

HARRIS COUNTY, TEXAS,

and

THE STATE OF TEXAS, a Necessary
and Indispensable Party,
Plaintiffs,

v.

J&S WATER COMPANY, L.L.C.
Defendant.

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IN THE DISTRICT COURT OF

Marilyn Burgess
District Clerk

DEC 20 2019

Time: 3:04 PM
Harris County, Texas

By GLW

HARRIS COUNTY, TEXAS

133RD

295th JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER AGAINST
J&S WATER COMPANY, L.L.C.

Plaintiff, Harris County, Texas filed *Harris County's Original Petition and Application for a Temporary Restraining Order and Temporary and Permanent Injunctions* (Original Petition). Based on the Application for a Temporary Order and the findings below, the Application for Temporary Restraining Order is GRANTED.

This Court **FINDS** it has jurisdiction over the subject matter of this case and jurisdiction over the parties, and venue in the District Court is proper.

This Court **FINDS** that this action is in the public interest and a Temporary Restraining Order should be issued to restrain and prevent the Defendant's continued violations of the Texas Water Code and the Texas Commission on Environmental Quality rules adopted thereunder at the wastewater treatment plant located at approximately 3,300 feet west from the bridge where Rothwood Road crosses Spring Creek in Harris County, Texas 77389;

The Court **FINDS** from the evidence set forth in Harris County's Original Petition, and attached exhibits that Defendant J&W Water Company, L.L.C. violated provisions of the Texas Water Code and Texas Commission on Environmental Quality rules and Permits and unless Defendant is immediately restrained from the acts prohibited below, Defendant will continue to commit such acts before notice can be given and a hearing can be held on Plaintiff's request for a temporary injunction.

IT IS THEREFORE ORDERED, ADJUGDED, AND DECREED THAT HARRIS COUNTY'S REQUEST FOR TEMPOARY RESTRAINING ORDER IS GRANTED AND APPROVED AND THAT THE DEFENDANT J&S WATER COMPANY, L.L.C. AND ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES AND ALL PERSONS ACTING IN CONCERT WITH, OR ON BEHALF OF, OR UNDER THE DIRECT OR INDIRECT CONTROL OF DEFENDANT J&S WATER COMPANY, L.L.C. ARE TEMPORARILY RESTRINED AS FOLLOWS:

DEFINITIONS

As used in this Temporary Restraining Order, the following words and terms set forth below have the following meanings:

- a. "Defendants" or shall mean "J&S" shall mean J&S Water Company, L.L.C.
- b. "Discharge" shall mean to deposit, conduct, drain, emit, throw, allow to seep, or otherwise release or dispose;
- c. "Effective Date" shall mean the date the Court signs the TRO;

- d. “Effluent” shall mean the liquid that flows out of the Facility into waters in the state at Willow Creek. Effluent samples shall be taken following the final treatment
- e. “Facility” shall mean the wastewater treatment plant located approximately 3,300 feet west from the bridge where Rothwood Road crosses Spring Creek in Harris County, Texas 77389;
- f. “Wastewater” shall mean wastewater, which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks of a residential dwelling.
- g. “WW Permit” shall mean the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012382001, attached as Exhibit A; and
- h. “Plaintiff” or “Harris County” shall mean Harris County, Texas, a political subdivision of the State of Texas.

TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED AND DECREED that Defendant &S Water Company, L.L.C. and its officers, agents, servants, and employees and all persons acting in concert with, or on behalf of, or under the direct or indirect control of Defendant J&S Water Company, L.L.C. are hereby ORDERED as follows:

(1) Defendant J&S Water Company, L.L.C. and its officers, agents, servants, and employees and all persons acting in concert with, on behalf of, or under the direct and indirect control of Defendant J&S Water Company, L.L.C. are enjoined as follows:

(2) Immediately upon the Effective Date of this ATI, and continuously thereafter, Defendant J&S Water Company, L.L.C. shall ensure the Facility Effluent maintains a chorine residual of at least 1.0 mg/L and does not exceed a chlorine residual of 4.0 mg/l, as determined by a grab sample. Effluent monitoring samples shall be taken following the final treatment unit.

(3) Immediately upon the Effective Date of this ATI, and continuously thereafter, Defendant J&S Water Company, L.L.C. shall ensure the Facility Effluent does not exceed 200 mpn/100ml *E. coli*, as determined by a grab sample. Effluent monitoring samples shall be taken following the final treatment unit.

(4) Immediately upon the Effective Date of this ATI, and continuously thereafter, Defendant J&S Water Company, L.L.C. shall ensure the Facility Effluent does not exceed 15 mg/l Ammonia Nitrogen, as determined by a grab sample. Effluent monitoring samples shall be taken following the final treatment unit.

(5) Immediately upon the Effective Date of this ATI, and continuously thereafter, Defendant J&S Water Company, L.L.C. shall not Discharge Wastewater from the Facility unless the Facility Effluent has: (1) less than 200 mpn/100ml *E. coli*, as determined by a grab sample (2) less than 15 mg/l Ammonia Nitrogen, as determined by grab sample and (3) a chorine residual of 1.0 mg/L to 4.0 mg/l, as determined by a grab sample. Effluent monitoring samples shall be taken following the final treatment unit.

(6) Defendant J&S Water Company, L.L.C. shall notify Harris County, in writing, of any Discharge of Wastewater from its WWTP that exceeds a discharge or monitoring requirement in Permit No. WQ0012382001, Effluent Limitations and Monitoring Requirements, Page 2, Numbers 1-4, as soon as possible, but no later than 24 hours of the exceedance.

(7) This Order is effective from the date and time of its entry until and to the fourteenth (14th) day after entry of this TRO, or until further ordered by this Court.

• *Temporary Restraining Order hearing Scheduled in the 133rd for January 6, 2020 at 3:00pm. BOND*

IT IS FURTHER ORDERED that pursuant to Tex. Civ. Prac. & Rem. Code § 6.001, Harris County is not required to pay a filing fee or other security for costs and is not required to pay a bond prior to the Court granting an temporary restraining order.

SIGNED this 10th day of December, 2019 at 3:02 o'clock P.m.



JUDGE PRESIDING

*This order expires January 3, 2020.
Bond waived by Statute.*

STATE OF TEXAS
COUNTY OF HARRIS

I, Marilyn Burgess, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and/or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this



12/11/2019
MARILYN BURGESS, DISTRICT CLERK
HARRIS COUNTY, TEXAS

[Handwritten signature]

Deputy