

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

**Order Type:**

Order Modifying Emergency Order Appointing a Temporary Manager of a Water Utility

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

105 County Road 4845, Newark, Wise County, Texas<sup>1</sup>

**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

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<sup>1</sup> Property ID Number 761519 as listed by the Wise County Appraisal District

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

***Investigation Information***

<b>Complaint Date(s):</b>	N/A
<b>Complaint Information:</b>	N/A
<b>Date(s) of Investigation:</b>	N/A
<b>Date(s) of NOV(s):</b>	N/A
<b>Date(s) of NOE(s):</b>	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)].

***Corrective Actions/Technical Requirements***

**Technical Requirements:**

1. This Emergency Order shall be effective on the date it is executed by the TCEQ Executive Director, *i.e.*, July 19, 2024.
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 14, 2025, or until a receiver has been appointed for the Utility.
4. 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.
5. 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.
6. Aqua Texas shall give the Executive Director an inventory of all Utility property received within 60 days of the effective date of this Emergency Order, *i.e.*, September 17, 2024.
7. 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).
8. Aqua Texas’ compensation will come from Utility revenues in the amount of \$15 per month per connection.
9. Aqua Texas shall report to the Executive Director on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

***Background Information***

1. David Gillott and Lanai Gillott own and Seng Phet Souimaniphanh operates a public water system located at 105 County Road 4845 in Newark, Wise County, Texas 76071-3128 (the “Utility”).<sup>2</sup>

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<sup>2</sup> 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 has maintained operational control of the Utility, doing business as TL Water Jones Acres, since at least February 2017 as evidenced by bills sent to customers by Mr. Souimaniphanh. The Executive Director asserts that any lack of recent billing from the Utility serves as further proof that the named parties subject to this order have abandoned operations of the Utility.

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

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.<sup>3</sup>
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 any actions have been taken to bring the Utility into compliance with either the TCEQ Default Order or the District Court Judgment.
12. TCEQ alleges the Utility has: (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.
13. No other source of water is available to the more than 25 people whose drinking water is supplied by the Utility.
14. A potential health hazard exists 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 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.

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<sup>3</sup> 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 SOUMANIPHANH;  
RN101196905;  
TCEQ Docket No. 2024-0877-UCR-E

**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 SOUIMANIPHANH;  
RN101196905

§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

ORDER MODIFYING EMERGENCY ORDER  
APPOINTING A TEMPORARY MANAGER OF A WATER UTILITY

DOCKET NO. 2024-0877-UCR-E

On September 11, 2024, 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 19, 2024. The Emergency Order and notice of the September 11, 2024 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 19, 2024. On July 22, 2024, 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 19, 2024 Emergency Order Appointing a Temporary Manager of a Water Utility, attached hereto as Exhibit 1 and incorporated into this Order by reference, is affirmed with the following modifications:

1. Finding of Fact, No. 1 shall be modified to add “4845” after “County Road” and to replace “760712-3128” with “76071-3128”.
2. Finding of Fact, No. 2 shall be modified to replace “Water Utility” with “utility”.
3. Finding of Fact, No. 2, footnote 2 shall be modified to replace “Aqua Texas Inc.” with “Aqua Texas, Inc.”.
4. Finding of Fact, No. 12 shall be modified to replace “Judgement” with “Judgment”.
5. The cover page for Exhibit A shall be modified to replace “Defalut Judgement” with “Default Judgment”.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

\_\_\_\_\_  
Date

**Exhibit 1**

**EMERGENCY ORDER  
APPOINTING A TEMPORARY MANAGER  
OF A WATER UTILITY**

**Signed by the Executive Director on July 19, 2024**

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 19, 2024

### **Via First Class and Certified Mail, Return Receipts Requested**

David Gillott  
249 County Road 4845  
Newark, Texas 76071  
**Article No. 7022 3330 0000 1186 0310**

Lanai Gillott  
PO Box 733  
Rhome, Texas 76078  
**Article No. 7022 3330 0000 1186 0334**

Seng Phet Souimaniphanh  
6750 Trilobite Trail  
Fort Worth, Texas 76137  
**Article No. 7022 3330 0000 1186 0327**

### **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 and of Hearing to Modify, Affirm, or Set Aside

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

On July 19, 2024, 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 appointed Aqua Texas, Inc. as temporary manager of the public water system located in 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 19, 2024. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **September 11, 2024**. The meeting will begin at **9:30 a.m.** **The agenda meeting may be held at 101 E. 15<sup>th</sup> Street – Texas Workforce Commission Room 244, 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.<sup>1</sup>

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.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), at the September 11, 2024, Agenda meeting, you may request an evidentiary hearing on the issuance of the Emergency Order.

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<sup>1</sup> Due to construction at TCEQ's campus directly impacting the TCEQ's agenda meeting room, this meeting is expected to be held at the Texas Workforce Commission located in the Capitol Complex.

David Gillott, Lanai Gillott, and Seng Phet Souimaniphanh  
TCEQ Docket No. 2024-0877-UCR-E  
July 19, 2024  
Page 2

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

Sincerely,



Benjamin Warms, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[Ben.Warms@tceq.texas.gov](mailto: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	§	BEFORE THE
AN ENFORCEMENT ACTION AGAINST	§	
DAVID GILLOTT, LANAI GILLOTT,	§	TEXAS COMMISSION ON
AND SENG PHET SOUIMANIPHANH;	§	
RN101196905	§	ENVIRONMENTAL QUALITY

## EMERGENCY ORDER APPOINTING A TEMPORARY MANAGER OF A WATER UTILITY

On July 19, 2024, 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 operates a public water system located at 105 County Road, Newark, Wise County, Texas 760712-3128 (the “Utility”).<sup>1</sup>
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(23).<sup>2</sup>
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(73).
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

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<sup>1</sup> 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 has maintained operational control of the Utility, doing business as TL Water Jones Acres, since at least February 2017 as evidenced by bills sent to customers by Mr. Souimaniphanh. The Executive Director asserts that any lack of recent billing from the Utility serves as further proof that the named parties subject to this order have abandoned operations of the Utility.

<sup>2</sup> 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.

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 98<sup>th</sup> District Court of Travis County, Texas issued a Final Default Judgement 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 98<sup>th</sup> 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 any actions have been taken to bring the Utility into compliance with either the TCEQ Default Order or the District Court Judgment.
14. TCEQ alleges the Utility has: (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. A potential health hazard exists 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 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.
17. Aqua Texas, Inc. ("Aqua Texas") has agreed to serve as temporary manager of the Utility. With regard to 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.
18. 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.

## 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 operates the Utility, which is a retail public utility as defined in TEX. WATER CODE § 13.002(19).
2. Findings of Fact Nos. 6 through 16 show that as of the date of the signing of this Emergency Order, the Utility has been abandoned and that the appointment of a temporary manager is justified, as defined 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, or if it has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.
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.
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 19, 2024.
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 14, 2025, or until a receiver has been appointed for the Utility.
4. 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.
5. 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.

6. Aqua Texas shall give the Executive Director an inventory of all Utility property received within 60 days of the effective date of this Emergency Order, *i.e.*, September 17, 2024.
7. 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).
8. Aqua Texas' compensation will come from Utility revenues in the amount of \$15.00 per month per connection.
9. Aqua Texas shall report to the Executive Director on a monthly basis, in accordance with 30 TEX. ADMIN. CODE § 291.143(h).
10. 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 11, 2024, at 9:30 a.m., 101 E. 15th Street - Texas Workforce Commission Room 244, Austin, Texas. **At the September 11, 2024, 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.**<sup>3</sup>
11. The Chief Clerk shall provide a copy of this Emergency Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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Kelly Keel  
Executive Director

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<sup>3</sup> Due to construction at TCEQ's campus directly impacting the TCEQ's agenda meeting room, this meeting will be held at the Texas Workforce Commission located in the Capitol Complex. To confirm where the meeting will be held, please visit the Commissioners' Agenda webpage at: <https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm> eight days before the Agenda meeting.

**EXHIBIT A**  
**July 13, 2023 Final Defalut Judgement 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 TL 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-066Austin, Texas 78711-2548

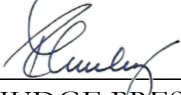
31. Drought Contingency Plan. Within 90 Days after the Effective Date, Souimaniphanh shall prepare and adopt a complete drought contingency plan, in accordance with 30 Tex. Admin. Code §§ 288.20 and 288.30.
32. Storage Capacity. Within 180 Days after the Effective Date, Souimaniphanh shall provide a 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 BENJAMIN WARMS**

“On July 19, 2024, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7022 3330 0000 1186 0310), and via First Class Mail, postage prepaid to David Gillott, the July 19, 2024 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 19, 2024 Emergency Order set for the September 11, 2024 Commission Agenda.

On July 19, 2024, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7022 3330 0000 1186 0334), and via First Class Mail, postage prepaid to Lanai Gillott, the July 19, 2024 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 19, 2024 Emergency Order set for the September 11, 2024 Commission Agenda.

On July 19, 2024, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7022 3330 0000 1186 0327), and via First Class Mail, postage prepaid to Seng Phet Souimaniphanh, the July 19, 2024 Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 19, 2024 Emergency Order set for the September 11, 2024 Commission Agenda.

“My name is Benjamin Warms 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 24<sup>th</sup> day of July 2024

  
\_\_\_\_\_  
Declarant

## UNSWORN DECLARATION OF CRYSTAL WATKINS

“On July 22, 2024, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I hand delivered the July 19, 2024, Emergency Order and the Notice of Hearing to Modify, Affirm, or Set Aside the July 19, 2024, Emergency Order set for the September 11, 2024, 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 Crystal Watkins 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 Tarrant County,  
State of Texas,  
on the 22<sup>nd</sup> day of July 2024

*Crystal D. Watkins*  
Declarant