

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

PA Affordable Housing Corporation
11743 Frankstown Road, Suite C
Pittsburgh, PA, 15235

Violation No. 230101

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

536 E. Garden Road
Pittsburgh, PA 15227
Parcel ID: 0188-D-00033-0000-00

ENFORCEMENT ORDER

NOW, this 10th day of January 2023, 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. Pennsylvania Affordable Housing Corporation (hereinafter “PAHC”) is a nonprofit real estate development firm operating in Western Pennsylvania. PAHC’s business address is 11743 Frankstown Road, Pittsburgh, PA, 15235.

3. Taylor Construction and Development is a general contracting firm that performs new residential construction and home remodeling. Taylor Construction and Development's business address is 11743 Frankstown Road, Suite C, Pittsburgh, PA, 15235.

4. 536 E. Garden Road, Pittsburgh, PA, 15227 is a single-family residential home located in Brentwood, PA.

5. On Friday, June 3, 2022, the ACHD Air Quality Program received an "Open Burning" complaint regarding 536 E. Garden Road, Pittsburgh, PA, 15227. At the time, PAHC owned the property.

6. On Friday, June 3, 2022, ACHD Air Quality Representatives performed an investigation regarding open burning at 536 E. Garden Road. ACHD representatives found the Brentwood Fire Department, Station 116, on the scene extinguishing an oversized fire of logs and trash, approximately 10' width x 10' length x 2" height in size. A Brentwood police officer discussed the incident with the ACHD Air Quality Representatives. During the discussion with the Brentwood police officer and fire department, the officials stated that they responded to a similar event on Wednesday evening, June 1, 2022, when they extinguished two oversized, unattended fires, one 6' x 6' and one 8' x 8', at the same address, 536 E. Garden Road, Pittsburgh, PA, 15227.

7. The onsite investigation by the ACHD Air Quality Representatives on Friday morning, June 3, 2022, concluded that on Wednesday, June 1, 2022, and Friday June 3, 2022, the property owner of 536 E. Garden Road, Pittsburgh, PA, 15227, PAHC, violated ACHD Article XXI open burning regulations, as set forth in § 2105.50.

8. On June 9, 2022, ACHD Air Quality Representatives visited the PAHC at the business address located at 11743 Franktown Road, Pittsburgh, PA, 15235 and spoke with Mr.

Shawn Taylor, President of Taylor Construction and Development. Mr. Taylor is also a representative of the PAHC. ACHD explained to Mr. Taylor that the visit was regarding an open burning complaint that the ACHD Air Quality Program received June 3, 2022, and that the complaint was a repeat issue from Wednesday June 1, 2022, when the Brentwood Fire Department, Station 116, and Brentwood Police Department responded to the two (2) unattended fires at 536 E. Garden Road on Wednesday evening, June 1, 2022.

9. On June 9, 2022, the ACHD Air Quality Representatives explained the Allegheny County's rules and regulations of open burning to Mr. Taylor and how PAHC violated those regulations, as set forth in Article XXI, § 2105.50. Mr. Taylor was aware that ACHD has a copy of the Brentwood Fire Department reports and the Brentwood Police Department reports, and ACHD Air Quality representatives showed Mr. Taylor the photographs taken during the June 3, 2022' investigation.

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI §§ 2109.03 and 2109.06, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby ORDERED that:

10. For the violations set forth in the preceding paragraphs, **Pennsylvania Affordable Housing Corporation**, is hereby assessed a civil penalty of **\$1,200.00**. The civil penalty is as follows:

A. Gravity Based Component

Violation	Gravity Based Penalty	Number of Violations	Total Gravity Penalty
Open Burning: (§2105.50.a.1.) failure to burn only seasoned dry wood, any volume of clean wood being burned shall be no larger than 3'x3'x2' high	\$1,300.00	1	\$1,300.00
Open Burning: (§2105.50.a.2) failure to have a responsible person on site tending the fire, open burning shall be tended at all times and have the means of extinguishing such burning.	\$900.00	1	\$900.00
Gravity Component Subtotal			\$2,200.00
B. <u>Adjustment Factors</u>			
Size of Violator			-\$1,000
TOTAL CIVIL PENALTY			\$1,200.00

11. **Pennsylvania Affordable Housing Corporation** shall pay an assessed civil penalty of \$1,200.00. Payment shall be made by corporate 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.

12. The ACHD has determined the above penalty 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 economic benefit gained by failing to comply with the ACHD’s regulations; and the actions taken by PENNSYLVANIA AFFORDABLE HOUSING CORP. to minimize such violations and to prevent future violations.

13. 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.

14. 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.

15. 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 must 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.

16. 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 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>.

DONE and **ENTERED** this 10th day of January 2023, in Allegheny County, Pennsylvania.



Allason Holt
Air Quality Enforcement Program Manager

1-10-23

Date