (TAC) § 70.109, please consider this letter a request for referral of the Executive Director's denial of James L. Davis's renewal applications for an On-Site Facility Installer II license and On-Site Sewage Facility Maintenance Provider license to the State Office of Administrative Hearings ("SOAH") for SOAH to acquire jurisdiction over the contested cases.

Accordingly, the Executive Director requests that you file a Request for Docket Case form for the above referenced cases. The Executive Director notified Mr. Davis of his decision on the On-Site Facility Installer II license renewal application on November 29, 2022, and his decision on the On-Site Sewage Facility Maintenance Provider license renewal application on December 28, 2023. Mr. Davis filed timely responses for the On-Site Facility Installer II license on December 19, 2022, and for the On-Site Sewage Facility Maintenance Provider license on January 9, 2024.

The denial notifications and hearing request are attached to this letter. According to 30 TAC § 30.38 all hearings regarding Occupational Licenses are to be conducted according to 30 TAC Chapters 70 and 80; 30 TAC § 70.109 provides that the Executive Director may request that the chief clerk refer the cases to SOAH for a contested case hearing. Additionally, please issue the necessary public notice of the hearing.

Please contact me at (512) 239-0133 with any questions you may have. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alicia Ramirez".

Alicia Ramirez
Staff Attorney
Environmental Law Division

cc: Mr. James L. Davis, 3200 X A Meyer Road, Granbury, Texas 76049-2305
Jaya Zyman, P.E., Occupational Licensing & Registration Division, TCEQ
Tamara Calhoun, Occupational Licensing Section Manager, TCEQ
Rebecca Moore, Occupational Licensing & Registration Division, TCEQ
Kenneth Smith, Occupational Licensing & Registration Division, TCEQ
Garrett Arthur, Public Interest Counsel, TCEQ

bcc: Charmaine Backens, Environmental Law Division, TCEQ
Todd Galiga, Environmental Law Division, TCEQ
Aubrey Pawelka, Environmental Law Division, TCEQ
Melissa Knight, General Law Division, TCEQ

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 29, 2022

Mr. James Lee Davis
 3200 X A Meyer Rd.
 Granbury, Texas 76049-2305

RE: Renewal Application for On-Site Sewage Facility Installer II license OS0022913

Dear Mr. Davis:

This notice is regarding your On-Site Sewage Facility Installer II license application received by Executive Director (ED) of the Texas Commission of Environmental Quality (TCEQ) in June 2022.

As part of the application review process, TCEQ became aware that you continually received citations from Erath County in activities related to OSSF. These citations have been determined to be cause for denial of your application. The ED intends to deny your On-Site Sewage Facility Installer II license application because of your record in the preceding five years of statutes or rules as referenced in Texas Water Code (TWC) § 37.005(c)(1). The ED also intends to deny your application because of your demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by the license as referenced in TWC § 37.005(c)(3).

You may request a formal hearing on the denial of your On-Site Sewage Facility Installer II license application. The hearing request must be made in writing and must contain your name, address, and phone number. The Chief Clerk's Office must receive your request no later than 30 calendar days after the United States Post Office delivery date of this letter. You must submit the request to the following address:

**Office of the Chief Clerk
 Texas Commission on Environmental Quality
 P.O. Box 13087, MC 105
 Austin, TX 78711-3087
 (512) 239-3311 (FAX)**

The formal hearing is known as a contested case hearing and is conducted by the State Office of Administrative Hearings (SOAH). The contested case hearing usually consists of a preliminary hearing and an evidentiary hearing. The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, provide an opportunity for settlement discussions, and address other matters as determined by the administrative law judge. The preliminary hearing will be held unless all timely hearing requests are withdrawn or denied or the parties agree to waive the preliminary hearing.

Mr. James Lee Davis
Page 2
November 29, 2022

The evidentiary phase of the contested case hearing, to be held at a later date, will be a legal proceeding similar to a civil trial in state district court to determine whether you should be issued a On-Site Sewage Facility Installer II license. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing.


If you fail to appear at the preliminary hearing or evidentiary hearing, the ED will request that the hearing be canceled and that the appeal of the ED's decision be dismissed.

SOAH's rules allow for participation by telephone or videoconference. Permission must be obtained from SOAH at least ten days before the hearing.

If you have additional questions about the hearing process, please contact Alicia Ramirez at Alicia.Ramirez@tceq.texas.gov or at (512) 239-0133.

If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

Sincerely,



Jaya Zyman, P.E., Deputy Director
Occupational Licensing and Registration Division
Texas Commission on Environmental Quality

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 28, 2023

Mr. James Davis
3200 X A Meyer Rd.
Granbury, Texas 76049-2305

RE: Renewal Application for On-Site Sewage Facility Maintenance Provider license

Dear Mr. Davis:

This notice is in regard to your On-Site Sewage Facility Maintenance Provider license application received by Executive Director (ED) of the Texas Commission of Environmental Quality (TCEQ) in November 2021.

As part of the application review process, TCEQ became aware that you continually received citations from Erath County in activities related to OSSF. These citations have been determined to be cause for denial of your application. The ED intends to deny your On-Site Sewage Facility Maintenance Provider license application because of your record in the preceding five years of violations of statutes or rules as referenced in Texas Water Code (TWC) § 37.005(c)(1). The ED also intends to deny your application because of your demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by the license as referenced in TWC § 37.005(c)(3).

You may request a formal hearing on the denial of your On-Site Sewage Facility Maintenance Provider license application. The hearing request must be made in writing and must contain your name, address, and phone number. The Chief Clerk's Office must receive your request no later than 30 calendar days after the United States Post Office delivery date of this letter. You must submit the request to the following address:

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087
(512) 239-3311 (FAX)

The formal hearing is known as a contested case hearing and is conducted by the State Office of Administrative Hearings (SOAH). The contested case hearing usually consists of a preliminary hearing and an evidentiary hearing. The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, provide an opportunity for settlement discussions, and address other matters as determined by the administrative law judge.

Mr. James Davis
Page 2
December 28, 2023

The preliminary hearing will be held unless all timely hearing requests are withdrawn or denied or the parties agree to waive the preliminary hearing.

The evidentiary phase of the contested case hearing, to be held at a later date, will be a legal proceeding similar to a civil trial in state district court to determine whether you should be issued a On-Site Sewage Facility Maintenance Provider license. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing.

If you fail to appear at the preliminary hearing or evidentiary hearing, the ED will request that the hearing be canceled and that the appeal of the ED's decision be dismissed.

SOAH's rules allow for participation by telephone or videoconference. Permission must be obtained from SOAH at least ten days before the hearing.

If you have additional questions about the hearing process, please contact Alicia Ramirez at Alicia.Ramirez@tceq.texas.gov or at (512) 239-0133.

If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

Sincerely,



Jaya Zyman, P.E., Deputy Director
Occupational Licensing and Registration Division
Texas Commission on Environmental Quality

December 15, 2022

TCEQ OCC


19DEC '22 10:44

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

To Whom It May Concern,

In response to the letter dated November 29, 2022, I would like to request a formal hearing concerning the denial of my On-Site Sewage Facility Installer II license application, License #OS0022913.

Sincerely,

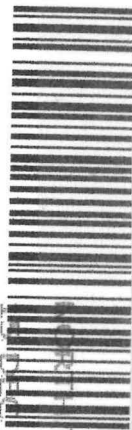
A handwritten signature in dark ink, appearing to read "James Lee Davis". The signature is fluid and cursive, with the first name "James" being the most prominent.

James Lee Davis
3200 X.A. Meyer Rd.
Granbury, TX 76049
817-964-5543

James Davis
3200 X A Meyer Rd.
Granbury, TX 76049

19DEC '22 10:44
TCEQ OCC

7021 2720 0001 2063 1651



TEXAS TX
DEC 2022 PM 3 L



LCR POSTAGE
DEC 15 22
AMOUNT
\$7.85
R2305H128675-08

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

TCEQ MAIL CENTER
DA

78711-308787



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

January 4, 2024

2024 JAN -9 AM 9: 41

CHIEF CLERKS OFFICE

Office of the Chief Clerk

Texas Commission on Environmental Quality

P.O. Box 13087, MC 105

Austin, TX 78711-3087

To Whom It May Concern,

In response to the letter dated December 28, 2023, I would like to request a formal hearing concerning the denial of my On-Site Sewage Facility Maintenance Provider license application, License #MP0001005.

Sincerely,



James Lee Davis

3200 X.A. Meyer Rd.

Granbury, TX 76049

817-964-5543

James Davis

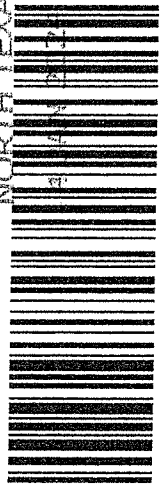
3200 XA Meyer Rd.

Harlingen, TX 76049

ON ENVIRONMENTAL QUALITY
2024 JAN -9 AM 9:00
CHIEF CLERKS OFFICE

CERTIFIED MAIL

NORTH TEXAS



9589 0710 5270 1270 5151 78

RDC 99

Retail



78711

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TOLAR, TX 76476
JAN 04, 2024

\$8.56

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Office of the Chief Clerk

TCEQ

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Austin, TX 78711-3087

RECEIVED

JAN 09 2024

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