



STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

June 25, 2020

**Certified Mail #7012 2920 0000 4177 1771**

Mr. Mark Schwieger  
BrandSafway Solutions, LLC  
CO – CL Coatings  
17315 Ashland Ave.  
East Hazelcrest, IL 60429

**Re: BrandSafway Solutions LLC, Moss Point  
Agreed Order No. 7051 20**

Dear Mr. Schwieger:

Enclosed you will find a copy of **Agreed Order No. 7051 20**, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief  
Environmental Compliance and Enforcement Division

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 67388  
ENF20200001

OFFICE OF POLLUTION CONTROL  
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BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7051 20

BRANSAFWAY SOLUTIONS, LLC  
10005 OLD STAGE ROAD  
MOSS POINT, MISSISSIPPI 39562

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and BrandSafway Solutions, LLC, Moss Point, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated April 13, 2018, April 24, 2019, May 16, 2019, and June 11, 2019, Respondent was contacted by Complainant and notified of the following violations at its facility located at 10005 Old Stage Road, Moss Point, Mississippi in Jackson County:

- A. 40 CFR 122.26(a)(ii) and 11 Miss. Admin Code Pt.6, R.1.1.1.B(2)(b)(1): Respondent failed to obtain a NPDES permit for discharge associated with industrial activity. Respondent submitted a Baseline Notice of Intent form on May 14, 2018 and was issued a certificate of permit coverage under Mississippi's Baseline Storm Water General NPDES Permit on July 6, 2018.
- B. 11 Miss. Admin. Code Pt. 2, R. 1.3.C.: Respondent caused the emission of particles in sufficient amounts to be a public nuisance. In a response dated May 8, 2018,

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Respondent asserted it completed construction of the enclosures for blasting operations to minimize air emissions on March 30, 2018.

- C. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. S-2: Respondent failed to notify MDEQ in writing within fifteen (15) days of beginning construction. Respondent began operations of the equipment in January 2016. In a response dated May 8, 2018, Respondent submitted the notification of construction.
- D. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. S-4: Respondent failed to submit certification of construction within thirty (30) days of completion of construction or installation of an approved stationary source or prior to startup, whichever is earlier. Respondent began operations of the equipment in January 2016. In a response dated May 8, 2018, Respondent submitted the certification of construction.
- E. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. T-19: Respondent began operation of the new stationary source, for which a Permit to Construct was issued, prior to the submittal of the certification of construction. Respondent began operations of the equipment in January 2016. In a response dated May 8, 2018, Respondent submitted the certification of construction.
- F. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. T-21: Respondent failed to submit an application for issuance of the State Permit to Operate within twelve (12) months after beginning operation. Respondent began operations of the equipment in January 2016. Respondent submitted the application for issuance of the State Permit to Operate on October 20, 2017.
- G. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. S-1: Respondent failed to submit the 2016 and 2017 Annual Monitoring Reports by January 31, 2017 and January 31, 2018, respectively. Respondent submitted the 2016 Annual Monitoring Report on November 6, 2018. Respondent submitted the 2017 Annual Monitoring Report on May 14, 2018.
- H. Permit To Construct Air Emissions Equipment No. 1280-00146, GRPT0000000001 Operations Subject to 40 CFR Subpart HHHHHH, Condition Nos. L-1 through L-3: Respondent applied spray-applied coatings in a non-enclosed space. In a response

dated May 8, 2018, Respondent asserted the facility is not subject to 40 CFR Subpart HHHHHH.

- I. Permit To Construct Air Emissions Equipment No. 1280-00146, GRPT0000000001 Operations Subject to 40 CFR Subpart HHHHHH, Condition No. L-4: Respondent failed to submit initial notification or a notification of compliance status no later than 180 days after initial startup. In a response dated May 8, 2018, Respondent asserted the facility is not subject to 40 CFR Subpart HHHHHH.
- J. Permit To Construct Air Emissions Equipment No. 1280-00146, Condition No. L-6: Respondent exceeded the individual hazardous air pollutant (HAP) emissions limit of 9.0 tons/year for Xylene seven (7) times as determined for consecutive 12-month periods ending in September 2017, October 2017, November 2017, December 2017, January 2018, February 2018, and March 2018. In email correspondence dated February 26, 2020, Respondent asserted the facility would begin using products with considerably less Xylene content.
- K. Miss. Code Ann. § 17-17-17: Respondent created an unauthorized dump.
- L. Miss. Code Ann. § 49-17-29: Respondent caused to be placed wastes, namely spent blasting media, in a location likely to cause pollution of waters of the state.
- M. 11 Miss. Admin Code Part 3, Chapter 1, Rule 1.3 per 40 CFR Part 262.16(b)(2)(iv): Respondent failed to conduct weekly inspections of the central accumulation areas. In a response dated June 24, 2019, Respondent submitted an inspection checklist for the central accumulation areas.
- N. 11 Miss. Admin Code, Part 3, Chapter 1, Rule 1.3 per 40 CFR Part 262.16(b)(8) and (9): Respondent failed to comply with the conditions found under subheading "Preparedness and prevention" and subheading "Emergency procedures". On June 20, 2019, Respondent submitted a plan titled "Emergency Procedure, Preparedness & Prevention Plan".
- O. 11 Miss. Admin Code Part 3, Chapter 1, Rule 1.3 per 40 CFR Part 262.18: Respondent failed to obtain an EPA Identification Number. Respondent applied for Mississippi Small Quantity Generator status and, subsequently, was issued an EPA Identification Number on May 14, 2019.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$234,264.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Accounts Receivable  
P.O. Box 2261  
Jackson, MS 39225

- B. On or before August 15, 2020, Respondent agrees to implement the "Sampling Spent Abrasive Blasting Media Standard Operating Procedure (SOP)" dated December 2, 2019 and submit the results to:

Mississippi Department of Environmental Quality  
Attn: Ethan Mayeu  
P.O. Box 2339  
Jackson, MS 39225

- C. At least thirty (30) days prior to the removal of any spent abrasive blasting media from the Site, Respondent shall submit to MDEQ for review and approval a "Spent Abrasive Blasting Media Removal Plan". This plan shall include, at a minimum, the proposed disposal/reuse options, proposed documentation actions certifying proper disposal/reuse, and timelines for the removal of the spent abrasive blasting media at the Site. This plan shall be submitted to the address in 2.B.

- D. On or before December 31, 2020, Respondent agrees to remove and appropriately manage all existing spent blasting media from the Site in accordance with the MDEQ approved "Spent Abrasive Blasting Media Removal Plan".

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 25th day of June, 2020.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

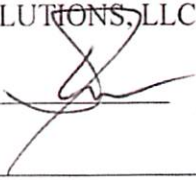
MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS  
INTERIM EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 9 day of June, 2020.

BRANDSAFWAY SOLUTIONS, LLC

BY: STEVE WERON 

TITLE: V.P.

STATE OF TENNESSEE

COUNTY OF DAVIDSON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Steve Weron who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the V.P. of BrandSafway Solutions, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9 day of June, 2020.

  
NOTARY PUBLIC

My Commission expires: 10/2/2023

