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At 5:42 P. M.
Velva L. Price, District Clerk

Cause No. D-16W-19-002002

STATE OF TEXAS,

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THE DISTRICT COURT OF

Plaintiff,

v.

TRAVIS COUNTY, TEXAS

**DAVID POLSTON and INLAND
ENVIRONMENTAL AND
REMEDICATION, INC., and INLAND
RECYCLING, L.L.C.,**

Defendants.

53^d
JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On this day the State of Texas, through its Attorney General, at the request of the Texas Commission on Environmental Quality, Plaintiff in the above-entitled and numbered cause, presented to the Court its application for temporary restraining order. The Court, having considered the contents of Plaintiff's application and accompanying affidavits, pleadings, and arguments of counsel is of the opinion that the temporary restraining order should be granted pending a hearing on the State's application for temporary injunction. This Court has jurisdiction over this cause and the parties hereto, and has jurisdiction to enter this order.

The Court finds that there is evidence showing that Defendants have violated, and threaten to violate, Texas laws that protect the quality of water in the state, including Texas Water Code Section 26.121 and Title 30 Texas Administrative Code Sections 327.5, 335.2 and 335.4.

The Court further finds that unless the Defendants are restrained, industrial solid waste and other waste will discharge from the facility owned and operated by the

Defendants located at 6254 Highway 71, Altair, Texas 77412 into or adjacent to waters in the state (*i.e.*, Skull Creek in Colorado County, Texas), and thereby threaten to render said water harmful to the public health and environment. The Court finds that such discharge and threat of discharge is a violation of Texas Water Code Section 26.121.

IT IS THEREFORE ORDERED that Defendants David Polston, Inland Environmental and Remediation, Inc., and Inland Recycling, L.L.C., as well as their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order, are hereby temporarily restrained as follows:

I.

1.1 As used in this temporary restraining order, the following terms have the meaning set forth below:

A. "Site" means the facility located 6254 Highway 71, Altair, Texas 77412, including the real and personal property.

B. "Defendants" means David Polston, Inland Environmental and Remediation, Inc., and Inland Recycling, L.L.C., as well as their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them.

C. "TCEQ" means the Texas Commission on Environmental Quality.

D. "Immediately" means the date this Court signs this Temporary Restraining Order.

E. "Waste" means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in Texas Water Code Section 26.001.

F. "Water" or "water in the state" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. It includes Skull Creek in Colorado County, Texas.

II.

2.1 Defendants shall Immediately cease and prevent all discharges of Waste from the Site into or adjacent to waters in the State, except as currently authorized by the except as currently authorized by the Multi Sector General Permit and General Permit Nos. TXR0SCW68 AND TXG830643.

2.2 Defendants shall Immediately cease accepting any Waste at the Site for storage, processing, or disposal, except as currently authorized by the Multi Sector General Permit and General Permit Nos. TXR0SCW68 AND TXG830643.

2.3 Within four days, Defendants shall contain all Waste at the Site in covered containers with no leaks, including tanks, barrels, drums, and totes.

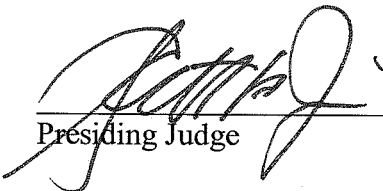
2.4 Within four days, Defendants shall drain liquid-form Waste from open-air containment basins at the Site (including the basin identified in Exhibit 1 attached hereto), and place the Waste in covered containers with no leaks, including tanks, barrels, drums, and totes.

2.5 Defendant shall Immediately cease waste-vessel washout operations unless all liquid Wastes are completely contained within a washout area on Site.

IT IS FURTHER ORDERED that the clerk shall issue notice to David Polston, Inland Environmental and Remediation, Inc., and Inland Recycling, L.L.C. that the hearing on plaintiff's application for temporary injunction is set for May 2, 2019, at 9 a.m. The purpose of the hearing will be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

This order expires on May 2, 2019.

SIGNED on April 12, 2019, at 5:35 a.m./p.m.



Presiding Judge

Agreed as to Form and Substance and Entry Requested :

Phillip Ledbetter

Amber Ahmed
Office of the Attorney General
Attorneys for the State of Texas

Agreed as to Form

Josh Romero

Michael Roberts

Attorneys for the Defendants, David Polston, Inland Environmental and Remediation, Inc., and Inland Recycling, L.L.C.