

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Liberty Pultrusions
1575 Lebanon School Road
West Mifflin, PA 15122

Violation No. 211206

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

Liberty Pultrusions
1575 Lebanon School Road
West Mifflin, PA 15122

ENFORCEMENT ORDER

NOW, this 15th day of December, 2021, the Allegheny County Health Department (hereinafter “ACHD”) issues this Enforcement Order after it has found and determined the following:

FINDINGS

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 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 the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507, and 535) (“Article XXI”).
2. The ACHD issued Operating Permit No. 0015 (hereinafter “OP 0015”) to Liberty Pultrusions for the West Mifflin facility on November 3, 2016.
3. OP 0015 specified a due date of May 3, 2021 for submission of an Operating Permit Renewal Application and an Operating Permit expiration date of November 3, 2021.

4. On November 3, 2021, the ACHD notified Liberty Pultrusions via email of the expiration of OP 0015 and requested the renewal application as quickly as possible.

5. Liberty Pultrusions submitted the renewal application on November 5, 2021, six months after it was due.

6. The failure to timely submit the permit renewal application constitutes a violation of OP 0015, Condition III.22, and of Article XXI, §2103.13.b.1, which states, “The owner or operator of a source permitted under this Part shall submit to the Department an application for permit renewal at least six (6) months prior to the date of permit expiration.”

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** that:

7. For the violations set forth in the preceding paragraphs, Liberty Pultrusions is hereby assessed a civil penalty of **ONE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS** (\$1,885.00). The civil penalty is as follows:

A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
Failure to Submit Operating Permit Renewal Application by the Due Date	\$1,300.00	1	\$1,300.00
Gravity Component Subtotal			\$1,300.00

B. Adjustment Factors

Compliance History: 1 Issued violation in last 2 years	\$ 325.00
Title V Source:	\$ 260.00

TOTAL CIVIL PENALTY	\$ 1,885.00
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8. Liberty Pultrusions shall pay the civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified check, or the like, made payable to the “Allegheny County Clean Air Fund”, and sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

9. The ACHD has determined the above civil penalty to be in accordance with Article XXI § 2109.06.b. reflecting relevant factors including, but not limited to: the nature, severity and frequency of the alleged violations; the maximum amount of civil and criminal penalties authorized by law; the willfulness of such violations; the impact of such violations on the public and the environment; the actions taken by Liberty Pultrusions to minimize such violations and to prevent future violations; and Liberty Pultrusions’ compliance history.

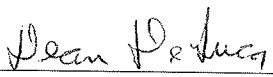
10. The gravity-based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity-based component may be adjusted for factors and circumstances unique to the violator.

11. Please be advised that 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.

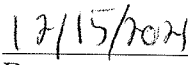
12. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days after receipt of written notice or issuance of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay unless the Director of ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

13. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount of the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements for prepaying the penalty or posting the appeal bond found in Article XXI §§ 2109.06.a.2-3. 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 15th day of December, 2021, in Allegheny County, Pennsylvania.



Dean DeLuca
Air Quality Program Manager



Date