



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

December 9, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Ken Kohart  
Kohart Surplus and Salvage, Inc.  
15360 State Route 613 East  
Paulding, OH 45879

RE: Bryan Foods property, West Point, MS

Dear Mr. Kohart:

In order to settle certain environmental issues regarding the above facility, you have agreed to the conditions of Agreed Order No. 6368 13, which has been executed by the Executive Director, Trudy Fisher. A copy of the Agreed Order is enclosed.

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 Fees Division at P. O. Box 2339, Jackson, MS 39225.

If you have any questions in this matter, please contact Danny Jackson @ 601-961-5225.

Sincerely,

A handwritten signature in blue ink that reads "Danny S. Jackson".

Danny Jackson, Chief  
Air Toxics Branch

cc: Danny Jackson

Enclosure

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6368 13

Kohart Surplus and Salvage, Inc.  
15360 State Route 613 East  
Paulding, Ohio 45879

RESPONDENT

AGREED ORDER

COME NOW THE Mississippi Commission on Environmental Quality (Commission), Complainant, and Kohart Surplus and Salvage, Inc., Respondent, in the above captioned cause and agree as follows:

1.

Respondent, Kohart Surplus and Salvage, Inc. is a facility demolition operator and is subject to Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-17, and the rules and regulations promulgated by the Commission pursuant thereto.

A regulation compliance monitoring inspection performed on March 26, 2013 by the Office of Pollution Control on the site of the former Bryan Foods meat packing facility, West Point, Mississippi has revealed that Respondent failed to comply with State law and regulations pertaining to asbestos control. This inspection discovered that Respondent had commenced facility demolition operations to salvage building materials without first completing checks for asbestos materials and providing notice of a regulated demolition operation to the MDEQ, as required by 61.145 (a) and (b) of Part 61, Subpart M of the Code of Federal Regulations and incorporated by reference into Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Provisions for Hazardous Air Pollutants (11 Miss. Admin. Code, Part 2, Chapter 1, Rule 1.8).

Respondent suspended operations to address the requirements of regulations and engaged the services of a MDEQ certified asbestos abatement contractor and inspector who reported that debris piles from the demolition activity contained asbestos material that must be abated for safe and regulation compliant operations. This demolition disturbance of asbestos materials failed to

comply with regulation provisions requiring abatement of regulated asbestos containing material before the start of the demolition operation, as set forth in 61.145 (c) of Part 61, Subpart M of the Code of Federal Regulations and incorporated by reference into Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Provisions for Hazardous Air Pollutants (11 Miss. Admin. Code, Part 2, Chapter 1, Rule 1.8).

Respondent submitted a proposal for site remediation on September 5, 2013 which was met with a request from the Office of Pollution Control for a more expedient schedule for removing and cleaning asbestos contamination and debris from the Bryan Foods site and property.

2.

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

- A. Kohart Surplus and Salvage, Inc. agrees to pay, and Complainant agrees to accept, a monetary penalty in the amount of \$7,500.00 as full and complete settlement of the violations listed above. Said sum shall be paid to the Mississippi Department of Environmental Quality (MDEQ) within thirty (30) days of the issuance of this Agreed Order in the form of a certified check or money order.
- B. Kohart Surplus and Salvage, Inc. agrees to engage the services of a MDEQ certified asbestos abatement contractor and/or train, equip, and obtain MDEQ certification for employees to abate and remove all asbestos demolition debris from the site. Site asbestos abatement and debris removal shall be in accordance with the procedures and requirements of Commission regulations. All asbestos waste and debris shall be disposed of in a landfill approved for asbestos material and completed not later than December 31, 2014.
- C. Kohart Surplus and Salvage, Inc. understands and agrees that it cannot continue material salvage operations at the Bryan Foods site until asbestos demolition debris has been cleared from the property and asbestos has been abated from other structures as required. Also, Respondent shall submit a report each month to the MDEQ detailing the progress and status of asbestos debris removal and site cleaning operations.
- D. Kohart Surplus and Salvage, Inc. agrees to comply with Mississippi storm water permit regulations for surface areas cleared to bare soil.

3.

In the event Respondent fails to comply with any of the terms of this Agreed Order, the Agreed Order shall become fully enforceable through the appropriate chancery court. The Mississippi Department of Environmental Quality, acting on behalf of the Commission, may proceed in chancery court and may submit an affidavit to the chancery court, along with an appropriate complaint to enforce this Agreed Order of the Commission, and such affidavit shall be prima facie evidence upon which to obtain a final judgment against Respondent in favor of the Mississippi Commission on Environmental Quality.

4.

Nothing in this Agreed Order shall limit the rights of the Mississippi Department of Environmental Quality or the Mississippi Commission on Environmental Quality 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.

5.

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

6.

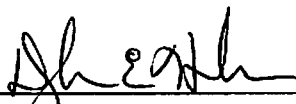
Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 of the Mississippi Code Annotated (Rev. 2003), and that it has made an informed waiver of that right.

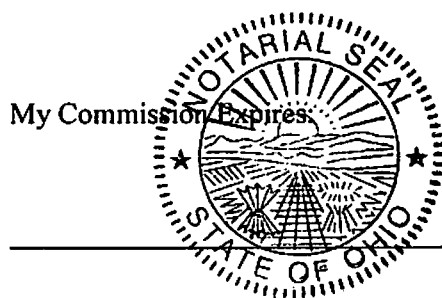
Corporation

STATE OF Ohio

COUNTY OF Paulding

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27 day of Nov, 2013, within my jurisdiction, the within named Ken Mohart who acknowledged that ~~(he)(she)~~ is CEO of Mohart Supplies, a Ohio corporation, and that for and on behalf of the said corporation, and as its act and deed, (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.


  
Notary Public



**Douglas E. Habern**  
Notary Public, State of Ohio  
My Commission Expires  
February 9, 2017

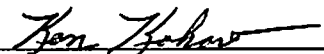
ORDERED, this the 4 day of November, 2013

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
Trudy D. Fisher  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013

Kohart Surplus and Salvage, Inc.

By: 

Title: CEO