



# ENFORCEMENT ORDER

## Allegheny County Health Department

### Air Quality Program

Phone: (412) 578-8103

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

Address of Alleged Violation 1001 Fifth Ave, Pittsburgh, PA 15219			
Name of Alleged Violator PPG Paints Arena (former Consol Energy Center), ACHD Permit # 0863			
Address of Alleged Violator 1001 Fifth Ave, Pittsburgh, PA 15219			
Contact Person(s) Michael Stuever	Title Operations Manager	Phone Number 412-804-2686	Email <a href="mailto:mstuever@ppgpaintsarena.com">mstuever@ppgpaintsarena.com</a>
Gary Desjardins	General Manager	412-493-1444	<a href="mailto:gdesjardins@ppgpaintsarena.com">gdesjardins@ppgpaintsarena.com</a>

#### PART 1: DESCRIPTION OF INSPECTION(S)

On May 2, 2022, via email, an ACHD Representative informed PPG Paints Arena Representatives that their permit was expired and requested that, no later than May 10, 2022, PPG Paints Arena submit a minor source renewal permit application and fee for the Minor Source Operating Permit that had expired on October 24, 2018. PPG Paints Arena representatives did not respond to ACHD's request.

On September 29, 2022, via email, an ACHD Representative again requested that PPG Paints Arena Representatives submit a minor source renewal permit application for the PPG Paints Arena Minor Source Operating Permit that had expired on October 24, 2018. ACHD also requested semiannual reports and certifications of compliance from 2018 to 2022. PPG Paints Arena Representatives again failed to submit any of the requested documentation.

An inspection of the facility occurred on October 14, 2022, during which an ACHD Representative informed PPG Paints Arena representatives in person of the delinquent application and reports.

On December 15, 2022, via email, an ACHD Representative again requested from PPG Paints Arena Representatives required documentation. The documentation requested from PPG Paints Arena Representatives included: 1) a minor source permit renewal application; 2) certificates of compliance for April 1, 2021 – March 31, 2022; 3) semi-annual reports for Jan 1, 2021- June 30, 2021, July 1, 2021 – December 31, 2021, and Jan 1, 2022 – June 30, 2022; 4) building natural gas meter readings for the last 12 months; 5) fuel usage logs; 6) boiler adjustment records; 7) emergency generator operations and maintenance logs for the last 18 months; 8) fuel rating certificates for the last 2 deliveries; 9) Bill of Lading (BOL) of the last 2 diesel deliveries; 10) Cold Start information; 11) and Total Dissolved Solids (TDS) reports for the cooling tower. PPG Paints Arena Representatives were to provide the documentation by Friday, January 6, 2023. As of January 13, 2023, ACHD has not received any of the requested documentation.

PPG Paints Arena Representatives have failed to respond to four requests to submit their minor source renewal permit application. Additionally, PPG Paints Arena Representatives have failed to respond to two requests for required reports and other documentation. Furthermore, PPG Paints Arena Representatives are required to submit the requested application, reports, and documentation, regardless of whether ACHD Representatives requested them.

Did the individual/company cooperate with ACHD personnel? If not, explain:	PPG Paints has failed to respond to ACHD's requests for compliance.
Inspection Date(s) 10/14/2022	Inspector Name(s) Aaron Makatura

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

<b>1</b>	Regulation Section <b>Article XXI § 2103.13.b Operating Permit #0863 Condition III.22</b>	Regulation Requirement <b>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, but no earlier than 18 months prior to the date of the permit expiration.</b>
	Description of Violation <b>The facility's minor source operating permit expired October 24, 2018, with a renewal date of April 25, 2018. As of January 13, 2023, and after four requests, ACHD has received no renewal application.</b>	
	What You Must Do to Correct the Violation <b>PPG Paints Arena shall submit a complete minor source permit renewal application and submit the minor source permit renewal application fee of \$2,100 for the renewal of ACHD Permit # 0863.</b>	
<b>2</b>	Regulation Section <b>Operating Permit # 0863 Condition III.12, Certification of Complainece</b>	Regulation Requirement <b>The permittee shall submit on an annual basis, certification of compliance with all terms and conditions contained in the permit. Certification of compliance must be submitted to the Department by May 30<sup>th</sup> of each year for the time frame beginning April 1 of the previous year and ending March 31 of the same year.</b>
	Description of Violation <b>As of January 13, 2023, and despite a written request with a due date of January 6, 2023, ACHD has not received the required documentation.</b>	
	What You Must Do to Correct the Violation <b>PPG Paints Arena shall submit the following required documentation: Certificate of Compliance for the period of April 1, 2021 – March 31, 2022</b>	
<b>3</b>	Regulation Section <b>Operating Permit # 0863 Condition III.15, Reporting Requirements</b>	Regulation Requirement <b>The permittee shall submit reports of required monitoring at least every six (6) months. Semiannual reports are due July 31<sup>st</sup> and February 1<sup>st</sup> of each year.</b>
	Description of Violation <b>As of January 13, 2023, and despite a written request with a due date of January 6, 2023, ACHD has not received the required documentation.</b>	
	What You Must Do to Correct the Violation <b>PPG Paints Arena shall submit Semiannual Reports for the periods of January 1, 2021 – June 30, 2021, July 1, 2021 – December 31, 2021, and January 1, 2022 – June 30, 2022.</b>	
<b>4</b>	Regulation Section <b>Operating Permit # 0863 Condition III.9, Duty to Provide Information</b>	Regulation Requirement <b>Upon request, the permittee shall furnish to the ACHD any information in a reasonable time to determine compliance with the permit.</b>
	Description of Violation <b>As of January 13, 2023, and despite a written request with a due date of January 6, 2023, ACHD has not received the required documentation.</b>	
	What You Must Do to Correct the Violation <b>PPG Paints Arena shall submit the following required documentation: 1) natural gas meter readings for the last 12 months; 2) fuel usage logs; 3) boiler adjustment/maintenance records; 4) emergency generator operation and maintenance logs for the last 18 months; 5) fuel rating certificates (CFAs) for the last two diesel fuel deliveries; 6) BOL of the last two diesel fuel deliveries; 7) cold start information; and 8) TDS reports for the cooling tower.</b>	

**PART 3: YOU ARE HEREBY ORDERED AS FOLLOWS:**

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

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**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 7 days of the service of this Enforcement Order:**

Submit a complete minor source permit renewal application to [AQReports@AlleghenyCounty.US](mailto:AQReports@AlleghenyCounty.US).

Submit the minor source operating permit renewal fee of \$2,100 to ACHD at 301 39<sup>th</sup> Street, Pittsburgh PA, 15201.

Submit Certificate of Compliance for the period of April 1, 2021 – March 31, 2022; and Semiannual Reports for the periods of January 1, 2021 – June 30, 2021, July 1, 2021 – December 31, 2021, and January 1, 2022 – June 30, 2022.

Submit: 1) natural gas meter readings for the last 12 months; 2) fuel usage logs; 3) boiler adjustment/maintenance records; 4) emergency generator operation and maintenance logs (last 18 months); 5) fuel rating certificates (CFAs) for the last two diesel fuel deliveries; 6) Bill of Lading (BOL) of the last two diesel fuel deliveries; 7) cold start information; and TDS 8) reports for the cooling tower.

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**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 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 thirty (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>.



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Air Quality Program Manager

01-13-23

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Date