



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

301 39th Street, Bldg. # 7, Pittsburgh, PA 15201

Phone: (412) 578-8103

Address of Alleged Violation 8914 Roberts Hollow Road, Elizabeth, PA 15037			
Name of Alleged Violator Jeff Sorick Heating and Cooling Inc.			
Address of Alleged Violator 490 Williamsport Road, Monongahela, PA 15037			
Contact Person	Title	Phone Number	Email
Jeffrey W Sorick	President	412-384-7585	jsorickheating@gmail.com

PART 1: DESCRIPTION OF INSPECTION(S)

On August 4, 2020, the Allegheny County Health Department (hereinafter “ACHD”) received an open burn complaint against Jeff Sorick Heating and Cooling Inc., located at 8914 Roberts Hollow Road, Elizabeth, PA 15037. The front desk attendant at Jeff Sorick Heating and Cooling Inc. met with ACHD Representatives during the inspection and stated that Jeff Sorick Heating and Cooling Inc Representatives had been burning cardboard boxes. No active burning was witnessed in the 6’x7’ fire pit during the inspection. Information regarding ACHD open burning regulations including size and material restrictions, were given to Jeff Sorick Heating and Cooling Representatives during the inspection.

On August 13, 2021, ACHD received another complaint against Jeff Sorick Heating and Cooling Inc. at 8914 Roberts Hollow Road, Elizabeth, PA 15037. The Jeff Sorick Heating and Cooling Inc’s front desk attendant from the August 4, 2020 inspection met with ACHD Representatives during the inspection. New cardboard boxes, expanded polystyrene foam, and burned material was present in the 6’x7’ fire pit during the inspection. ACHD representative discussed non-compliance and applicable regulations during the inspection.

On January 12, 2022, ACHD received another complaint against Jeff Sorick Heating and Cooling Inc. at 8914 Roberts Hollow Road, Elizabeth, PA 15037. ACHD representative observed cardboard box remains smoldering in a metal burn barrel during the inspection. No Jeff Sorick Heating and Cooling Inc. staff was present at the metal burn barrel during the inspection.

Did the individual/company cooperate with ACHD personnel? If not, explain:	No, Facility continued to burn cardboard after inspection notification of regulations.
Inspection Date(s)	Inspector Name(s)
8/4/2020, 8/13/2021, 1/12/2022	Cali Feeney

PART 2: YOU ARE IN VIOLATION OF THE FOLLOWING REGULATION(S):

	Regulation Section	Regulation Requirement
1	§2105.50.a.1.A	No material other than clean wood, propane, or natural gas may be burned.
	Description of Violation Facility was burning cardboard and expanded polystyrene foam as a method of disposal.	
	What You Must Do to Correct the Violation Cease burning materials that do not consist of clean dry wood.	
2	§2105.50.a.1.B	Volume of material being burned shall be no larger than 3’wide x 3’long x 2’ high

		and shall be at least 15 feet from the nearest neighbor's dwelling or inhabited area, any property line, roadway, sidewalk, or public access way.
	Description of Violation	Facility was burning in an overflowing fire pit that is approximately 6 feet by 7 feet.
	What You Must Do to Correct the Violation	If burning approved materials, maintain a fire size that does not exceed 3 feet by 3 feet by 2 feet.
3	Regulation Section	Regulation Requirement
	§2105.50.a.2	Any open burning shall be tended by a responsible person at all times.
	Description of Violation	Fire was not tended during active burn on January 12, 2022 inspection.
	What You Must Do to Correct the Violation	Maintain supervision of fire pit during burn.
4	Regulation Section	Regulation Requirement
	Description of Violation	
	What You Must Do to Correct the Violation	

PART 3: YOU ARE HEREBY ORDERED AS FOLLOWS:

- Immediately stop all work and/or cease operations at the following location(s):**

- You are hereby Ordered to correct the violations(s) listed in Part 2 within _____ days of the service of this Enforcement Order.**
- You are hereby Ordered to comply with the following requirements within _____ days of the service of this Enforcement Order:**

The Order(s) in this Part is enforceable upon issuance and any appeal shall not act as a stay. The Order(s) shall remain in effect until you are notified in writing by the Department. Please contact the ACHD Air Quality Program at (412) 578-8103 to arrange for a reinspection or to request that the Order(s) be rescinded.

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.

PART 4: CIVIL PENALTY

For the violations listed in Part 2, you are hereby assessed a civil penalty of \$ 2,090.00.
The determination of the civil penalty is attached as **Exhibit No. 1** and is incorporated as part of this Enforcement Order.

Please be aware that if the Department did not assess a civil penalty, the Department may issue a subsequent enforcement order in which a civil penalty is assessed.

You 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.

PART 5: REQUEST FOR ADMINISTRATIVE HEARING

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.

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.

Please be aware that if you wish to appeal this Order and a civil penalty has been assessed under Part 4, you are required within 30 days of receipt of this Order to either forward the penalty amount to 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>.



Air Quality Program Manager

03/01/23

Date

EXHIBIT NO. 1

CIVIL PENALTY DETERMINATION AND CALCULATION

PURPOSE: The primary purpose for assessing civil penalties is to deter future violations not only at the specific facilities that are involved in the enforcement actions taken by the Department, but also at all the facilities within Allegheny County that are subject to the Article XXI regulations. In order to achieve the goal of deterrence, a civil penalty should remove any significant economic benefit resulting from noncompliance and include an amount beyond recovery of the economic benefit to reflect the seriousness of the violation.

CIVIL PENALTY FACTORS: The ACHD has determined the 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 the violator to minimize such violations and to prevent future violations; and the violator's compliance history.

CIVIL PENALTY FORMULA: The following calculation is used to assess the civil penalty:

$$\text{Civil Penalty} = (\text{Gravity Based Component} \times \text{Adjustment Factor}) + \text{Economic Benefit} + \text{Cost to the Department} + \text{Additional Deterrent Penalty}$$

Gravity Based Component: A gravity based component reflects the potential harm that the violation may have on the public or environment and the severity of the violation.

Adjustment Factor: The gravity based component may be adjusted for factors and circumstances unique to the violator. These adjustment factors include the violators degree of cooperation with the ACHD during the investigation, the compliance history of the violator, the degree of willfulness that violator exhibited with regard to the violation, the size of the violator, and whether the violator is a Title V source or a Synthetic Minor source.

Economic Benefit: This component is a measure of the economic benefit gained by the violator as a result of noncompliance with the regulatory, statutory, or permit requirements.

Cost to the Department: Extra monetary costs for the investigation and preparation of the case, such as source sampling costs and laboratory costs, may be identified and added to the adjusted civil penalty.

Additional Deterrent Penalty: An additional deterrent penalty may be assessed if justified by the circumstances of the case.

CIVIL PENALTY CALCULATION

A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
Burning materials other than clean dry wood, propane, or natural gas and volume of materials burned exceeds 3’x3’x2’ (§2105.50.a.1)	\$1300.00	1	\$1300.00
Fire not tended during active burn (§2105.50.a.2)	\$900.00	1	\$900.00
Gravity Component Total			\$2,200.00

B. Adjustment Factors	Factor	Adjustment Amount
Degree of Cooperation: Corrected size	0.1	\$220.00
Compliance History: No previous enforcement actions.	0	\$0
Degree of Willfulness: Was informed of rules twice, and continued to burn non complaint materials	0.3	\$660.00
Size of Violator:	-0.45	-\$990.00
Title V source or a Synthetic Minor source:	0	\$0
Adjustment Factors Total		-\$110.00

C. Other Adjustments		
Economic Benefit:	\$	
Cost to the Department:	\$	
Additional Deterrent Penalty:	\$	
Other Adjustments Total		\$

TOTAL CIVIL PENALTY	\$2,090.00
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