

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Heights Plaza Materials, Inc.
124 Pulaski Drive
Natrona Heights, PA 15065

Springhill Road LLC
737 Ekastown Road
Sarver, PA 16055-9722

ABC Transit Inc.
737 Ekastown Road
Sarver, PA 16055-9722

Violation No. 200501

Violations of Article XXI (“Air Pollution Control”) at properties:

1011 & 1001 Springhill Road
Natrona Heights, PA 15065

ENFORCEMENT ORDER

NOW, this 26th day of May 2020, the Allegheny County Health Department (hereinafter “ACHD”) issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401-7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter “APCA”), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapter 505, 507, and 535) (hereinafter “Article XXI”).

2. Heights Plaza Materials, Inc. (hereinafter “HPM”), is the owner of a 27.2 acre property located at 1001 Springhill Road, Natrona Heights, PA 15065 (Parcel ID No.:1519-R-

00125). At all times relevant, HPM operates a slag processing operation at the 1001 Springhill Road property.

3. Springhill Road LLC is the owner of a 16.6 acre property located at 1011 Springhill Road, Natrona Heights, PA 15065 (Parcel ID No.: 1519-H-00223).

4. At all times relevant, ABC Transit Inc. (hereinafter “ABC”) operates a school bus and van transportation company at the 1011 Springhill Road property.

5. The 1001 and 1011 Springhill Road properties (referred to collectively as “Springhill Properties”) have a partially graveled and paved road that connects the properties to Springhill Road in Harrison Township. ABC and HPM are the only businesses that have access or use the road.

6. The ACHD received complaints of dust and fugitive emissions from vehicles exiting the Springhill Properties onto Springhill Road.

7. On February 24, 2020, an ACHD Air Quality Enforcement Representative, in response to a complaint, observed dust along Springhill Road in Harrison Twp. The fugitive emissions (dust) began at the middle of the hill and went past the entrance/exit of the road at the Springhill Road Properties used by ABC and HPM. The Air Quality Enforcement Representative spoke with the President/Owner of Heights Plaza Materials, Inc., Mr. John E. Marino, and explained to him the reason for the visit.

8. The ACHD Air Quality Enforcement Representative documented the fugitive emissions with photographs. Based on the fugitive emissions observed on February 24, 2020, the ACHD determined that HPM, ABC and Springhill Road LLC are in violation Article XXI, § 2105.49 (“Fugitive Emissions”), which reads:

§2105.49 FUGITIVE EMISSIONS

- a. The person responsible for a source of fugitive emissions, in addition to complying with all other applicable provisions of this Article shall take all reasonable actions to prevent fugitive air contaminants from becoming air-borne. Such actions may include, but are not limited to:
 - 1. The use of asphalt, oil, water, or suitable chemicals for dust control;
 - 2. The paving and maintenance of roadways, parking lots and the like;
 - 3. The prompt removal of earth or other material which has been deposited by leaks from transport, erosion or other means;
 - 4. The adoption of work or other practices to minimize emissions; ...

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI, § 2109.03.a.1, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby

ORDERED:

9. Within sixty (60) days of receipt of this Order, Heights Plaza Materials, Inc., Springhill Road LLC, and ABC Transit Inc. shall submit a dust control compliance plan detailing the plans and steps each company will take to ensure compliance with Article XXI, § 2105.49. The compliance Plan(s) shall be sent to Dean DeLuca, Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

10. Please be advised that the failure to comply with this Order within the times specified herein is a violation of Article XXI giving rise to the remedies provided by Article XXI § 2109.02 including civil penalties of up to \$25,000 per violation per day

11. Pursuant to Article XI, §1104.A (“Hearings and Appeals”), of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written

notice or issuance of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.

12. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay unless the Director of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

13. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD, Heights Plaza Materials Inc., Springhill Road LLC, and ABC Transit Inc. and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

14. Please be advised that the ACHD may issue a separate enforcement order which may result in a civil penalty. If the ACHD determines that an enforcement action or civil penalty is appropriate, you will be notified of the action. Please be aware that any violation of the Article XXI regulations subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>

DONE and **ENTERED** this 26th day of May 2020, in Allegheny County, Pennsylvania.



Dean DeLuca
Air Quality Program Manager

Date 5/26/2020