

BRANDY EMBREY, ANTIQUITY §
HOUSE LLC D/B/A VINTAGE AND §
VINES, BILLIE BARRETT, §
INDIVIDUALLY, AND AS NEXT §
FRIEND FOR A.B. AND S.B., MINORS, §
BECKY EMBREY, BILLY EMBREY, §
BRIAN VINSON, DORA VINSON, §
CHANA WILLIS, DANIEL WHEELER, §
JAMES LAURENT, MELISSA LAURENT, §
JIMMIE FREDERICK, LAURA HANNER, §
CRYSTAL EMBREY, INDIVIDUALLY, §
AND AS NEXT FRIEND FOR L.K. AND §
J.K., MINORS, WILLIAM KEITH, ALMA §
TISCARENO, CURTIS FUNK, PAMELA §
FUNK, LYNN FINNEY, KARA §
GEARNER, JONATHAN WEEMS, §
DANIEL PHELPS, GARRETT GEARNER, §
TIMMY CARMICHAEL, LIZETH §
ESTRADA, JACOMINA MULLER §
STRYDOM, SARAH SMITH, AND RYAN §
MURPHY §

Plaintiffs

V.

TEXAS SIGMA PARTNERS, LLC, §
SIGMA AGRISCIENCE, LLC, STEVEN §
RYAN HAWKINS, HAWK LITTER §
SERVICES, LLC, and AMERICAN §
TERMINAL & EXPORT CO., INC. §

Defendants

IN THE DISTRICT COURT

FILED
2022 MAY 11 PM 1:48
WOOD COUNTY DISTRICT CLERK
WOOD COUNTY DISTRICT COURT
WOOD COUNTY, TEXAS

OF WOOD COUNTY, TEXAS

402nd JUDICIAL DISTRICT

AGREED TEMPORARY INJUNCTION ORDER

This cause came on for hearing on May 11, 2022, on Plaintiffs Brandy Embrey, Antiquity House, LLC d/b/a Vintage and Vines, Billie Barrett, Individually and as Next Friend For A.B. and S.B., Minors, Becky Embrey, Billy Embrey, Brian Vinson, Dora Vinson, Chana Willis, Daniel

Wheeler, James Laurent, Melissa Laurent, Jimmie Frederick, Laura Hanner, Crystal Embrey, Individually and as Next Friend for L.K. and J.K., Minors, William Keith, Alma Tiscareno, Curtis Funk, Pamela Funk, Lynn Finney, Kara Gearner, Jonathan Weems, Daniel Phelps, Garrett Gearner, Timmy Carmichael, Lizeth Estrada, Jacomina Muller Strydom, Sarah Smith, and Ryan Murphy's (together, "Plaintiffs") application for a temporary injunction against Defendants Texas Sigma Partners, LLC, Steven Ryan Hawkins, Hawk Litter Services, LLC, and American Terminal & Export Co., Inc. (together, "Defendants").

Based on the pleadings filed to date, the evidence presented and the agreement of the parties, the Court finds that Plaintiffs have shown that they are entitled to a temporary injunction against Defendants as a consequence of the complained of activities at the fertilizer plant located at 400 All Star Dr., Winnsboro, Texas 75494 (hereinafter "Plant"). The Court further finds that Plaintiffs will suffer probable, imminent, and irreparable harm unless this Court issues a temporary injunction. Counsel for Plaintiffs and Defendants have also announced an agreement to enter into a temporary injunction, although Defendants expressly do not admit any liability.

The purpose of a temporary injunction is to preserve the status quo pending a trial on the merits. The status quo to be maintained in this matter is that which was in existence prior to Defendants' operations that are alleged to exceed permitted levels of emissions and permitted operational parameters.

Accordingly, based on the evidence presented to the Court, as well as the agreement of the parties, and in order to preserve the status quo, Defendants Texas Sigma Partners, LLC, Sigma Agriscience, LLC, Steven Ryan Hawkins, Hawk Litter Services, LLC, and American Terminal & Export Co., Inc. are temporarily enjoined as set forth below:

IT IS ORDERED that the fertilizer plant located at 400 All Star Dr., Winnsboro, Texas 75494 (hereinafter "Plant") be and hereby is commanded forthwith to desist and refrain from operating the Plant and the dryer kiln at the Plant until such time that Defendants acquire, install, and bring into operation a thermal oxidizer, which is designed to control emissions from the Plant and its dryer kiln. Defendants are enjoined from operating the Plant and the dryer kiln at the Plant until it can be confirmed by independent inspection by an accredited third-party stack-testing service provider such as Alliance Source Testing (stacktest.com) that the thermal oxidizer is functioning correctly and that it is in fact significantly reducing the nuisance emissions coming from the Plant and kiln, including, but not limited to, sulfur dioxide. Defendants have represented that the contemplated thermal oxidizer should significantly reduce or eliminate the nuisance emissions and is the solution to the emissions leaving the Plant.

IT IS FURTHER ORDERED that the Plant be and hereby is commanded forthwith to desist and refrain from operating until such time as the Plant obtains the necessary TCEQ New Source Review Permit to Construct, and/or TCEQ Permit By Rule, and/or TCEQ Standard Air Quality Permit; and fully complies with all applicable permits to be issued by the TCEQ.

IT IS FURTHER ORDERED that the Plant be and hereby is commanded forthwith to desist and refrain from operating until such time as the Plant obtains and fully complies with all required City of Winnsboro ordinances found at Chapter 14 Zoning, Section 19.2 7. a., b., c., and f.

IT IS FURTHER ORDERED that the Plant be and hereby is commanded forthwith to desist and refrain from operating until such time as the Plant creates and implements a TCEQ approved Stormwater Pollution Prevention Plan ("SWPPP") and applies for coverage under the TCEQ 2021 Multi-Sector General Permit (MSGP) for Industrial Facilities. The MSGP stipulates

that the permittee shall implement all pollution prevention practices that are determined to be necessary, reasonable, and effective to protect the water quality in receiving waters, or that are necessary to remain compliant with this general permit. The Plant must establish Best Management Practices to reduce the discharge and potential discharge of pollutants including phosphorus, ammonia and sediment in stormwater and to minimize exposure of areas of the site with industrial activity to stormwater. Raw materials should not be stored outdoors and exposed to stormwater. Non-stormwater discharge (dry-weather flow) from the plant is prohibited by the MSGP.

IT IS FURTHER ORDERED that the Plant be and hereby is commanded forthwith to desist and refrain from any of the following specified activities:

1. Discharging any visible emissions from the Plant until such time as the terms of this Order are met;
2. Processing any material, such as cow manure, that was not previously disclosed to the TCEQ, as part of the TCEQ permitting process;
3. Operating the Plant in excess of the number of hours and days permitted by the TCEQ;
4. Exceeding the Plant's certified emissions rates with the TCEQ for hourly or annual emissions of particulate matter, sulfur dioxide, ammonia, or other air contaminants;
5. Trespassing at any time onto Plaintiffs' real property through any discharge of water and sediment from the Plant that is polluted with E. coli, ammonia, or phosphorus;
6. Trespassing at any time onto Plaintiffs' real property through the Plant's emission of fumes, gas, noxious odor, or smoke; and

7. Taking any action to circumvent the enforcement of the general air quality rules in violation of 30 Tex. Admin. Code § 101.3.

IT IS FURTHER ORDERED that should the Plant violate any of the terms of this Order, then Defendants are commanded to report all known violations of this Order to the Court by filing a notice within 24 hours of the known violation(s).

Plaintiffs have previously tendered to the Court a personal surety bond in the amount of \$2,500.00. Said bond is approved by the Court and remains in place as the approved bond for the issuance of this temporary injunction.

IT IS FURTHER ORDERED, that a status conference is hereby set in the 402nd Judicial Court of Wood County, Texas on August ~~19~~²³, 2022, at 1:30 p.m. for the Court to consider Defendants' compliance with this Order and to make any necessary revisions to this Order.

IT IS FURTHER ORDERED, in accordance with Tex. R. Civ. P. 683, that a trial on the merits of this case with respect to the ultimate relief sought is hereby set to begin in the 402nd

Judicial Court of Wood County, Texas on February 13, 2023 @ 9:00 AM

SIGNED on the 14th day of May, 2022.



JUDGE PRESIDING

APPROVED:

By: 

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