

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

NOTICE OF VIOLATION

April 27, 2022

CERTIFIED MAIL - 9489 0090 0027 6045 1971 21

Eric Bilskey
Port Authority of Allegheny County
345 6th Avenue, 3rd Floor
Pittsburgh, PA 15222

RE: Notice of Violation # 220404 - Violation of Operating Permits #0226, #0156, #0344 and #0345, at the properties: 6831 5th Ave., Pittsburgh, PA 15206; 4600 Perry Highway, Pittsburgh, PA 15229; 1011 Lebanon Road West Mifflin, PA 15122; 1000 Village Drive Bethel Park, PA 15241.

Dear Mr. Bilskey:

The purpose of this letter is to notify you of violations of permit conditions or conditions of Article XXI that were identified as a result of full compliance evaluation inspections that took place at the Port Authority of Allegheny County's facilities permitted under operating permits 0226 (East Liberty Garage), 0156 (Ross Garage), 0344 (West Mifflin Garage) and 0345 (South Hills Village).

East Liberty Garage (OP #0226)

During a document review and on-site full compliance evaluation of Port Authority of Allegheny County, East Liberty Garage, ACHD Representatives observed and documented that a permitted source of air pollution, natural gas fired emergency generator, identified as "EG-001" on Operating Permit 0226, had been removed and replaced with two new sources of air pollution, diesel powered emergency generators, Koehler Model 350 and Koehler Model 500, prior to the issuance of an Installation Permit by the Department.

The Allegheny County Health Department (ACHD) was notified in a letter dated November 2, 2020, of the Port Authority's intention to replace the existing Natural Gas fired Emergency Generator (EG001) with two Diesel fueled Emergency Generators. A Determination Letter was



DEBRA BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
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PHONE (412) 578-8103 • FAX (412) 578-8144
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WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



sent to Dean Pregel via email on December 4, 2020 notifying the Port Authority that this installation would require an Installation Permit. The existing emergency generator (EG001) was removed, and the two new generators were installed in February of 2021. Port Authority did not notify ACHD of the removal of the existing Natural Gas fueled Emergency Generator. Port Authority did not submit an Installation Permit Application and applicable fee to ACHD prior to the installation of the new Diesel fueled Emergency Generators. The Installation Permit Application for the two new generators was received by the Department on May 17th, 2021.

Port Authority is in violation of General Condition III.38 of Operating Permit #0226, which states:

It shall be a violation of this permit giving rise to the remedies set forth in Article XXI Part I for any person to install, modify, replace, reconstruct, or reactivate any source or air pollution control equipment which would require an installation permit or permit modification in accordance with Article XXI Part B or Part C.

Ross Garage (OP #0156)

During the pre-inspection document review it was determined that, the facility was out of compliance with the as-applied Volatile Organic Compound (VOC) content limit of 4.6 lb/gal for coatings in the automotive primer-sealer process category, as stipulated in Emission Unit Level Permit Condition Table, V.A.1.b. This exceedance took place when the Omni MP-170 Epoxy Primer Sealer was prepared, and eighteen (18) separate occurrences of this violation were identified in the semiannual report covering October 1, 2020 through March 31, 2021.

Port Authority is in violation of Emission Unit Level Permit Condition V.A.1.b which states:

- b. *The permittee may not cause or permit the emission into the outdoor atmosphere of VOCs from the following surface coating process categories unless the VOC content of each as applied coating is equal to or less than the standard specified in Table V-A-1: (§2105.75.c; Table 2105.75)*

**Table V-A-1
Emission Limitations**

Coating Type	Weight of VOC per Volume of Coating (minus water and non-VOC solvents) (lbs/gallon)
<i>Automotive pretreatment primer</i>	6.5
<i>Automotive primer-surfacer</i>	4.8
<i>Automotive primer-sealer</i>	4.6

<i>Automotive topcoat- Single stage-topcoat</i>	5.0
<i>Automotive topcoat- 2 stage basecoat/clearcoat</i>	5.0
<i>Automotive topcoat- 3 or 4 stage basecoat/clearcoat</i>	5.2
<i>Automotive multicolored topcoat</i>	5.7
<i>Automotive specialty</i>	7.0

West Mifflin Garage (OP #0344)

During the pre-inspection document review it was determined that, the facility was out of compliance with the as-applied VOC content limit of 4.6 lb/gal for coatings in the automotive primer-sealer process category, as stipulated in Emission Unit Level Permit Condition V.A.1.b. During the reporting period covering October 1, 2020 to March 31, 2021, all recorded batches of PPG Epoxy Primer DP 50LF that were mixed with the PPG Epoxy Reducer DT 870, with the one exception of an entry recorded on November 23, 2020, are reported on the daily usage spreadsheet as having a VOC-mix that exceeds the 4.6 lb/gal limit for a primer sealer. Fourteen out of fifteen (15) entries for this product show VOC-mix as being above the 4.6 lb/gal limit.

Port Authority is in violation of Emission Unit Level Permit Condition V.A.1.b which states:

- b. *The permittee may not cause or permit the emission into the outdoor atmosphere of VOCs from the following surface coating process categories unless the VOC content of each as applied coating is equal to or less than the standard specified in Table V-A-1: (§2105.75.c; Table 2105.75)*

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<i>Automotive topcoat- 2 stage basecoat/clearcoat</i>	5.0
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<i>Automotive multicolored topcoat</i>	5.7
<i>Automotive specialty</i>	7.0

South Hills Village (OP #0345)

Upon reviewing requested documents and records and completing the on-site inspection, it was determined that the facility was out of compliance with certain permit conditions. Boilers B001-B002 were in the process of being removed without a thorough pre-renovation asbestos survey conducted. This is in violation of site level condition IV.15 which states:

15. Asbestos Abatement (§2105.62, §2105.63)

In the event of removal, encasement, or encapsulation of Asbestos-Containing Material (ACM) at a facility or in the event of the demolition of any facility, the permittee shall comply with all applicable provisions of Article XXI §2105.62 and §2105.63.

When the boiler removal was taking place, no prior notification had been given to the Department regarding the planned removal of these two boilers, to be replaced by a single new boiler. This is a violation of General Condition III.33 which states:

33. Operational Flexibility (§2103.14.a)

- a. *The owner or operator shall not make any changes at this source, including trades of increases and decreases in emissions within the permitted source, without first obtaining a permit revision for such changes, unless:*
 - 1) *The changes do not require an Installation Permit under §2102.04 of this Article or violate the terms of an Operating Permit or an Installation Permit;*
 - 2) *The permit specifically allows for changes that do not cause specific emissions increases greater than a de minimis emission increase, and the changes do not exceed such emissions increase allowed under the permit, in accordance with General Condition III.34 below;*

- 3) *The changes do not violate major source applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and*
- 4) *By no later than seven (7) days prior to the date on which the implementation of the proposed change is commenced, a written notification is submitted to the Department, for attachment to the Department's copy of the relevant permit, which includes:*
 - a) *A brief description of the change within the permitted source;*
 - b) *The date on which the change will occur;*
 - c) *The pollutants emitted; and*
 - d) *Any change in emissions.*

Please be advised that the ACHD has calculated a civil penalty for the above violations. Before issuing a final order and civil penalty, the ACHD requests an opportunity to meet. Please contact the ACHD within **14 days** of receipt of this notice to schedule a meeting to discuss the violation. A meeting may be scheduled by contacting Shannon Sandberg via email at AQReports@AlleghenyCounty.US . If a meeting is not requested, the ACHD will proceed with further enforcement action.

This Notice of Violation is neither an order nor any other final action of the Allegheny County Health Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action 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.

If you believe any of the facts in this Notice of Violation are in error, you may submit information to Ms. Sandberg via email AQReports@AlleghenyCounty.US or at the address shown at the bottom of the first page of this letter. The ACHD will consider new information you submit and take appropriate action. Thank you for your anticipated prompt attention to this matter.

Sincerely,



Shannon Sandberg
Enforcement Section Chief
Air Quality Program