

DAVID GILLOTT, LANAI GILLOTT, AND SENG PHET SOUMANIPHANH;
RN101196905;
TCEQ Docket No. 2024-0877-UCR-E

Order Type:

Order Affirming Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility

Media:

PWS

Small Business:

Yes

Location Where Violation) Occurred:

105 County Road 4845, Newark, Wise County, Texas¹

Type of Operation:

retail public utility (the “Utility”)

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$22,779
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date:

Pursuant to Tex. Water Code § 7.075, publication is not required for an Emergency Order

Comments Received:

N/A

Penalty Information**Total Penalty Assessed:**

N/A

Total Paid to General Revenue:

N/A

Total Due to General Revenue:

N/A

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source:

No

Statutory Limit Adjustment:

N/A

Applicable Penalty Policy:

N/A

¹ Property ID Number 761519 as listed by the Wise County Appraisal District

**DAVID GILLOTT, LANAI GILLOTT, AND SENG PHET SOUMANIPHANH;
RN101196905;
TCEQ Docket No. 2024-0877-UCR-E**

Investigation Information

Complaint Date: N/A
Complaint Information: N/A
Date of Investigation: N/A
Date of NOV: N/A
Date of NOE: N/A

Violation Information

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(a) and (c)].

Ordering Provisions/Technical Requirements

Ordering Provisions:

1. This Emergency Order shall be effective on the date it is executed by the TCEQ Executive Director, *i.e.*, July 16, 2025.
2. Immediately upon the effective date of this Emergency Order, Aqua Texas, Inc. (“Aqua Texas”) is hereby appointed to temporarily manage and operate the Utility.
3. Aqua Texas shall serve as temporary manager until 360 days after the effective date of this Emergency Order, *i.e.*, July 11, 2026, or until a receiver has been appointed.
4. If during the effective period of this Emergency Order, Aqua Texas submits an Application for Sale, Transfer, or Merger of a Retail Public Utility (“STM”) to the Public Utility Commission of Texas to acquire the Utility, in accordance with TEX. WATER CODE § 13.301, then pursuant to TEX. WATER CODE § 13.4132(b-1)(2), instead of expiring on July 11, 2026, this Emergency Order shall be renewed and effective for a reasonable time, or until the acquisition of the Utility is complete.
5. If this Emergency Order is renewed under Ordering Provision No. 4, and subsequently Aqua Texas withdraws the STM application to acquire the Utility but does not submit a new STM application, this Emergency Order shall terminate 60 days after the date that the STM application was withdrawn.
6. If this Emergency Order is renewed under Ordering Provision No. 4, the Executive Director may request that the Emergency Order be terminated if, after consultation with staff of the Public Utility Commission of Texas, the Executive Director determines that the STM application to acquire Utility has not been completed within a reasonable amount of time (e.g., because of inadequate information).
7. If Aqua Texas wishes to terminate its temporary manager appointment for the Utility, it must notify the Executive Director in writing at least 60 days before the date it requests the appointment to end.
8. Aqua Texas is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
9. Aqua Texas’ requirement to post financial assurance with TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director, pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
10. Aqua Texas’ compensation will come from Utility revenues in the amount of \$15 per month per connection.
11. Aqua Texas shall report to the Executive Director on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

**DAVID GILLOTT, LANAI GILLOTT, AND SENG PHET SOUMANIPHANH;
RN101196905;
TCEQ Docket No. 2024-0877-UCR-E**

Background Information

1. David Gillott and Lanai Gillott own and Seng Phet Souimaniphanh operated a public water system located at 105 County Road 4845 in Newark, Wise County, Texas 76071-3128 (the “Utility”).²
2. The Utility provides potable water service for compensation to approximately 40 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption.³
3. On March 20, 2009, the real property where the Utility is located was transferred from L M Maggard to David Gillott and Lanai Gillott.
4. On July 10, 2018, a TCEQ investigator conducted a complaint investigation at the Utility and initiated an enforcement case against Seng Phet Souimaniphanh dba T L Water Jones Acres to address certain violations.
5. Since the 2018 investigation to the present, there have been ten complaints made against T L Water Jones Acres. The complaints alleged persistent low water pressure, water outages, and discolored and foul-smelling water.
6. On August 30, 2019, TCEQ referred the Utility to the United States Environmental Protection Agency under the Safe Drinking Water Act Public Water System Supervision Program’s Enforcement Targeting Tool.
7. On July 15, 2020, TCEQ issued Default Order Docket No. 2019-0275-MLM-E against Seng Phet Souimaniphanh dba T L Water Jones Acres, finding 32 violations of TCEQ Rules.
8. On April 1, 2022, TCEQ referred Mr. Souimaniphanh to the Office of the Attorney General for enforcement on his noncompliance with Default Order Docket No. 2019-0275-MLM-E.
9. On October 27, 2022, the Office of the Attorney General filed its Original Petition and Application for Injunctive Relief against Seng Phet Souimaniphanh individually and dba T L Water Jones Acres, in Cause No. D-1-GN-22-006257.
10. On July 13, 2023, the 98th District Court of Travis County, Texas issued a Final Default Judgment and Permanent Injunction against Seng Phet Souimaniphanh individually and dba T L Water Jones Acres, in Cause No. D-1-GN-22-006257.
11. Since the July 13, 2023 Judgment was issued by the 98th District Court of Travis County, TCEQ has not received any communication from the owners or operator of the Utility, nor has TCEQ received any evidence or indication that the owners or operator of the Utility have taken any actions to bring the Utility into compliance with either the TCEQ Default Order or the District Court Judgment.
12. TCEQ alleges the owners and operator of the Utility have: (1) failed to provide appropriate water treatment resulting in potential health hazards; (2) failed to ensure continuous and adequate water service; (3) failed to adequately maintain facilities, resulting in potential health hazards, extended outages, and repeated service interruptions; and (4) demonstrated a pattern of failing to respond to TCEQ or the Utility’s customers.

² David Gillott and Lanai Gillott own the real property (Property ID Number 761519 as listed by the Wise County Appraisal District) that the Utility facilities are located on, and Mr. Souimaniphanh maintained operational control of the Utility, doing business as TL Water Jones Acres, since at least February 2017 through July 19, 2024, when Aqua Texas, Inc. was appointed as temporary manager of the Utility. The Executive Director asserts that the named parties subject to this order have abandoned operations of the Utility

³ There is a Certificate of Convenience and Necessity (“CCN”), No. 11679, for a utility similarly named Jones Acres Water in Newark, Texas, held by L M Maggard. However, Mr. Maggard passed away in 2013, and the CCN area for CCN 11679 does not overlap with the area served by the Utility owned and operated by the Respondents. The majority of the area served by the Utility is within CCN 13201, held by the temporary manager, Aqua Texas, Inc.

**DAVID GILLOTT, LANAI GILLOTT, AND SENG PHET SOUIMANIPHANH;
RN101196905;
TCEQ Docket No. 2024-0877-UCR-E**

13. No other source of water is available to the more than 25 people whose drinking water is supplied by the Utility.
14. TCEQ appointed Aqua Texas as temporary manager for the Utility through an Emergency Order issued on July 19, 2024, and affirmed by the Commission on September 11, 2023, for the purpose of providing continuous and adequate water service to customers. Aqua Texas' appointment as temporary manager expired on July 14, 2025.
15. During Aqua Texas' first term as temporary manager, an inventory of all Utility property received was submitted, minimum disinfectant residuals have been maintained throughout the distribution system and various repairs have been made. While under temporary management, continuous and adequate service has been provided to the customers of the public water system owned by Respondents.
16. But for Aqua Texas appointment and service as temporary manager, a potential health hazard would exist as a result of the Utility's inability to provide continuous and adequate service and comply with various requirements administered by TCEQ's public water supply program. A licensed operator is still immediately required to ensure the quality of water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code and is safe for public use and consumption.

Contact Information

TCEQ Attorneys: Benjamin Warms, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Public Drinking Water Section Manager: Megan Hamilton, Enforcement Division, (512) 239-1582

TCEQ Regional Contact: Crystal Watkins, Public Water System Team Leader, DFW Regional Office,
(817) 588-5804

Respondent Contacts:

David Gillott
249 County Road 4845
Newark, Texas 76071

Lanai Gillott
PO Box 733
Rhome, Texas 76078

Seng Phet Souimaniphanh
6750 Trilobite Trail
Fort Worth, Texas 76137

Respondents' Attorney: N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
AN ENFORCEMENT ACTION AGAINST
DAVID GILLOTT, LANAI GILLOTT,
AND SENG PHET SOUMANIPHANH;
RN101196905**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**ORDER AFFIRMING EMERGENCY ORDER
RENEWING THE APPOINTMENT OF A TEMPORARY MANAGER OF A WATER UTILITY
DOCKET NO. 2024-0877-UCR-E**

On September 10, 2025, the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) considered whether to affirm, modify, or set aside an Emergency Order in the matter of David Gillott, Lanai Gillott, and Seng Phet Souimaniphanh. The Emergency Order was issued by the Executive Director without a hearing on July 16, 2025. The Emergency Order and notice of the September 10, 2025 agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail, return receipt requested, and via first class mail, postage prepaid, to David Gillott, Lanai Gillott, and Seng Phet Souimaniphanh’s last known addresses on July 17, 2025. On July 31, 2025, the Emergency Order was affixed to the fence surrounding the Utility and to the Utility’s pumphouse. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order, found in Chapters 5 and 13 of the Texas Water Code, have been satisfied.

**NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS
THAT:**

The July 16, 2025, Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Exhibit A

**EMERGENCY ORDER
RENEWING THE APPOINTMENT OF A TEMPORARY MANAGER
OF A WATER UTILITY**

Signed by the Executive Director on July 16, 2025

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 17, 2025

Via First Class and Certified Mail, Return Receipts Requested

David Gillott
249 County Road 4845
Newark, Texas 76071
Article No. 7004 1350 0002 7558 1680

Lanai Gillott
PO Box 733
Rhome, Texas 76078
Article No. 7004 1350 0002 7558 1703

Seng Phet Souimaniphanh
6750 Trilobite Trail
Fort Worth, Texas 76137
Article No. 7004 1350 0002 7558 1697

Via Hand Delivery

TL Water Jones Acres, RN102676350

Re: DAVID GILLOTT, LANAI GILLOTT, AND SENG PHET SOUIMANIPHANH
TCEQ Docket No. 2024-0877-UCR-E
Notice of Emergency Order Renewal and of Hearing to Modify, Affirm, or Set Aside

Dear Mmes. and Messrs. Gillott, Gillott, and Souimaniphanh:

On July 16, 2025, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made the subject of this order are David Gillott, Lanai Gillott, and Seng Phet Souimaniphanh. The Emergency Order renewed the appointment of Aqua Texas, Inc. as temporary manager of your public water system located at 105 County Road 4845 in Newark, Wise County, Texas (the "Utility").

Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on July 16, 2025. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **September 10, 2025**. The meeting will begin at **9:30 a.m.** **The agenda meeting will be at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas**, both in-person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda meeting.¹

The enclosed documentation is provided to you as a record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda meeting process.

¹ This meeting is expected to be held on the TCEQ campus, however, due to construction at TCEQ's campus directly impacting the TCEQ's agenda meeting room, this meeting may be held at an alternate location, please visit the Commissioners' Agenda webpage at: <https://www.tceq.texas.gov/goto/agendas> to confirm the location.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), at the September 10, 2025, Agenda meeting, you may request an evidentiary hearing on the issuance of the Emergency Order.

If you have any questions, please contact the TCEQ Litigation Division at (512) 239-3400.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Benjamin Warms', is positioned above the typed name.

Benjamin Warms, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality
Ben.Warms@tceq.texas.gov

Enclosures

cc: Brent Candler, DFW Regional Office
Crystal Watkins, DFW Regional Office
Kristen Hernandez, Water Supply Division
Garrett Arthur, Public Interest Counsel
Melissa Cordell, Enforcement Division
Department of Utility Outreach, Office of the Public Utility Commission
Aqua Texas, Inc., Temporary Manager

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TCEQ DOCKET NO. 2024-0877-UCR-E

IN THE MATTER OF
AN ENFORCEMENT ACTION AGAINST
DAVID GILLOTT, LANAI GILLOTT,
AND SENG PHET SOUIMANIPHANH;
RN101196905

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

EMERGENCY ORDER RENEWING THE APPOINTMENT OF A TEMPORARY MANAGER OF A WATER UTILITY

On July 16, 2025, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The parties made subject to this Emergency Order are David Gillott, Lanai Gillott, and Seng Phet Souimaniphanh (collectively, "Respondents").

I. FINDINGS OF FACT

1. David Gillott and Lanai Gillott own and Seng Phet Souimaniphanh operated a public water system located at 105 County Road 4845 in Newark, Wise County, Texas (the "Utility").¹
2. The Utility has provided water for compensation to its customers. The Utility therefore meets the definition of a Water Utility in Texas Water Code § 13.002.²
3. The Utility provides potable water service for compensation to approximately 40 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38.
4. Commission records show that the last known mailing addresses for Respondents are:

David Gillott
249 County Road 4845
Newark, Texas 76071

Lanai Gillott
PO Box 733
Rhome, Texas 76078

Seng Phet Souimaniphanh
6750 Trilobite Trail
Fort Worth, Texas 76137

¹ David Gillott and Lanai Gillott own the real property (Property ID Number 761519 as listed by the Wise County Appraisal District) that the Utility facilities are located on, and Mr. Souimaniphanh maintained operational control of the Utility, doing business as TL Water Jones Acres, since at least February 2017 through July 19, 2024, when Aqua Texas, Inc. was appointed as temporary manager of the Utility. The Executive Director asserts that the named parties subject to this order have abandoned operations of the Utility.

² There is a Certificate of Convenience and Necessity ("CCN"), No. 11679, for a utility similarly named Jones Acres Water in Newark, Texas, held by L M Maggard. However, Mr. Maggard passed away in 2013, and the CCN area for CCN 11679 does not overlap with the area served by the Utility owned and operated by Respondents. The majority of the area served by the Utility is within CCN 13201, held by the temporary manager, Aqua Texas Inc.

5. On March 20, 2009, the real property where the Utility is located was transferred from L M Maggard to David Gillott and Lanai Gillott.
6. On July 10, 2018, a TCEQ investigator conducted a complaint investigation at the Utility and initiated an enforcement case against Seng Phet Souimaniphanh dba T L Water Jones Acres to address certain violations.
7. Since the 2018 investigation to the present, there have been ten complaints made against T L Water Jones Acres. The complaints alleged persistent low water pressure, water outages, and discolored and foul-smelling water.
8. On August 30, 2019, TCEQ referred the Utility to the United States Environmental Protection Agency under the Safe Drinking Water Act Public Water System Supervision Program's Enforcement Targeting Tool.
9. On July 15, 2020, TCEQ issued Default Order Docket No. 2019-0275-MLM-E against Seng Phet Souimaniphanh dba T L Water Jones Acres, finding 32 violations of TCEQ Rules.
10. On April 1, 2022, TCEQ referred Mr. Souimaniphanh to the Office of the Attorney General for enforcement on his noncompliance with Default Order Docket No. 2019-0275-MLM-E.
11. On October 27, 2022, the Office of the Attorney General filed its Original Petition and Application for Injunctive Relief against Seng Phet Souimaniphanh individually and dba T L Water Jones Acres, in Cause No. D-1-GN-22-006257.
12. On July 13, 2023, the 98th District Court of Travis County, Texas issued a Final Default Judgment and Permanent Injunction against Seng Phet Souimaniphanh individually and dba T L Water Jones Acres, in Cause No. D-1-GN-22-006257. *See Exhibit A.*
13. Since the July 13, 2023 Judgment was issued by the 98th District Court of Travis County, TCEQ has not received any communication from the owners or operator of the Utility, nor has TCEQ received any evidence or indication that the owners or operator of the Utility have taken any actions to bring the Utility into compliance with either the TCEQ Default Order or the District Court Judgment.
14. TCEQ alleges the owners and operator of the Utility have: (1) failed to provide appropriate water treatment resulting in potential health hazards; (2) failed to ensure continuous and adequate water service; (3) failed to adequately maintain facilities, resulting in potential health hazards, extended outages, and repeated service interruptions; and (4) demonstrated a pattern of failing to respond to TCEQ or the Utility's customers.
15. No other source of water is available to the more than 25 people whose drinking water is supplied by the Utility.
16. TCEQ appointed Aqua Texas, Inc. ("Aqua Texas") as temporary manager for the Utility through an Emergency Order issued on July 19, 2024, and affirmed by the Commission on September 11, 2023, for the purpose of providing continuous and adequate water service to customers. Aqua Texas' appointment as temporary manager expired on July 14, 2025.
17. During Aqua Texas' first term as temporary manager, an inventory of all Utility property received was submitted, minimum disinfectant residuals have been maintained throughout the distribution system and various repairs have been made. While under temporary management, continuous and adequate service has been provided to the customers of the public water system owned by Respondents.
18. But for Aqua Texas' appointment and service as a temporary manager, a potential health hazard would exist as a result of Respondents' inability to provide continuous and adequate service and comply with various requirements administered by TCEQ's public water supply program. A licensed operator is still immediately required to ensure the quality of water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary

manager is necessary to assume and continue operations of the Utility, ensuring that the quality of water meets TCEQ, Texas Water Code, and Texas Health & Safety Code requirements, and that it is safe for public use and consumption.

19. Aqua Texas has agreed to continue serving as temporary manager of the Utility. For matters involving the Utility, Aqua Texas can be reached at its North Texas regional office by telephone at 817-367-1401, and by mail at 3201 Curtis Drive, Fort Worth, Texas 76116-5100.
20. This Emergency Order is necessary to ensure that continuous, adequate, and safe water service is provided to the customers of the Utility, to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.³

II. CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 through 3 and 5, David Gillott and Lanai own and Seng Phet Souimaniphanh operated the Utility, which is a retail public utility as defined in TEX. WATER CODE § 13.002, until the appointment of Aqua Texas as temporary manager of the Utility on July 19, 2024.
2. Findings of Fact Nos. 6 through 18 show that as of the date of the signing of the Emergency Order issued on July 19, 2024, and affirmed by the Commission on September 11, 2024, the Utility has been abandoned by Respondents and that the renewal of the appointment of a temporary manager is justified, as described in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(a) and (c).
3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services.
4. TEX. WATER CODE § 5.507 provides that the Commission may issue an Emergency Order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.
5. This Emergency Order may be issued without notice or hearing, pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.
6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN. CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.
7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations, or which has been or is being referred to the attorney general for the appointment of a receiver.
8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.

³ On September 1, 2023, HB 1500 88(R) became effective after passing into law. HB 1500 amended TEX. WATER CODE § 13.4132, adding subsection (b-1), which provides that an emergency order appointing a temporary manager of a utility may be renewed “if the utility is undergoing a sale, transfer, merger, consolidation, or acquisition required to be reported to the utility commission under Section 13.301, for a reasonable time until the sale, transfer, merger, consolidation, or acquisition is complete.”

9. Notice of the Emergency Order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known addresses of Respondents are set forth in Finding of Fact No. 4.

III. ORDER

1. This Emergency Order shall be effective on the date it is executed by the TCEQ Executive Director, *i.e.*, July 16, 2025.
2. Immediately upon the effective date of this Emergency Order, Aqua Texas is hereby appointed to temporarily manage and operate the Utility.
3. Aqua Texas shall serve as temporary manager until 360 days after the effective date of this Emergency Order, *i.e.*, July 11, 2026, or until a receiver is appointed.
4. If during the effective period of this Emergency Order, Aqua Texas submits an Application for Sale, Transfer, or Merger of a Retail Public Utility ("STM") to the Public Utility Commission of Texas to acquire the Utility, in accordance with TEX. WATER CODE § 13.301, then pursuant to TEX. WATER CODE § 13.4132(b-1)(2), instead of expiring on July 11, 2026, this Emergency Order shall be renewed and effective for a reasonable time, or until the acquisition of the Utility is complete.
5. If this Emergency Order is renewed under Ordering Provision No. 4, and subsequently Aqua Texas withdraws the STM application to acquire the Utility but does not submit a new STM application, this Emergency Order shall terminate 60 days after the date that the STM application was withdrawn.
6. If this Emergency Order is renewed under Ordering Provision No. 4, the Executive Director may request that the Emergency Order be terminated if, after consultation with staff of the Public Utility Commission of Texas, the Executive Director determines that the STM application to acquire Utility has not been completed within a reasonable amount of time (*e.g.*, because of inadequate information).
7. If Aqua Texas wishes to terminate its temporary manager appointment for the Utility, it must notify the Executive Director in writing at least 60 days before the date it requests the appointment to end.
8. Aqua Texas is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
9. Aqua Texas' requirement to post financial assurance with TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director, pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
10. Aqua Texas' compensation will come from Utility revenues in the amount of \$15 per month per connection.
11. Aqua Texas shall report to the Executive Director on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

12. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify, or set aside this Emergency Order at its regular Agenda meeting on September 10, 2025, at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the September 10, 2025, Agenda meeting, Respondents may request an evidentiary hearing, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order.**⁴
13. The Chief Clerk shall provide a copy of this Emergency Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Kelly Keel
Executive Director

⁴ This Meeting is expected to be held on the TCEQ campus, however due to construction at TCEQ's campus, the meeting may take place at an alternate location. To confirm where the meeting will be held, please visit the Commissioners' Agenda webpage at: <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda meeting.

EXHIBIT A

July 13, 2023 Final Default Judgment and Permanent Injunction

Cause No. D-1-GN-22-006257

STATE OF TEXAS

Plaintiff,

v.

SENG PHET SOUIMANIPHANH,
individually, and d/b/a TL WATER
JONES ACRES,

Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98TH JUDICIAL DISTRICT

FINAL DEFAULT JUDGMENT AND PERMANENT INJUNCTION

On this day, Plaintiff, the State of Texas (“State”), on behalf of the Texas Commission on Environmental Quality (“TCEQ”), moved for final default judgment after the Defendant, Seng Phet Souimaniphanh, individually and doing business as TL Water Jones Acres (“Souimaniphanh”), failed to file an answer in the above-captioned case.

The Court determined that it has jurisdiction over the subject matter and the parties in this case. The Court admitted into evidence the evidence attached to the State’s Motion for Default Judgment and Permanent Injunction. After considering the pleadings, the State’s Motion, and the evidence attached thereto, the Court GRANTS the State’s Motion for Default Judgment and Permanent Injunction.

THE COURT FINDS:

1. On October 27, 2022, the State filed its Original Petition and Application for Injunctive Relief (“State’s Petition”).
2. On November 1, 2022, the Court issued citation to Souimaniphanh.
3. An affidavit of non-service was filed with the Court on January 13, 2023.

4. On February 17, 2023, the State filed its Motion for Substitute Service of Process on Defendant Seng Phet Souimaniphanh. The Court entered an order granting the State's Motion on March 7, 2023.

5. On March 20, 2023, Souimaniphanh was served with the Petition, citation, and the order granting the State's Motion for Substitute Service by the methods authorized by the Court.

6. The Affidavits of Digital Service, of Service by Certified Mail, and of Substitute Service were filed on April 24, 2023, and have been on file with the clerk of the court for at least ten days, excluding the date of filing and today, as required by Texas Rule of Civil Procedure 107.

7. The last known address for Souimaniphanh is 13148 Schapayak Road, Fort Worth, Texas 76244. A Certificate of Last Known Address was filed with the Court on June 13, 2023.

8. Souimaniphanh is currently not on active military duty as to all branches of the United States Military. A Service Members' Affidavit was filed with the Court on June 13, 2023.

9. The deadline for Souimaniphanh to file an answer was April 17, 2023. Souimaniphanh failed to file an answer, or any pleading constituting an answer, and has not entered an appearance in this cause. Therefore, Souimaniphanh has admitted all facts alleged in the Petition.

10. At all times relevant to this suit, Souimaniphanh has been the owner and operator of the TL Water Jones Acres Water System ("System") located on or around County Road 4845 in Wise County, Texas, approximately one mile north of the town of Newark on the north side of Farm-to-Market Road 718. The System's water plant is located approximately 1,000 feet northeast of the intersection of Farm-to-Market Road 718 and County Road 4845, and its coordinates are 38°01'07.6"N, 97°29'59.2"W.

11. The System consists of two groundwater wells; however, only one well is listed as active and has an estimated production capacity of 16.0 gallons per minute. The System also has two ground storage tanks with a combined capacity of 6,000 gallons, three service pumps with a combined

capacity of 70.0 gallons per minute, and two pressure tanks with a combined capacity of 2,000 gallons. The System serves approximately 40 connections with an approximate population of 120 people.

12. On July 15, 2020, TCEQ entered a default administrative order in TCEQ Enforcement Docket No. 2019-0275-MLM-E styled *In the Matter of an Enforcement Action Concerning Seng Phet Souimaniphanh DBA T L Water Jones Acres; RN101196905* (“TCEQ Order”).

13. TCEQ conducted a physical investigation at the System to assess compliance with the Texas Water Code, Texas Health and Safety Code, TCEQ regulations, and the TCEQ Order on March 10, 2021. TCEQ also conducted file reviews on September 11, 2020, December 30, 2020, and May 17, 2021, to determine Souimaniphanh’s compliance with the TCEQ Order.

14. The State is entitled to this final default judgment because Souimaniphanh was duly served with process and has admitted to all alleged facts and violations by default.

CIVIL PENALTIES

15. The civil penalties the State seeks are liquidated and proven by a written instrument attached to the State’s Petition that allows the Court to calculate penalties without the necessity of a hearing.

16. Texas Health & Safety Code Section 341.048(b) prescribes that a civil penalty of not less than \$50 shall be assessed for each day of violation of TCEQ’s rules governing public water systems. Each day of a continuing violation is a separate violation. Tex. Health & Safety Code § 341.048(b).

17. Texas Water Code Section 7.102 prescribes that a civil penalty of not less than \$50 shall be assessed for each day of violation of Chapter 361 of the Texas Health & Safety Code or any rule, order, or permit issued thereunder. Each day of a continuing violation is a separate violation. Tex. Water Code § 7.102.

18. By failing to appear and answer, Souimaniphanh has admitted all facts alleged in the State's Petition.

19. The State stipulates to the minimum penalty of \$50 per violation, per day, as authorized by the Texas Health and Safety Code and the Texas Water Code.

20. This Judgment does not preclude TCEQ nor the State from administrative and/or civil penalties for violations of the Texas Water Code, TCEQ rules, or administrative orders that were not placed in controversy by the State's Petition in this cause or that occur after the Effective Date of this Judgment.

Violation 1: Failure to Report Synthetic Organic Contaminant Levels

21. The State's Petition proved that since at least January 10, 2020, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.107(c)(1) & (e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purpose of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to one (1) day.

22. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 2: Failure to Report Volatile Organic Contaminant Levels

23. The State's Petition proved that since at least January 10, 2019, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.107(c)(2) & (e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purpose of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to two (2) days.

24. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$100.00.

Violation 3: Failure to Report Metal Levels

25. The State's Petition proved that since at least January 10, 2020, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.106(c)(4), (c)(9) & (e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purpose of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to one (1) day.

26. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 4: Failure to Report Mineral Levels

27. The State's Petition proved that since at least January 10, 2019, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.106(c)(4), (c)(9) & (e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purpose of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to one (1) day.

28. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 5: Failure to Report Nitrate Levels

29. The State's Petition proved that since at least January 10, 2019, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.106(c)(6), (c)(9), & (e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purpose of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to two (2) days.

30. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$100.00.

Violation 6: Failure to Reissue Boil Water Notice

31. The State's Petition proved that since at least October 11, 2018, Souimaniphanh has been in violation of 30 Tex. Admin. Code § 290.122(a)(3)(B), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each instance a notice was to be reissued. This amounts to nine (9) days.

32. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$450.00.

Violation 7: Failure to Develop Written Protocol for Boil Water Notices

33. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of TCEQ Order Ordering Provision ("Ordering Provision") 3.a.vi, 30 Tex. Admin. Code § 290.46(q), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

34. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 8: Failure to Use a Licensed Operator

35. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.vii, 30 Tex. Admin. Code § 290.46(e), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

36. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 9: Failure to Maintain Records of Weekly Chemical Use

37. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.viii, 30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

38. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 10: Failure to Maintain Records of Weekly Volume of Water Treated

39. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.viii, 30 Tex. Admin. Code § 290.46(f)(3)(A)(ii)(III), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

40. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 11: Failure to Maintain Records of Customer Complaints

41. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation Ordering Provision 3.a.viii, 30 Tex. Admin. Code § 290.46(f)(3)(A)(iii), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

42. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 12: Failure to Conduct Annual Tank Inspections

43. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.ix, 30 Tex. Admin. Code § 290.46(m)(1), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

44. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 13: Failure to Monitor Disinfectant Residual

45. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.x, 30 Tex. Admin. Code § 290.110(c)(4)(A), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

46. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 14: Failure to Repair or Replace Pressure Gauges

47. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xi, 30 Tex. Admin. Code § 290.43(d)(2), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

48. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 15: Failure to Secure All Electrical Wiring

49. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xii, 30 Tex. Admin. Code § 290.46(v), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

50. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 16: Failure to Limit Disease Vectors

51. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xiii, 30 Tex. Admin. Code § 290.46(m), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

52. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 17: Failure to Calibrate Well Meter

53. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xv, 30 Tex. Admin. Code § 290.46(s)(1), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

54. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 18: Failure to Maintain Engineering Plans and Maps

55. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xix, 30 Tex. Admin. Code § 290.46(n), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

56. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 19: Failure to Use Approved Water Treatment Chemicals

57. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.xviii, 30 Tex. Admin. Code § 290.42(j), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from August 20, 2020, through March 10, 2021. This amounts to 203 days.

58. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$10,150.00.

Violation 20: Failure to Maintain Operations Manual

59. The State's Petition proved that since at least September 19, 2020, Souimaniphanh has been in violation of Ordering Provision 3.c.ii, 30 Tex. Admin. Code § 290.42(l), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from September 19, 2020, through March 10, 2021. This amounts to 173 days.

60. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$8,650.00.

Violation 21: Failure to Maintain Microbiological Monitoring Plan

61. The State's Petition proved that since at least September 19, 2020, Souimaniphanh has been in violation of Ordering Provision 3.c.iii, 30 Tex. Admin. Code § 290.121(a), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from September 19, 2020, through March 10, 2021. This amounts to 173 days.

62. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$8,650.00.

Violation 22: Failure to Adopt Plumbing Ordinance or Service Agreement

63. The State's Petition proved that since at least October 19, 2020, Souimaniphanh has been in violation of Ordering Provision 3.e.ii, 30 Tex. Admin. Code § 290.46(i), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from October 19, 2020, through March 10, 2021. This amounts to 143 days.

64. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$7,150.00.

Violation 23: Failure to Obtain Sanitary Control Easement

65. The State's Petition proved that since at least October 19, 2020, Souimaniphanh has been in violation of Ordering Provision 3.e.v, 30 Tex. Admin. Code § 290.41(c)(1)(F), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from October 19, 2020, through March 10, 2021. This amounts to 143 days.

66. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$7,150.00.

Violation 24: Failure to Increase Total Storage Capacity

67. The State's Petition proved that since at least January 17, 2021, Souimaniphanh has been in violation of Ordering Provision 3.g.i, 30 Tex. Admin. Code § 290.45(b)(1)(B)(ii), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from January 17, 2021, through March 10, 2021. This amounts to 53 days.

68. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$2,650.00.

Violation 25: Failure to Maintain Adequate Service Pump Capacity

69. The State's Petition proved that since at least January 17, 2021, Souimaniphanh has been in violation of Ordering Provision 3.g.ii, 30 Tex. Admin. Code § 290.45(b)(1)(B)(iii), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from January 17, 2021, through March 10, 2021. This amounts to 53 days.

70. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$2,650.00.

Violation 26: Failure to Maintain Adequate Well Capacity

71. The State's Petition proved that since at least January 17, 2021, Souimaniphanh has been in violation of Ordering Provision 3.g.iii, 30 Tex. Admin. Code § 290.45(b)(1)(B)(i), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from January 17, 2021, through March 10, 2021. This amounts to 53 days.

72. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$2,650.00.

Violation 27: Failure to Replace or Upgrade Ground Storage Tanks

73. The State's Petition proved that since at least January 17, 2021, Souimaniphanh has been in violation of Ordering Provision 3.g.iv, 30 Tex. Admin. Code § 290.43(c), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation from January 17, 2021, through March 10, 2021. This amounts to 53 days.

74. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$2,650.00.

Violation 28: Failure to Maintain Adequate Free Chlorine Residual

75. The State's Petition proved that on at least March 10, 2021, Souimaniphanh violated 30 Tex. Admin. Code §§ 290.46(d)(2) & 290.110(b)(4), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each observed violation. This amounts to one (1) day.

76. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 29: Failure to Maintain System in a Watertight Condition

77. The State's Petition proved that on at least March 10, 2021, Souimaniphanh violated 30 Tex. Admin. Code § 290.46(m)(4), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each observed violation. This amounts to one (1) day.

78. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 30: Failure to Lock All Storage Tank Hatches

79. The State's Petition proved that on at least March 10, 2021, Souimaniphanh violated 30 Tex. Admin. Code § 290.43(c)(2), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State stipulated to counting this violation as one day for each observed violation. This amounts to one (1) day.

80. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 31: Unauthorized Release of an Unknown Substance

81. The State's Petition proved that on at least March 10, 2021, Souimaniphanh violated 30 Tex. Admin. Code § 330.15(a) and Tex. Water Code § 7.101. For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each observed violation. This amounts to one (1) day.

82. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 32: Failure to Submit Disinfectant Level Quarterly Operating Report to the TCEQ

83. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provisions 3.a.ii & 3.e.i, 30 Tex. Admin. Code § 290.110(e) & (f), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this as one day for each missing report. This amounts to two (2) days.

84. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$100.00.

Violation 33: Failure to Collect Lead and Copper Tap Samples

85. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provisions 3.a.iii & 3.a.iv, 30 Tex. Admin. Code § 290.117(c)(2)(A) &

(i), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing report. This amounts to one (1) day.

86. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 34: Failure to Provide Consumer Confidence Reports to Customers and TCEQ

87. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in violation of Ordering Provision 3.a.v, 30 Tex. Admin. Code §§ 290.271(a) & 290.274(a) & (c), Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation one day for each missing report. This amounts to one (1) day.

88. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$50.00.

Violation 35: Failure to Provide Public Notice

89. The State's Petition proved that since at least August 20, 2020, Souimaniphanh has been in continuing daily violation of Ordering Provision 3.a.i, 30 Tex. Admin. Code § 290.122, Tex. Water Code § 7.101, and Tex. Health & Safety Code § 341.048(a). For the purposes of obtaining a default judgment, the State has stipulated to counting this violation as one day for each missing signed certificate of delivery. This amounts to 11 days.

90. Therefore, the Court finds that Souimaniphanh committed this violation as alleged and that the State is entitled to a civil penalty of \$550.00.

UNPAID ADMINISTRATIVE PENALTIES

91. The State's Petition proved that TCEQ issued an administrative order requiring Souimaniphanh to pay administrative penalties. The State's Petition proved that Souimaniphanh failed

to timely and satisfactorily comply with the payment requirements, leaving an unpaid balance of administrative penalties.

92. The State proved that Souimaniphanh owes \$22,779.00 in administrative penalties that is immediately due and payable.

93. An administrative penalty may be recovered in a civil action brought by the Attorney General at the request of TCEQ. Tex. Water Code § 7.072.

94. Therefore, the Court finds that the State is entitled to \$22,779.00 in unpaid administrative penalties.

ATTORNEY'S FEES AND COSTS

95. The State is entitled to recover reasonable attorney's fees, investigative costs, and court costs when it prevails in a civil enforcement suit brought under Chapter 7 of the Texas Water Code. Tex. Water Code § 7.108.

96. The State has prevailed in this suit and has offered affidavit evidence, filed in the records of this cause, proving reasonable and necessary attorney's fees in the amount of \$14,562.50.

97. Therefore, the Court finds the State is entitled to recover its attorney's fees in the amount of \$14,562.50 and court costs.

POST-JUDGMENT INTEREST

98. The Court further finds that the applicable judgment interest rate for the date of this judgment, as published by the Office of Consumer Credit Commissioner in accordance with Section 304.003 of the Texas Finance Code, is 8.25%.

99. The Court further finds that the penalties assessed herein are payable to and for the benefit of a governmental unit and are not compensation for actual pecuniary loss, and therefore, are not dischargeable under federal bankruptcy laws. 11 U.S.C. § 523(a)(7).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

100. Souimaniphanh is liable to the State for a civil penalty of FIFTY DOLLARS (\$50.00) per day of each violation in accordance with Tex. Water Code § 7.102 and Tex. Health & Safety Code § 341.048(b).

101. The State shall have judgment against Souimaniphanh for civil penalties in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND, NINE HUNDRED DOLLARS (\$175,900.00), which constitutes 3,518 days of violations at \$50.00 per day in civil penalties.

102. The State shall have judgment against Souimaniphanh for TWENTY-TWO THOUSAND, SEVEN HUNDRED AND SEVENTY-NINE DOLLARS (\$22,779.00) in unpaid administrative penalties.

103. The State shall have judgment against Souimaniphanh for FOURTEEN THOUSAND, FIVE HUNDRED AND SIXTY-TWO DOLLARS AND FIFTY CENTS (\$14,562.50) in attorney's fees.

104. Souimaniphanh shall pay all costs of court incurred through the date of this Judgment as well as those court costs incurred to collect this judgment, if necessary.

105. Souimaniphanh shall pay post-judgment interest at the legal rate of eight—and—a—quarter percent (8.25%), as published by the Office of Consumer Credit Commissioner in accordance with Section 304.003 of the Texas Finance Code, from the date of this Judgment until paid in full, all for which execution shall issue.

106. Souimaniphanh shall pay all amounts awarded to the State within thirty (30) days of entry of this Judgment.

107. Payment of all amounts awarded in this Judgment shall be made by certified check or money order made payable to the State of Texas and shall bear the identifying number "AG #CX5266953622." Payment shall be submitted to:

Division Chief
Environmental Protection Division
Office of the Attorney General
P.O. Box 12548, MC-066
Austin, Texas 78711-2548

THE COURT FURTHER ORDERS:

PERMANENT INJUNCTION

108. The Defendant, Seng Phet Souimaniphanh, individually and d/b/a TL Water Jones Acres, his officers, agents, servants, employees, and all other persons acting in concert or in participation with him, on his behalf, or under his control, and who receive actual notice of this Injunction, are permanently enjoined as follows:

A. Definitions

As used in this Injunction, the following words and terms have the following meanings:

1. “**ANSI/NSF**” means American National Standards Institute/National Sanitation Foundation.
2. “**AWWA**” means American Water Works Association.
3. “**CCR(s)**” means consumer confidence report(s).
4. “**Day(s)**” means calendar day(s).
5. “**DLQOR(s)**” means Disinfectant Level Quarterly Operation Report(s).
6. “**Effective Date**” means the date the Court signs this Injunction.
7. “**Executive Director**” means the executive director of the TCEQ, or any authorized individual designated to act for the executive director.
8. “**gpm**” means gallons per minute.
9. “**GST(s)**” means ground storage tank(s).
10. “**Immediately**” means by 5:00 PM Central Standard Time on the next Day following the specified day or event.
11. “**mg/L**” means milligrams per liter.
12. “**SOC(s)**” means synthetic organic chemical(s).

13. “**Souimaniphanh**” means Defendant Seng Phet Souimaniphanh, individually and doing business as TL Water Jones Acres.
14. “**State**” means the State of Texas.
15. “**System**” means the public water system presently or formerly known as TL Water Jones Acres, which is or was located on County Road 4845 in Newark, Wise County, Texas. The System’s water plant is located approximately 1,000 feet east of the intersection of Farm-to-Market Road 718 and County Road 4845.
16. “**TCEQ**” means the Texas Commission on Environmental Quality.
17. “**VOC(s)**” means volatile organic chemical(s).

B. Ordering Provisions

1. SOC Contaminant Levels Reporting. Within 30 Days after the Effective Date, Souimaniphanh shall ensure that all delinquent drinking water chemical analysis results for SOC contaminants are reported to the Executive Director in accordance with 30 Tex. Admin. Code § 290.107. Within 30 Days after the Effective Date, Souimaniphanh shall also implement improvements to the System’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for SOC contaminants are released by the System’s laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the System, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 Tex. Admin. Code § 290.107.
2. VOC Contaminant Levels Reporting. Within 30 Days after the Effective Date, Souimaniphanh shall ensure that all delinquent drinking water chemical analysis results for VOC contaminants are reported to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.107. Within 30 Days after the Effective Date, Souimaniphanh shall also implement improvements to the System’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for VOC contaminants are released by the System’s laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the System, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 Tex. Admin. Code § 290.107.
3. Metal Contaminant Levels Reporting. Within 30 Days after the Effective Date, Souimaniphanh shall ensure that all delinquent drinking water chemical analysis results for metal contaminants are reported to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.106. Within 30 Days after the Effective Date, Souimaniphanh shall implement improvements to the System’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for metal contaminants are released by the System’s laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the System, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 Tex. Admin. Code § 290.106.

4. Mineral Contaminant Levels Reporting. Within 30 Days after the Effective Date, Souimaniphanh shall ensure that all delinquent drinking water chemical analysis results for mineral contaminants are reported to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.106. Within 30 Days after the Effective Date, Souimaniphanh shall also implement improvements to the System's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for mineral contaminants are released by the System's laboratory and reported to the Executive Director within the first ten days following the month in which the results are received by the System, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 Tex. Admin. Code § 290.106.
5. Nitrate Levels Monitoring and Reporting. Within 30 Days after the Effective Date, Souimaniphanh shall collect the required number of nitrate samples, have the samples analyzed, and report the results to the Executive Director within the first ten days following the month in which the results are received by the System, or the first ten days following the end of the required monitoring period, whichever is first, in accordance with 30 Tex. Admin. Code § 290.106. This provision will be satisfied upon the timely delivery of all sampling results to the Executive Director for one compliant annual monitoring period. Within 30 Days after the Effective Date, Souimaniphanh shall also implement improvements to the System's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for nitrate are collected, analyzed, and released by the System's laboratories and timely reported to the Executive Director within the first ten days following the month in which the result is received by the System, or the first ten days following the end of the required monitoring period, whichever is first, in accordance with 30 Tex. Admin. Code § 290.106.
6. SOC Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification, and submit a copy of each public notification accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to provide the results of SOC contaminants sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.
7. VOC Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director regarding the failure to provide the results of VOC contaminants sampling to the Executive Director for the January 1, 2017 through December 31, 2017 and January 1, 2018 through December 31, 2018 monitoring periods, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall

also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification, accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.

8. Mineral Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director for the January 1, 2016 through December 31, 2018 monitoring period, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification, accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.
9. Cyanide Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director regarding the failure to provide the results of cyanide sampling to the Executive Director for the January 1, 2015 through December 31, 2015 through December 31, 2017 monitoring period, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification , accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.
10. Nitrate Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director regarding the failure to collect and report the results of nitrate sampling to the Executive Director for the January 1, 2017 through December 31, 2017 and January 1, 2018 through December 31, 2018 monitoring periods, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification, accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.
11. Radionuclide Levels Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director regarding the failure to collect and report the results of radionuclide sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the

System and that a copy of the public notification accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.

12. DLQOR and Lead and Copper Monitoring Public Notification. Within 30 Days after the Effective Date, Souimaniphanh shall provide public notification and submit a copy of each public notification, accompanied with a signed certificate of delivery, to the Executive Director regarding the failure to submit a DLQOR for the second and third quarters of 2017 and regarding the failure to submit a DLQOR for the second and third quarters of 2017 and regarding the failure to collect lead and copper samples for the January 1, 2017 through June 30, 2017 monitoring period, in accordance with 30 Tex. Admin. Code § 290.122. Within 30 Days after the Effective Date, Souimaniphanh shall also implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the System and that a copy of the public notification, accompanied with a signed certificate of delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122.
13. DLQORs. Within 30 Days after the Effective Date, Souimaniphanh shall update the System's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 Tex. Admin. Code § 290.110. Within 90 Days after the Effective Date, Souimaniphanh shall also begin submitting DLQORs to the Executive Director each quarter by the tenth (10th) day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110. This provision will be satisfied upon one quarter of compliance reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Wesley S. Williams, Assistant Attorney General
Re: AG # CX5266953622
Office of the Attorney General
Environmental Protection Division
P.O. Box 12548, MC-066
Austin, Texas 78711-2548

14. Lead and Copper Monitoring. Within 30 Days after the Effective Date, Souimaniphanh shall implement improvements to the System's process procedures guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results reported to the Executive Director within ten (10) days

following the end of each monitoring period, in accordance with 30 Tex. Admin. Code § 290.117. Within 30 Days after the Effective Date, Souimaniphanh shall also collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten (10) days following the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliance monitoring period.

15. CCRs. Within 30 Days after the Effective Date, Souimaniphanh shall directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 Tex. Admin. Code §§ 290.271 and 290.274. Within 45 Days of the Effective Date, Souimaniphanh shall also submit to the TCEQ a copy of the CCR provided to customers of the System and the certification that the CCR has been provided to the customers of the System and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code §§ 290.271 and 290.274. The copy of the CCR and certification shall be mailed to:

CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Wesley S. Williams, Assistant Attorney General
Re: AG # CX5266953622
Office of the Attorney General
Environmental Protection Division
P.O. Box 12548, MC-066
Austin, Texas 78711-2548

16. Reissue Boil Water Notice. Immediately upon the Effective Date, Souimaniphanh shall re-issue the boil water notice issued on July 11, 2018 for low disinfectant residual. Within 30 Days after the Effective Date, Souimaniphanh shall also develop and implement a written protocol to ensure that boil water notices are issued at least once every three (3) months for as long as the violation exists, in accordance with 30 Tex. Admin. Code §§ 290.46 and 290.122.
17. Boil Water Notice. Within 30 Days after the Effective Date, Souimaniphanh shall develop a written protocol to ensure that all future boil water notifications are provided to customers of the System within 24 hours and a signed certificate of delivery is provided to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.46.

18. Operator. Within 30 Days after the Effective Date, Souimaniphanh shall begin operating the System under the direct supervision of a water works operator who holds a Class “D” or higher groundwater license, in accordance with 30 Tex. Admin. Code § 290.46.
19. Operating and Maintenance Records. Within 30 Days after the Effective Date, Souimaniphanh shall compile and begin maintaining properly completed water works operation and maintenance records, including but not limited to the amount of each chemical used each week, the volume of water distributed each week, records of the date, location, and nature of water quality, pressure, or outage complaints received by the System and the results of any subsequent complaint investigations, and copies of the Customer Service Inspection reports, in accordance with 30 Tex. Admin. Code § 290.46.
20. Tank Inspections. Within 30 Days after the Effective Date, Souimaniphanh shall conduct an inspection of the System’s two GSTs, in accordance with 30 Tex. Admin. Code § 290.46.
21. Disinfectant Residual. Within 30 Days after the Effective Date, Souimaniphanh shall monitor the disinfectant residual at representative locations throughout the System’s distribution system at least once every seven (7) days in accordance with 30 Tex. Admin. Code § 290.110.
22. Pressure Gauges. Within 30 Days after the Effective Date, Souimaniphanh shall repair or replace the pressure gauge on each of the System’s two pressure tanks, in accordance with Tex. Admin. Code § 290.43.
23. Electrical Wiring. Within 30 Days after the Effective Date, Souimaniphanh shall secure the electrical wiring at the System’s pump station in compliance with a local or national code, in accordance with 30 Tex. Admin. Code § 290.46.
24. Well Meter Calibration. Within 30 Days after the Effective Date, Souimaniphanh shall calibrate the System’s well meter, in accordance with 30 Tex. Admin. Code § 290.46.
25. Distribution Maps. Within 30 Days after the Effective Date, Souimaniphanh shall make available an accurate and up-to-date map of the System’s distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 Tex. Admin. Code § 290.46.
26. ANSI/NSF Standard 60. Within 30 Days after the Effective Date, Souimaniphanh shall provide verification to the TCEQ that the System is using an ANSI/NSF approved disinfectant, in accordance with 30 Tex. Admin. Code § 290.42.
27. Plant Operations Manual. Within 60 Days after the Effective Date, Souimaniphanh shall develop and maintain an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 Tex. Admin. Code § 290.42.

28. Monitoring Plan. Within 60 Days after the Effective Date, Souimaniphanh shall develop and maintain a chemical and microbiological monitoring plan, in accordance with 30 Tex. Admin. Code § 290.121.
29. Plumbing Ordinance. Within 90 Days after the Effective Date, Souimaniphanh shall adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 Tex. Admin. Code § 290.46.
30. Sanitary Control Easement. Within 90 Days after the Effective Date, Souimaniphanh shall obtain a sanitary control easement that covers the land within 150 feet of the System's well, in accordance with 30 Tex. Admin. Code § 290.41, or obtain TCEQ approval of an exception to the easement requirement pursuant to 30 Tex. Admin. Code § 290.39(1). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Wesley S. Williams, Assistant Attorney General
Re: AG # CX5266953622
Office of the Attorney General
Environmental Protection Division
P.O. Box 12548, MC-066 Austin, Texas 78711-2548

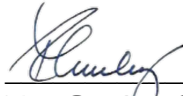
31. Drought Contingency Plan. Within 90 Days after the Effective Date, Souimaniphanh shall prepare and adopt a complete drought contingency plan, in accordance with 30 Tex. Admin. Code §§ 288.20 and 288.30.
32. Storage Capacity. Within 180 Days after the Effective Date, Souimaniphanh shall provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 Tex. Admin. Code § 290.45.
33. Service Pump Capacity. Within 180 Days after the Effective Date, Souimaniphanh shall provide two or more service pumps with a total capacity of at least 2.0 gpm per connection, in accordance with 30 Tex. Admin. Code § 290.45.
34. Well Capacity. Within 180 Days after the Effective Date, Souimaniphanh shall provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 Tex. Admin. Code § 290.45.

35. AWWA Standards. Within 180 Days after the Effective Date, Souimaniphanh shall replace or upgrade the System's two GSTs to meet current AWWA standards, in accordance with 30 Tex. Admin. Code § 290.43.
36. Disinfectant Residual. Within 30 Days after the Effective Date, Souimaniphanh shall determine the cause of noncompliance, make any necessary repairs or adjustments to the System, and maintain a disinfectant residual concentration of at least 0.2 mg/L free chlorine throughout the System's distribution system, in accordance with 30 Tex. Admin. Code §§ 290.46 and 290.110.
37. Watertight Condition. Within 60 Days after the Effective Date, Souimaniphanh shall begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances of the System in a watertight condition, including but not limited to the concrete slab near the System's GSTs and pressure tanks, in accordance with 30 Tex. Admin. Code § 290.46.
38. Lock Hatches. Within 60 Days after the Effective Date, Souimaniphanh shall provide a lock for the System's GST roof hatches and ensure the roof hatches remained locked except during inspections and maintenance, in accordance with 30 Tex. Admin. Code § 290.43.
39. Unauthorized Releases. Immediately upon the Effective Date, Souimaniphanh shall cease disposing of any municipal solid waste at the System, in accordance with 30 Tex. Admin. Code § 330.15. Within 30 Days after the Effective Date, Souimaniphanh shall remove all municipal solid waste from the System and dispose of it at an authorized facility, in accordance with 30 Tex. Admin. Code § 330.15.

THE COURT FURTHER ORDERS:

109. The effective date of this Judgment is the date it is signed by the Judge Presiding.
110. The Clerk of this Court shall issue a writ of permanent injunction against Defendant Seng Phet Souimaniphanh, individually and doing business as TL Water Jones Acres, his officers, agents, employees, and all other persons acting in concert or participation with him, as set forth above.
111. The Court orders execution to issue this Judgment.
112. The State shall be allowed such writs and processes as may be necessary in the enforcement and collection of this Judgment.
113. All relief not expressly granted herein is DENIED. This Judgment finally disposes of all parties and claims brought and is appealable.

Signed this 13th day of _____ July, 2023.



JUDGE PRESIDING
Judge Rhonda Hurley

UNSWORN DECLARATION OF ALEXANDRA RIDGEWAY

“On July 31, 2025, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I hand delivered the July 16, 2025, Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 16, 2025, Emergency Order set for the September 10, 2025, Commission Agenda to the Utility owned by David Gillott and Lanai Gillott and operated by Seng Phet Souimaniphanh by affixing copies of the order to the fence surrounding the Utility and to the Utility pumphouse.”

“My name is Alexandra Ridgeway
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 Wise County,
State of Texas,
on the 31st day of July 2025

Alexandra Ridgeway
Declarant

UNSWORN DECLARATION OF BENJAMIN WARMS

“On July 17, 2025, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 1350 0002 7558 1680), and via First Class Mail, postage prepaid to David Gillott, the July 16, 2025 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 16, 2025 Emergency Order set for the September 10, 2025 Commission Agenda.

On July 17, 2025, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 1350 0002 7558 1703), and via First Class Mail, postage prepaid to Lanai Gillott, the July 16, 2025 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 16, 2025 Emergency Order set for the September 10, 2025 Commission Agenda.

On July 17, 2025, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7004 1350 0002 7558 1697), and via First Class Mail, postage prepaid to Seng Phet Souimaniphanh, the July 16, 2025 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 16, 2025 Emergency Order set for the September 10, 2025 Commission Agenda.

“My name is Benjamin Warmes 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 31st day of July 2025



Declarant