

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for James L. Davis, SOAH Docket No. 582-24-11816, TCEQ Docket Nos. 2024-0174-LIC and 2024-0177-LIC, was mailed on February 27, 2024.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 27th day of February 2024.

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

James L. Davis

SOAH Docket No. 582-24-11816

TCEQ Docket Nos. 2024-0174-LIC and 2024-0177-LIC

APPLICATION.

James L. Davis, 3200 X A Meyer Road, Granbury, Texas, 76049, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewals of an On-Site Sewage Facility (OSSF) Installer II License and an OSSF Maintenance Provider License. The Executive Director denied Mr. Davis's applications for cause. Mr. Davis has requested a formal hearing on the Executive Director's decisions. During the review of Mr. Davis's applications, the Executive Director became aware that Mr. Davis has continually received citations from Erath County in activities related to OSSF. The Executive Director denied Mr. Davis's applications because of his record in the preceding five years of statutes or rules as referenced in Texas Water Code (TWC) § 37.005(c)(1) and he has demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by the licenses as referenced in TWC Code § 57.005(c)(3).

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – March 28, 2024

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 161 984 0712

Password: TCEQDC1

or

To join the Zoom meeting via telephone:

(669) 254-5252

Meeting ID: 161 984 0712

Password: 5247869

Visit the SOAH website for registration at:

<http://www.soah.texas.gov/>

or call SOAH at 512-475-4993.

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 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 Mr. Davis should be issued renewals of an OSSF Installer II License and an OSSF 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 Mr. Davis fails to appear at the preliminary hearing or evidentiary hearing, the Executive Director will request that the hearing be canceled, and that appeal of the Executive Director's decision be dismissed.**

Legal Authority: Texas Water Code Chapters 5 and 37; Texas Occupations Code Chapter 53; Texas Government Code, Chapter 2001; 30 Texas Administrative Code (TAC) Chapter 30, and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapters 70 and 80 and 1 TAC Chapter 155.

INFORMATION.

For information concerning the hearing process, please contact the TCEQ Office of Public Interest Counsel, MC 103, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6363. Further information regarding this hearing may be obtained by contacting Alicia Ramirez, Staff Attorney, TCEQ, Environmental Law Division, MC 173, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0133. General information about the TCEQ can be found at our web site at www.tceq.texas.gov. General information about SOAH can be found on its website at www.soah.texas.gov, or by calling (512) 475-4993.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at www.tceq.texas.gov/goto/efilings or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week prior to the hearing.

Issued: February 27, 2024

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST

James L. Davis

TCEQ Docket Nos. 2024-0174-LIC and 2024-0177-LIC; SOAH Docket No. 582-24-11816

FOR THE APPLICANT

via Certified and First-Class Mail:

James L. Davis
3200 X A Meyer Road
Granbury, Texas, 76049

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

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FOR PUBLIC INTEREST COUNSEL

via electronic mail:

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FOR THE CHIEF CLERK:

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