

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7316 24**

DR. MAYIER KAHN  
1801 NATIVE DANCER PLACE  
SOUTH LAKE, TX 76092  
mayier.kahn@acerts.us

RESPONDENT

ORDER

The above captioned cause came before the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) this day for *ex parte* consideration under the authority of Miss. Code Ann. § 49-2-13, and the Executive Director, having heard and considered the evidence therein, and having determined that an Administrative Order should issue prefatory to any evidentiary hearing and without making any final adjudication of fact or law, finds as follows:

1.

MDEQ personnel conducted complaint investigations within the period of time beginning on September 6, 2023, and ending on October 31, 2023, of the demolition site at Hotel O located at 1525 Ellis Avenue, Jackson, Hinds County, Mississippi that revealed the following violations:

- A. Failure to thoroughly inspect the facility for presence of asbestos – 40 CFR §61.145(a);
- B. Failure to provide initial notification of asbestos abatement and demolition activity – 40 CFR §61.145(b);
- C. Failure to remove friable regulated asbestos-containing material (RACM) before demolition activity began – 40 CFR §61.145(c)(1);
- D. Failure to contain RACM in leak-tight containers – 40 CFR §61.145(c)(6);
- E. Failure to have trained personnel present during removal of RACM – 40 CFR §61.145(c)(8);

F. Failure to utilize MS certified personnel to perform asbestos removal – 11 Miss. Admin. Code Pt. 2, R. 10.3.

2.

Respondent was notified of the violations listed above in a letter dated December 18, 2023, from MDEQ.

3.

Respondent failed to respond to MDEQ within ten (10) business days as required by the December 18, 2023, letter and, to date, has not taken steps to secure and clean the demolition site in accordance with applicable laws and regulations.

4.

Premises considered, the Executive Director finds that the Respondent is in violation of Miss. Code Ann. § 49-17-29.

IT IS THEREFORE ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall implement the following actions:

- A. Respondent shall, within fourteen (14) calendar days of the date of this Order, secure the demolition site with fencing and locked entrance gate(s) to restrict accessible to the general public.
- B. Respondent shall, within twenty-one (21) calendar days of the date of this Order, hire MDEQ-certified contractor(s), supervisor(s), and/or worker(s) to assess the demolition site.
- C. Respondent shall, within forty-five (45) calendar days of the date of this Order, remove and appropriately dispose of all waste in accordance with work practice standards detailed in the regulations, which includes (but not limited to) the adequate wetting of debris material.
- D. Respondent shall, upon completion of the site clean-up, send copies of all waste manifests to the MDEQ Asbestos and Lead Branch verifying that all material at the site has been transported, in accordance with the regulations, to an approved solid waste management facility authorized to accept wastes with RACM.

5.

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

6.

This Order does not address fines, penalties, other sanctions, further actions and/or future violations of environmental laws, rules, and regulations. Nothing contained in this Order shall limit the rights of the Commission to take enforcement or other actions against Respondent for violations addressed herein, violations not addressed herein, fines, penalties, other sanctions, further actions and/or future violations of environmental laws, rules, and regulations.

7.

If aggrieved by this Order, Respondent may request a hearing before the Commission by filing a sworn petition with the Commission within thirty (30) days after the date of this Order in the manner set forth in Miss. Code Ann. §49-17-41.

ORDERED, this the 15<sup>th</sup> day of March, 2024

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
Chris Wells  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY