

Cause No. _____

STATE OF TEXAS,

Plaintiff,

V.

**GLOBAL FIBERGLASS SOLUTIONS
OF TEXAS, LLC, VO DYNASTY,
LLC, DONALD LILLY,, GLOBAL
FIBERGLASS SOLUTIONS, INC. &
GFSI-MHE MANUFACTURING OF
TEXAS, LLC,**

Defendants.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201ST, DISTRICT COURT

JUDICIAL DISTRICT

THE STATE OF TEXAS'S ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF

The State of Texas, by and through its Attorney General, on behalf of the Texas Commission on Environmental Quality, files this Original Petition and Application for Injunctive Relief against Global Fiberglass Solutions of Texas, LLC, Global Fiberglass Solutions of Texas, Inc., GFSI-MHE Manufacturing of Texas, LLC, Donald Lilly, & Vo Dynasty, LLC. The State of Texas seeks civil penalties, injunctive relief, attorneys' fees, court costs, investigative costs, and post-judgment interest for violations of state solid waste statutes, regulations, and an administrative order.

I. DISCOVERY

1. The State of Texas (“State”) will conduct discovery under a Level 2 Discovery Control Plan pursuant to Tex. R. Civ. P. 190.3.

2. This case is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169 because the State seeks non-monetary injunctive relief.

3. Pursuant to Tex. R. Civ. P. 47(c), the State seeks (i) monetary relief over \$250,000.00 but not more than \$1,000,000.00, non-monetary relief, and all other relief to which it is entitled, or alternatively (iii) monetary relief of over \$1,000,000.00, non-monetary relief, and all other relief to which it is entitled.

II. PARTIES

4. Plaintiff, the State of Texas, is authorized to bring this suit through its Attorney General at the request of the Texas Commission on Environmental Quality (“TCEQ”). Tex. Water Code § 7.105. No filing fee or other security for costs is required of the State. Tex. Civ. Prac. & Rem. Code § 6.001.

5. Defendant Global Fiberglass Solutions of Texas, LLC (“Global LLC”) is a Texas Corporation whose principal place of business is 11335 N.E. 122nd Way, Suite 105, Kirkland, Washington 98034. While Global LLC has a registered agent listed with the Texas Secretary of State¹, it appears that its registered agent is not located in the State of Texas, as is required by Tex. Bus. Code § 5.201. Therefore, Global LLC can be served through its managing member, Donald L. Lilly, at 18813 1st Ave. W., Bothell, Washington, 98012, or wherever it may be found.

6. Global LLC is a “person” pursuant to Section 361.003(23) of the Texas Health and Safety Code and Section 311.005(2) of the Texas Government Code.

¹ According to the Texas Secretary of State’s website, Global LLC’s registered agent is GFS Holding Group, LLC, which lists its address as 11335 N.E. 122nd Way, Suite 105, Kirkland, Washington, Texas 98034. This appears to be the same address listed for Global LLC.

7. Defendant Global Fiberglass Solutions, Inc. is a foreign, for-profit corporation organized under the laws of Washington State. Global Fiberglass Solutions, Inc. does not have a registered agent in the State of Texas. Global Fiberglass Solutions, Inc.’s primary place of business is 11335 NE 122nd Way, Suite 105, Kirkland, Washington, 98034. It can be served through its managing member, Donald L. Lilly, at 18813 1st Ave. W., Bothell, Washington, 98012, or wherever it may be found. This Court has jurisdiction over Global Fiberglass Solutions, Inc. pursuant to Tex. Civ. Prac. Rem. Code § 17.042.

8. Global Fiberglass Solutions, Inc. is a “person” pursuant to Section 361.003(23) of the Texas Health and Safety Code and Section 311.005(2) of the Texas Government Code.

9. Defendant GFSI-MHE Manufacturing of Texas, LLC (“GFSI, LLC”) is a domestic limited liability company whose charter, certificate, or registration was forfeited on June 24, 2022, and whose managing member is Donald Lilly. To date, GFSI LLC’s registration has not been revived. Therefore, GFSI LLC may be served with process through its managing member, Donald Lilly, at 18813 1st Ave. W., Bothell, Washington, 98012 or wherever it may be found.

10. GFSI, LLC is a “person” pursuant to Section 361.003(23) of the Texas Health and Safety Code and Section 311.005(2) of the Texas Government Code.

11. Defendant Donald Lilly (“Lilly”) is liable in this matter as an individual. Lilly is responsible individually for the activities and violations of state law he presided over, directed, caused, suffered, allowed, and permitted, as an individual and as the managing member of GFSI, LLC, Global Fiberglass Solutions, Inc., and Global LLC. Lilly can be served at 18813 1st Ave. W., Bothell, Washington, 98012, or wherever he may be found.

12. Lilly is a “person” pursuant to Section 361.003(23) of the Texas Health and Safety Code and Section 311.005(2) of the Texas Government Code.

13. Defendant Vo Dynasty, LLC (“Vo”) is a Texas corporation whose principal place of business is located at 8200 WestGlen Dr., Houston, Tx. 77063. Vo may be served with process through its managing member, Nathan Vo, at 3126 Longleaf Meadows Dr, Houston, Tx 77063, or wherever it may be found.

14. Vo is a “person” pursuant to Section 361.003(23) of the Texas Health and Safety Code and Section 311.005(2) of the Texas Government Code.

III. JURISDICTION AND VENUE

15. This Court has jurisdiction, and venue is proper in Travis County because this is an action to enforce Chapter 7 of the Texas Water Code, Chapter 361 of the Texas Health and Safety Code, and TCEQ rules promulgated thereunder. Tex. Water Code § 7.105; Tex. Gov’t Code § 2001.202(a).

IV. NATURE OF SUIT AND AUTHORITY

16. This suit is a civil enforcement proceeding under Chapter 361 of the Texas Health and Safety Code (“Texas Solid Waste Disposal Act”) and Chapter 7 of the Texas Water Code. This matter involves the Defendant’s failure to adhere to state statutes, TCEQ regulations, and a TCEQ administrative order related to the disposal and storage of solid waste. The State seeks civil penalties, injunctive relief, attorneys’ fees, court costs, investigative costs, and post-judgment interest.

A. TCEQ Authority

17. The Texas Solid Waste Disposal Act empowers TCEQ with the authority to regulate industrial solid waste. Tex. Health & Safety Code § 361.017.

18. It is the policy of this State and the purpose of the Texas Solid Waste Disposal Act to safeguard the health, welfare, and physical property of the people and to protect the environment from solid waste. Tex. Health & Safety Code § 361.002.

1. Texas Solid Waste Disposal Act

19. Statutory provisions regarding solid waste, including industrial solid waste, are codified in Chapter 361 of the Texas Health and Safety Code. TCEQ rules regulating industrial solid waste are codified in Chapter 335, Title 30 of the Texas Administrative Code.

20. Definitions related to industrial solid waste applicable to this lawsuit include the following:

- a. **Solid Waste.** Solid waste is defined as garbage, rubbish, refuse, sludge, and other discarded material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. Materials are solid waste if they are “recycled” or accumulated, stored, or processed before recycling. Materials are solid waste if they are accumulated speculatively. *Id.* § 335.1(60)(A), (D).
- b. **Industrial Solid Waste.** Industrial Solid waste is defined as solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operation, which may include “hazardous waste.” *Id.* § 335.1(93).

- c. **Facility.** A facility is defined as all contiguous land structures, other appurtenances, and improvements on the land used for the storage, processing, or disposal of solid municipal or industrial waste. *Id.* § 335.1(71).
- d. **Disposal.** Disposal is defined as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. *Id.* § 335.1(56).
- e. **Generator.** Any person, by site or location, who produces industrial solid waste; any person who possesses industrial solid waste to be shipped to another person; or any person whose first act causes the solid waste to become subject to regulation under this chapter. *Id.* § 335.1(77).
- f. **Owner.** Owner is defined as the person that owns a facility or part of a facility. *Id.* § 335.1(127).
- g. **Operator.** Operator is defined as the person responsible for the overall operation of a facility. *Id.* § 335.1(126).
- h. **Processing.** The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment of neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so to render such waste nonhazardous,

or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. *Id.* § 335.1(141).

- i. **Storage.** The holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere. *Id.* § 335.1(167).

21. No person may cause, suffer, allow, or permit any storage, processing, or disposal of any industrial solid waste unless such activity is authorized by permit, amended permit, or other authorization from the Texas Commission on Environmental Quality or its predecessor agencies. *Id.* § 335.2(a).

22. No generator, transporter, owner or operator of a facility, or any other person may cause, suffer, allow, or permit its wastes to be stored, processed, or disposed of at an authorized facility or in violation of a permit. In the event this requirement is violated, the executive director will seek recourse against not only the person who stored, processed, or disposed of the waste, but also against the generator, transporter, owner or operator, or other person who caused, suffered, allowed, or permitted its waste to be stored, processed, or disposed. *Id.* § 335.2(b).

23. A generator shall make and keep records of all hazardous and industrial solid waste activities, regarding the quantities generated, received from off-site, stored, processed, and disposed of on-site or shipped off-site, stored, processed, and disposed of on-site or shipped off-site for storage, processing, recycling, or disposal. *Id.* § 335.9.

24. A material is accumulated speculatively if it is accumulated before being recycled. A material is not accumulated speculatively however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or

transferred to a different site for recycling, equals at least 75% by weight or volume of the amount of that material accumulated at the beginning of the period. *Id.* § 335.17(a)(8). If a facility does not meet the 75% threshold, the facility must obtain a permit to store industrial solid waste.

B. Individual Liability Under the Texas Tax Code and Business Organizations Code

25. Under Texas Tax Code Section 171.255(a), “[i]f the corporate privileges of a corporation are forfeited for the failure to file a report or pay a tax or penalty, each director or officer of the corporation is liable for each debt of the corporation that is created or incurred in this state after the date on which the report, tax, or penalty is due and before the corporate privileges are revived.” “Each officer and director is individually liable for corporate debts ‘created or incurred’ in the interim.” *Jonnet v. State*, 877 S.W.2d 520, 523 (Tex. App.—Austin 1994, writ denied). Corporate officers have a “continuing obligation” to comply with environmental statutes. *Serna v. State*, 877 S.W.2d 516, 519 (Tex. App.—Austin 1995, writ denied). Corporate officers are “liable for each day of inaction after the loss of corporate privileges.” *Id.* “An officer’s act of omission that allows an environmental contaminant to remain an open threat to the environment day after day is a wrongful act that should result in individual liability.” *Id.* at 520.

26. If the corporate privileges of a corporation are forfeited under Tex. Tax Code Chapter 171, Subchapter F, each director or officer of the corporation is liable for a debt of the corporation as provided by Tex. Tax Code § 171.255. Tex. Tax Code § 171.252(2).

27. “If a corporation’s charter or certificate of authority and its corporate privileges are forfeited and revived under this chapter, the liability under this section of a director or officer of the corporation is not affected by the revival of the charter or certificate and the corporate privileges.” Tex. Tax Code § 171.255(d).

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28. “The reinstatement of a filing entity’s certificate of formation after its forfeiture has no effect on any issue of the personal liability of the governing persons, officers, or agents of the filing entity during the period between forfeiture and reinstatement of the certificate of formation.” Tex. Bus. Orgs. Code § 11.254.

29. The Texas Secretary of State may forfeit the charter, certificate, or registration of a taxable entity if the secretary receives the comptroller’s certification under Tex. Tax Code § 171.302; and the taxable entity does not revive its forfeited privileges within 120 days after the date that the privileges were forfeited.

V. ENFORCEMENT AUTHORITY

30. No person may cause, suffer, allow, or permit a violation of a statute within TCEQ’s jurisdiction, or a rule or order adopted thereunder. Tex. Water Code § 7.101. A person who causes, suffers, allows, or permits such a violation must be assessed a civil penalty of at least \$50 but no more than \$25,000 per day per violation. *Id.* § 7.102. Each day of a continuing violation is a separate violation. *Id.*

31. The Attorney General, at the request of TCEQ, may institute a suit in the name of the State of Texas for civil penalties and injunctive relief to enforce state statutes and TCEQ rules or orders. Tex. Water Code §§ 7.032(a), 7.105; Tex. Gov’t Code § 2001.202(a).

32. No bond is required of the State prior to the granting of an injunction. Tex. Civ. Prac. & Rem. Code § 6.001.

VI. BACKGROUND

33. The unauthorized activities in this suit occurred at two distinct sites. The first site is located at or about 13 Industrial Street, Sweetwater, Nolan County, Texas (“Facility No. 1”).² At Facility No. 1, the Defendants accept out-of-service wind turbine blades, housings, and nacelles, which are the components of wind turbines that enclose the engine. Wind turbine blades are delivered on-site, cut down, and processed to the required size. Processed blade material is stored in super sacks on-site prior to being used as feed stock for various products. Operations began at Facility No. 1 on October 18, 2017.

34. The second site is located at 4310 State Highway 70 (“Facility No. 2”).³ Defendants accept and store out-of-service wind turbine blades, housings, and nacelles at Facility No. 2. Below is a map of the two facilities.

² Facility No. 1 originally consisted of two distinct parcels. The Nolan County Appraisal District identifies the two parcels as Parcel ID No. 28056 and Parcel ID No. 17976. Vo purchased a third parcel adjacent to the other two parcels on March 20, 2023. Nolan County Appraisal District identifies the third parcel as Parcel ID No. 17979. The Defendants use all three parcels as Facility No. 1.

³ Facility No. 2 is a 10-acre tract. The Nolan County Appraisal District identifies the parcel as Parcel ID No. 60501.

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Figure 1- Map indicating locations of both facilities.

35. As of March 3, 2025, Facility No. 1 contains approximately 358,996 cubic yards of solid waste. As of March 3, 2025, Facility No. 2 contains approximately 128,171 cubic yards of solid waste.

36. Since operations began in 2017, Defendants have transferred ownership of the Facilities amongst themselves several times.

37. Global Fiberglass Solutions, Inc. has owned the underlying property at Facility No. 2 from at least March 15, 2017, to present.

38. GFSI, LLC owned the underlying property at Facility No. 1 from February 28, 2018, to August 31, 2022, and again from March 31, 2023, to November 13, 2023. Vo Dynasty has owned at least part of the underlying property at Facility No. 1 since August 31, 2022.

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39. None of the defendants have ever had authorization from the Commission to operate, process, dispose of, or store industrial solid waste at either of the Facilities.

40. Global LLC has operated and continues to operate both Facility No. 1 and Facility No. 2.

41. Global LLC began operating at both Facilities in 2017. Global LLC began storing blades, nacelles, and housings at Facility No. 2 in February 2017. Global LLC began storing blades, nacelles, and housings at Facility No. 1 in October 2017. The TCEQ conducted a series of investigations at both Facilities, and documented the unauthorized storage, processing, and disposal of industrial solid waste.

42. On September 18, 2018, TCEQ investigated both Facilities after receiving an anonymous complaint. The investigation revealed that Global LLC engaged in recycling activities without notifying the TCEQ. Investigators also concluded that Global LLC speculatively accumulated wind turbine blades and associated industrial solid waste at the Facilities. Global LLC did not meet the requirement contained in 30 Texas Administrative Code Section 335.9 that 75% of material be recycled per calendar year in order to meet an exception or exemption to the requirement to obtain a permit or authorization for the activity. Global LLC did not have a permit to operate either facility during the September 18, 2018, investigation. Investigators informed Global LLC that it was required to obtain a permit to store industrial solid waste if it could not meet the recycling requirements.

43. On February 10, 2021, investigators returned to the Facilities. The TCEQ investigator attempted to perform an on-site investigation, but the office door and all gates to the facility were locked, and no one was present at the facility. Global LLC had not engaged in any

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significant recycling activities in quite some time. Investigators were unable to enter and inspect the facilities. However, investigators determined that Global LLC placed waste storage in the unrestricted areas of both facilities.

44. On February 12, 2021, TCEQ investigators contacted Mr. Paul Brush, the Director of Plant Development at the Facilities. Mr. Brush informed TCEQ that the facilities had been closed since at least April 2020, all employees had been furloughed, and no access to either facility could be arranged. Mr. Brush also confirmed that Global LLC had acquired more blades since April 2020 and stored them at both facilities. Mr. Brush also told TCEQ investigators that Global had never recycled 75% of the materials on-site since the facilities had started operating. Additionally, while Global LLC had represented that it was processing wind turbine blades and component parts to then sell as feed stock, Mr. Brush told TCEQ that only a very small amount of processed material had ever left the site and only as samples for potential customers and for lab analysis. Mr. Brush was also unable to provide TCEQ with any records regarding the waste Global LLC accepted and processed. TCEQ cited Global LLC for failing to provide records of hazardous waste and industrial solid waste activities.

45. TCEQ investigators returned to the facilities on October 8, 2021, to follow-up on the February 12, 2021, investigation. At Facility No. 1, no one representing Global LLC was available on-site and Global LLC had abandoned the Site. Investigators noted that Global LLC had not processed any material for recycling since the previous investigation. Investigators documented fiberglass wind turbine blades and fiberglass turbine housings, including more than 2,100 wind turbine blades, some of which can be seen in Figures 2, 3 and 4 below. Investigators

documented a total of 320,009.90 cubic yards of waste, covering an area of approximately 940,000 square feet, all of which Global LLC abandoned and disposed.



Figure 2- Piles of Blades on Western Portion of Facility No. 1

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Figure 3- Piles of Blades on Fenced Portion of Facility No. 1



Figure 4- Aerial Image of Facility No. 1 on October 8, 2021 showing wind turbine blades and associated waste

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46. That same day, TCEQ investigators visited Facility No. 2. Investigators observed that Global LLC disposed of approximately 384,000 square feet of waste at Facility No. 2, primarily consisting of approximately 940 discarded wind turbine blades. These blades can be seen in Figures 5, 6, and 7 below. After the visit to the Facilities, TCEQ cited Global for failing to meet the requirement contained in 30 Texas Administrative Code Section 335.9 that 75% of material be recycled per calendar year in order to meet an exception or exemption to the requirement to obtain a permit or authorization for the activity.



Figure 5- View of sign stating "these blades are being prepared for recycling" and stacks of blades at Facility No. 2

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Figure 6- View of Stacks of Blades at Facility No. 2 from State Highway 70



Figure 7 - Aerial Image of Facility No. 2 captured March 7, 2025.

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47. The TCEQ entered an Agreed Order against Global LLC on November 16, 2022, Docket No. 2022-0065-IHW-E (“the 2022 Order”). The 2022 Order became effective on November 28, 2022. The 2022 Order applied to both Facility No. 1 and Facility No. 2. The Order required Global LLC to:

- a. immediately cease storing any additional industrial solid waste until Global LLC obtained the proper authorization;
- b. begin maintaining all records of hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal within 30 days;
- c. obtain a permit to store Industrial Solid Waste at Facility No. 1 within 365 days;
- d. obtain a permit to store Industrial Solid Waste at Facility No. 2 within 365 days; and
- e. submit written certification, including detailed supporting documentation showing compliance with the above provisions within 380 days.

48. TCEQ granted an extension request for compliance with the Order, and compliance with Ordering Provisions b. through e. was due on October 15, 2024.

49. The 2022 Order also provided a second option for compliance. Ordering Provision 2.f. provided that in lieu of the above ordering provisions, Global LLC instead could remove all unauthorized Industrial Solid Waste from Facility No. 1 and Facility No. 2 and dispose of it at an authorized facility within 60 days. TCEQ granted an extension request for the compliance date, and compliance with Ordering Provision 2.f. was due on October 15, 2024.

50. Donald L. Lilly, the Managing Director of Global LLC, signed the Agreed Order as the authorized representative of Global LLC on June 9, 2022.

51. TCEQ investigators returned to the facilities on March 7, 2025, to evaluate Global LLC's compliance with the 2022 Agreed Order. Upon arrival, investigators observed that Global LLC had abandoned the Facilities. At Facility No. 1, the building and gates to the processing area were locked and no one was present at the facility. Investigators noted that since the October 8, 2021, investigation, not only had Global LLC not removed any waste from Facility No. 1, but Global LLC accepted additional waste at Facility No. 1, primarily consisting of new blades and nacelles. Investigators obtained shipping manifests from the trucking company that brought blades and nacelles to the site, confirming that Global LLC accepted new industrial solid waste at Facility No. 1 in blatant violation of the 2022 Agreed Order. Investigators observed that Global LLC had added approximately 38,985 cubic yards of new waste to Facility No. 1. Some of the new waste can be observed in Figure 8 below.



Figure 8- Discarded Blades and Nacelles at Facility No. 1

52. A file review indicated that, despite having more than two years to comply with the provisions of the Agreed Order, Global LLC had also not obtained any permits to store industrial solid waste at Facility No. 1, in direct violation of the 2022 Agreed Order. Global LLC also did not maintain any records regarding the collection and storage of industrial solid waste at its Facilities in direct violation of the 2022 Agreed Order.

53. When investigators visited Facility No. 2, it appeared to be in the same state as it was during the previous October 2021 investigation. Global has not removed any waste from the facility, in direct violation of the 2022 Agreed Order. Global LLC appears to have abandoned Facility No. 2. TCEQ conducted a file review, indicating that Global LLC had not obtained any permit to store industrial solid waste at the facility as required by the 2022 Agreed Order. TCEQ issued a notice of enforcement for the continued violations.

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54. Investigators visited Facility No. 1 again on October 15, 2025. Global continues to store thousands of discarded wind turbine blades and other component parts at Facility No. 1 in direct violation of the 2022 Agreed Order as shown in the photos below.



Figure 9- Stacks of Discarded Wind Turbine Blades at Facility No. 1



Figure 10- Pile of Shredded Wind Turbines Abandoned at Facility No. 1

VII. CLAIM ONE: CIVIL PENALTIES AGAINST GLOBAL FIBERGLASS SOLUTIONS OF TEXAS, LLC

A. Failure to Comply with Agreed Order Docket No. 2022-0065-IHW-E

55. A person may not cause, suffer, allow, or permit a violation within TCEQ's jurisdiction, or a rule, order, or permit used under such a statute. Tex. Water Code § 7.101.

56. A person who causes, suffers, allows, or permits a violation of a statute, order, or rule under TCEQ's jurisdiction must be assessed a civil penalty of not less than \$50.00 nor greater than \$25,000.00 per day per violation. Tex. Water Code § 7.102. Each day of a continuing violation is a separate violation. *Id.*

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57. As stated above, the Agreed Order issued by TCEQ against Global LLC became effective November 28, 2022.

58. Ordering provision 2.a. required Global LLC to immediately upon the effective date of the Agreed Order to cease storing any additional Industrial Solid Waste at both facilities.

59. During the March 7, 2025, investigation, TCEQ investigators discovered that Global LLC had continued to accept new industrial solid waste at Facility No. 1 after the 2022 Agreed Order became effective. Documents from a transporter confirmed that Global LLC accepted numerous shipments of industrial solid waste to Facility No. 1 in violation of Ordering Provision 2.a. Therefore, Global LLC caused, allowed, and permitted a violation of an order issued under a statute within the TCEQ's jurisdiction, through the violation of Ordering Provision 2.a. of the 2022 Agreed Order, in violation of Tex. Water Code § 7.101 from November 28, 2022, to present.

60. Ordering Provision 2.b. required Global LLC to begin maintaining all records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal within 30 days. Global LLC requested and TCEQ granted an extension of the compliance date. Global LLC was required to begin maintaining these records by October 15, 2024.

61. During the March 7, 2025, investigation, no records were provided to TCEQ by Global LLC in violation of Ordering Provision 2.b. Therefore, Global LLC caused, allowed, and permitted a violation of an order issued under a statute within the TCEQ's jurisdiction, through the violation of Ordering Provision 2.b. of the 2022 Agreed Order, in violation of Tex. Water Code § 7.101 from October 15, 2024, to present.

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62. Ordering Provision 2.c. required that Global LLC obtain a permit to store Industrial Solid Waste at Facility No. 1 within 365 days. Global LLC requested and TCEQ granted an extension of the compliance date. Global LLC was required to obtain these permits by October 15, 2024.

63. During the March 7, 2025, investigation, TCEQ investigators discovered that Global LLC had never obtained a permit to store industrial solid waste at Facility No. 1. Investigators observed industrial solid waste at Facility No. 1. Therefore, Global LLC caused, allowed, and permitted a violation of Ordering Provision 2.c. of the 2022 Agreed Order, in violation of Tex. Water Code § 7.101 from October 15, 2024, to present.

64. Ordering Provision 2.d. required that Global LLC obtain a permit to store Industrial Solid Waste at Facility No. 2 within 365 days. Global LLC requested and TCEQ granted an extension of the compliance date. Global LLC was required to obtain these permits by October 15, 2024.

65. During the March 7, 2025, investigation, TCEQ investigators discovered that Global LLC had never obtained a permit to store industrial solid waste at Facility No. 2. Investigators observed industrial solid waste at Facility No. 2. Therefore, Global LLC caused, allowed, and permitted a violation of Ordering Provision 2.d. of the 2022 Agreed Order, in violation of Tex. Water Code § 7.101 from October 15, 2024, to present.

66. Ordering provision 2.f. provided a secondary compliance option to Global LLC. In lieu of Ordering Provisions 2.c. and 2.d., Global LLC could remove all unauthorized Industrial Solid Waste from the Facilities and dispose of it at an authorized facility within 60 days. Global LLC requested and TCEQ granted an extension of the compliance date. Global LLC was required

to remove all Industrial Solid Waste by October 15, 2024, if it did not obtain the permits required by Ordering Provisions 2.c. and 2.d.

67. During the March 7, 2025, investigation, investigators discovered that Global LLC had not removed any industrial solid waste from either facility. In fact, Global LLC continued to accept additional fiberglass wind turbine blades and wind turbine housings at Facility No.1 in direct violation of the 2022 Agreed Order. Therefore, Global LLC caused, allowed, and permitted a violation of Ordering Provision 2.f. of the 2022 Agreed Order, in violation of Tex. Water Code § 7.101 from October 15, 2024, to present.

B. Unauthorized Disposal of Industrial Solid Waste

68. A person may not cause, suffer, allow, or permit a violation of a statute within the Commission's jurisdiction, or a rule, order or permit issued under such a statute. Tex. Water Code § 7.101.

69. No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any industrial solid waste without authorization from the Commission. 30 Tex. Admin. Code §§ 335.2(a), 335.4. It is a violation of the Texas Water Code for a person to cause, suffer, allow, or permit a violation of a Commission rule or order. Tex. Water Code § 7.101.

70. A person who causes, suffers, allows, or permits a violation of a statute, order, or rule under the Commission's jurisdiction must be assessed a civil penalty of not less than \$50 nor more than \$25,000 per day, per violation. *Id.* At § 7.102.

71. The TCEQ documented that Global LLC operated a disposal site, accepting wind turbine blades, nacelles, and other waste associated with wind turbines and disposed of the waste at both Facility No. 1 and Facility No. 2 without authorization. Wind turbine blades, nacelles, and

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other waste associated with wind turbines is classified as industrial solid waste. Unauthorized industrial solid waste remains onsite at both Facility No. 1 and Facility No. 2. Global LLC did not have a permit, registration, or other authorization from the TCEQ to conduct any activity of storage, processing, or disposal of industrial solid waste at either Facility No. 1 or Facility No. 2.

72. Therefore, Global LLC has been in violation of 30 Tex. Admin. Code §§ 335.2(a), 335.4; and Tex. Water Code § 7.101 from at least October 15, 2024, to present.

C. Failure to Maintain Records of Waste Activities

73. A generator shall make and keep records of all hazardous and industrial solid waste activities, regarding the quantities generated, received from off-site, stored, processed, and disposed of on-site or shipped off-site, stored, processed, and disposed of on-site or shipped off-site for storage, processing, recycling, or disposal. 30 Tex. Admin. Code § 335.9.

74. During the March 7, 2025, investigation, Global, LLC did not provide any records of hazardous and industrial solid waste activities to TCEQ. TCEQ has never received such records from Global, LLC.

75. Therefore, Global LLC has failed to make and keep records of all hazardous and industrial solid waste activities and has been in violation of 30 Tex. Admin. Code § 335.9; and Tex. Water Code § 7.101 since at least October 15, 2024, to present.

VIII. CLAIM TWO: CIVIL PENALTIES AGAINST DONALD LILLY

76. No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any industrial solid waste without authorization from the Commission. 30 Tex. Admin. Code §§ 335.2(a), 335.4. It is a violation of the Texas Water Code for a person to cause, suffer, allow, or permit a violation of a Commission rule or order Tex. Water Code § 7.101.

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77. As of June 24, 2022, GFSI, LLC forfeited its corporate privileges by way of tax forfeiture under Texas Tax Code Chapter 171. GFSI, LLC's corporate privileges have not been reinstated.

78. Lilly has been an officer of GFSI, LLC since its formation.

79. Lilly is thus individually liable for the activities and violations occurring on and in relation to Facility No. 1, and the debts and obligations incurred by GFSI, LLC, at all times since GFSI, LLC was forfeited.

80. Additionally, Lilly, as the sole officer of GFSI, LLC, was the sole person responsible for and capable of causing GFSI, LLC to comply with state statutes and rules, yet he failed to do so.

81. Lilly has never obtained, nor caused Global LLC or GFSI, LLC to obtain, authorization from the Commission to store, process, or dispose of industrial solid waste at either Facility No. 1 or Facility No. 2. Unauthorized industrial solid waste remains onsite at both Facility No. 1 and Facility No. 2.

82. Therefore, Lilly presided over, directed, caused, suffered, allowed, and permitted the unauthorized disposal of industrial solid waste at Facility No. 1 and Facility No. 2, and has been in violation of 30 Tex. Admin. Code §§ 335.2(a), 335.4, and Tex. Water Code § 7.101 from February 28, 2018 to present.

IX. CLAIM THREE: CIVIL PENALTIES AGAINST VO DYNASTY, LLC

83. No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any industrial solid waste without authorization from the Commission. 30

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Tex. Admin Code §§ 335.2(a), 335.4. It is a violation of the Texas Water Code for a person to cause, suffer, allow, or permit a violation of a Commission rule or order. Tex. Water Code § 7.101.

84. Vo has been the owner of a portion of the property underlying Facility No. 1 since August 31, 2022. Vo does not have a permit, registration, or other authorization from the Commission to conduct any activity of storage, processing, or disposal of industrial solid waste at Facility No. 1. Vo caused, suffered, allowed, or permitted the unauthorized storage, processing, or disposal of industrial solid waste. Unauthorized industrial solid waste remains onsite.

85. Therefore, Vo has been in violation of 30 Tex. Admin. Code §§ 335.2(a), 335.4, and Tex. Water Code § 7.101 from at least August 31, 2022, to present.

X. CLAIM FOUR: CIVIL PENALTIES AGAINST GFSI-MHE MANUFACTURING OF TEXAS, LLC

86. No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any industrial solid waste without authorization from the Commission. 30 Tex. Admin Code §§ 335.2(a), 335.4. It is a violation of the Texas Water Code for a person to cause, suffer, allow, or permit a violation of a Commission rule or order. Tex. Water Code § 7.101.

87. GFSI, LLC owned the property underlying Facility No. 1 from February 28, 2018, to August 30, 2022 and again from March 31, 2023 to November 13, 2023. GFSI, LLC did not have a permit, registration, or other authorization from the Commission to conduct any storage, processing, or disposal of industrial solid waste at Facility No. 1. GFSI, LLC caused, suffered, allowed, or permitted the unauthorized storage, processing, or disposal of industrial solid waste. Unauthorized industrial solid waste remains on site.

88. Therefore, GFSI, LLC has been in violation of 30 Tex. Admin. Code §§ 335.2(a), 335.4, and Tex. Water Code § 7.101 from February 28, 2018 to present.

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XI. CLAIM FIVE: CIVIL PENALTIES AGAINST GLOBAL FIBERGLASS SOLUTIONS, INC.

89. No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any industrial solid waste without authorization of the Commission. 30 Tex. Admin Code §§ 335.2(a), 335.4. It is a violation of the Texas Water Code for a person to cause, suffer, allow, or permit a violation of a Commission rule or order. Tex. Water Code § 7.101.

90. Global Fiberglass Solutions, Inc. owned the property underlying Facility No. 2 from at least February 15, 2017, to present. Global Fiberglass Solutions, Inc. did not have a permit, registration, or other authorization from the Commission to conduct any storage, processing, or disposal of industrial solid waste at Facility No. 2. Global Fiberglass Solutions, Inc. caused, suffered, allowed, or permitted the unauthorized storage, processing, or disposal of industrial solid waste. Unauthorized industrial solid waste remains on site.

91. Therefore, Global Fiberglass Solutions, Inc. has been in violation of 30 Tex. Admin. Code §§ 335.2(a), 335.4, and Tex. Water Code § 7.101 from at least February 15, 2017 to present.

XII. CLAIM SIX: APPLICATION FOR INJUNCTIVE RELIEF

92. The Attorney General may commence an action on behalf of the State to enjoin a violation or threatened violation of any TCEQ rule or order. Tex. Water Code § 7.032(b). As alleged above, the Defendants are in current violation of state statutes, TCEQ rules, and a TCEQ order. Accordingly, the State seeks an appropriate injunctive order to prevent violations or threatened continuing violations and to obtain appropriate corrective actions.

93. No bond is required of the State prior to granting an injunction as set forth in Tex. Water Code § 7.032(d).

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94. When it is determined that a statute is being violated, it is within the province of the district court to restrain it, and a balancing of the equities does not apply. *State v. Tex. Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979). When the applicant relies upon a statutory source for injunctive relief, the statute's express language supersedes the common law injunctive relief elements such as imminent harm or irreparable injury and lack of an adequate remedy at law. *West v. State*, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.). Where the facts conclusively show a party is violating the substantive law it becomes the duty of the court to enjoin the violation and in such case, there is no discretion to be exercised. *Kubala Pub. Adjusters, Inc. v. Unauthorized Prac. of L. Comm.*, 133 S.W.3d 790, 795 (Tex. App.—Texarkana 2004, no pet.); *Health Enrichment & Longevity Inst., Inc. v. State*, No. 03-03-00578-CV, 2004 WL 1572935, at *5 (Tex. App.—Austin July 15, 2004, no pet.) (mem. op.); *Crain v. Unauthorized Prac. of L. Comm.*, 11 S.W.3d 328, 332 (Tex. App.—Houston [1st Dist.] 1999, pet. denied); *Green v. Unauthorized Prac. of L. Comm.*, 883 S.W.2d 293, 296 (Tex. App.—Dallas 1994, no writ); *Priest v. Tex. Animal Health Comm'n*, 780 S.W.2d 874, 876 (Tex. App.—Dallas 1989, no writ).

95. The State requests that the Court grant a temporary and permanent injunction (“Injunction”) ordering the Defendants, their officers, agents, servants, employees, and all other persons in active concert or participation with him, whether directly or indirectly, to be enjoined as follows:

Definitions

The following terms shall have the following meaning in this Injunction:

- a. **“Authorized Disposal Facility”** means a facility authorized by TCEQ to accept, receive, and dispose of industrial solid waste.

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- b. **“Defendants”** means Global Fiberglass Solutions of Texas, LLC, Vo Dynasty, LLC, Donald Lilly, Global Fiberglass Solutions, Inc., GFSI-MHE Manufacturing, LLC.
- c. **“Global”** means Global Fiberglass Solutions of Texas, LLC, its agents, servants, employees, and all other persons in active concert with it, whether directly or indirectly.
- d. **“Vo”** means Vo Dynasty, LLC, its agents, servants, employees, and all other persons in active concert with it, whether directly or indirectly.
- e. **“Effective Date”** shall mean and refer to the date on which the Court signs an order or judgment with injunctive provisions.
- f. **“Days”** means calendar days.
- g. **“Industrial Solid Waste”** mean solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operation. 30 Tex. Admin. Code § 335.1(92).
- h. **“Processing”** means the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment of neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable

for recovery, amenable for storage, or reduced in volume. 30 Tex. Admin. Code § 335.1(141).

- i. **“Storage”** means the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere. 30 Tex. Admin. Code § 335.1(167).
- j. **“Disposal”** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste or any constituent of may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. 30 Tex. Admin. Code § 335.1(56).
- k. **“Facility”** A facility is defined as all contiguous land structures, other appurtenances, and improvements on the land used for the storage, processing, or disposal of solid municipal or industrial waste. 30 Tex. Admin. Code § 335.1(71).
- l. **“Facility No. 1”** shall mean and refer to the property located at 13 Industrial Road, Sweetwater, Nolan County, Texas.
- m. **“Facility No. 2”** shall mean and refer to the property located at 4310 State Highway 70, Sweetwater, Nolan County, Texas.
- n. **“Facilities”** shall mean and refer to Facility No. 1 and Facility No. 2, as described above.
- o. **“State”** shall mean and refer to the State of Texas.
- p. **“TCEQ”** shall mean and refer to the Texas Commission on Environmental Quality.

Ordering Provisions:

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A. Immediately upon the Effective Date, the Defendants must cease accepting, processing, or disposing of any industrial solid waste at the Facilities.

B. Within 90 days after the Effective Date, the Defendants shall remove one half of the unauthorized industrial solid waste from the Facilities and dispose of it at an authorized disposal facility.

C. Within 180 days after the Effective Date, the Defendants shall remove all the unauthorized industrial solid waste from the Facilities and dispose of it at an authorized disposal facility.

D. Within 200 days after the Effective Date, Defendants shall submit written certification, and include photographs, receipts, and/or other records demonstrating compliance. Such certifications must be signed by Defendants and shall include the following language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my familiarity of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The written certifications shall be submitted to:

Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC 149A
Austin, Texas 78711-3087

and

Waste Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality

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1977 Industrial Boulevard
Abilene, Texas 79602-7833

and

Aidan Read, Assistant Attorney General
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Environmental Protection Division
P.O. Box 12548, MC-066
Austin, Texas 78711-2548
Aidan.Read@oag.texas.gov

XIII. CLAIM SEVEN: ATTORNEY'S FEES AND COSTS

96. This is an action brought by the State to recover civil penalties and for injunctive relief. There, as set forth in Tex. Gov't Code § 402.006(c) and Tex. Water Code § 7.108, the Attorney General is entitled to recover and collect reasonable attorney's fees, investigative costs, and court costs incurred in relation to this proceeding on behalf of the State. In the event of an appeal to the Court of Appeals or the Supreme Court, the Attorney General is entitled to recover and collect its additional reasonable attorney's fees and court costs on behalf of the State.

XIV. CLAIM EIGHT: POST-JUDGMENT INTEREST

97. Pursuant to Tex. Fin. Code § 304.003, the State asks this Court to award the State post-judgment interest on all amounts awarded in relation to this proceeding, at the maximum rate allowed by law.

PRAYER

The State of Texas requests the following, that:

1. Citation be issued for Defendants, to appear and answer;
2. Upon trial, the Court grant judgment against Defendants for appropriate civil penalties within the range allowed by law as requested above;

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3. The Court grant a temporary and permanent injunction against Defendants as requested above;
4. The Court award the State its reasonable attorneys' fees, investigative costs, and court costs in this action;
5. The Court award the State post-judgment interest on all amounts awarded herein until fully paid; and
6. The Court award the State all such other relief, general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

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Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

KELLIE E. BILLINGS-RAY
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ATTORNEYS FOR THE STATE OF TEXAS

State of Texas v. Global Fiberglass Solutions of Texas, LLC, Global Fiberglass Solutions, Inc., GFSI-MHE Manufacturing of Texas, LLC, Donald Lilly, & Vo Dynasty, LLC

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Julisa Tristan on behalf of Aidan Read

Bar No. 24138747

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Envelope ID: 110811657

Filing Code Description: ORIGINAL PETITION/APPLICATION - (OCA)

Filing Description: THE STATE OF TEXAS'S ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF

Status as of 2/5/2026 11:21 AM CST

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