



# ENFORCEMENT ORDER

## Allegheny County Health Department

### Air Quality Program

836 Fulton Street, Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation 3300 Preble Avenue, Pittsburgh, PA 15233			
Name of Alleged Violator #1 Allegheny County Sanitary Authority (ALCOSAN)			
Address of Alleged Violator #1 3300 Preble Avenue, Pittsburgh, PA 15233			
Contact Person Michelle Buys	Title Director of Environmental Compliance	Phone Number 412-734-6216	Email Michelle.Buys@ ALCOSAN.org

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

The Allegheny County Health Department (ACHD) issued a Title V Operating Permit and Federally Enforceable State Operating Permit (ACHD Permit No. 0035-OP22) to the Allegheny County Sanitary Authority (ALCOSAN) on September 21, 2022. ALCOSAN is also subject to 40 C.F.R. § 62.15955. 6 Subpart LLL, Federal Plan Requirements for Sewage Sludge Incineration (SSI) Units Constructed on or Before October 14, 2010. Subpart LLL requires, among other things, that affected SSI units meet specified emission limitations for cadmium, carbon monoxide, dioxins/furans, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, and visible emissions. The Subpart LLL emission limitations are set forth in Table 2 of that subpart and apply at all times when an affected SSI unit is in operation. 40 C.F.R. § 62.15955. 6. Subpart LLL requires periodic emissions testing to demonstrate compliance with the applicable emission limits.

From October 17 through 19, 2023, ALCOSAN performed emissions testing on Fluidized Bed Incinerator #1 (FBI-1). The Subpart LLL emission limitation for Lead is 0.0074 milligrams per dry standard cubic meter. The average Lead test result for the October 2023 emission testing was 0.0087 milligrams per dry standard cubic meter, in excess of the Subpart LLL and Title V permit limitations. The FBI-1 continued to operate after the emissions testing was completed. On December 19, 2023, the final emission testing report was submitted to ACHD, reporting the exceedance of the Lead limit. On December 29, 2023, ALCOSAN submitted the retesting protocol and scheduled the retest for January 5, 2024. The FBI-1 was operated until January 5, 2024, the date of the retest.

On January 5, 2024, ALCOSAN retested FBI-1 for Lead. The average Lead test result of the January 2024 test was 0.0010 milligrams per dry standard cubic meter which is in compliance with the Subpart LLL and ACHD Permit No. 0035-OP22 limitations of 0.0074 milligrams per dry standard cubic meter. Immediately following the Lead re-test, FBI -1 was shut down. The sludge feed was either trucked offsite or transferred to Fluidized Bed Incinerator #2.

From October 19, 2023 through January 4, 2024. ALCOSAN operated in excess of the Lead emission limit in ACHD Permit No. 0035-OP22 and 40 C.F.R. § 62.15955. 6 Subpart LLL, Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

Did the individual/company cooperate with ACHD personnel? If not, explain:	Yes
Inspection Date(s) 12/19/2023	Inspector Name(s) Hudson Tiffany

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

<b>1</b>	Regulation Section	Regulation Requirement
	§62.16000(a), Subpart LLL of Part 62	Exceedance of Lead Emission Limitations Operate in Compliance with 40 C.F.R. § 62.15955. 6. Subpart LLL Lead Limitation of is 0.0074 milligrams per dry standard cubic meter
	Description of Violation	The average Lead test result for the October 2023 emission testing was 0.0087 milligrams per dry standard cubic meter, in excess of the Subpart LLL and Title V permit limitations.
	What You Must Do to Correct the Violation	The violation has been corrected. Operate in compliance of all applicable rules.

**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 \$ 2,500.00.** 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, 836 Fulton Street, Pittsburgh, PA 15233.

**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. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless you allege financial inability to prepay the penalty or to post the appeal bond. If you allege financial inability to prepay or post, then you have the burden to prove it. 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

5/3/2024  
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 violator's 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**

<b>Violation</b>	<b>Gravity Based Penalty</b>	<b>Violation Days</b>	<b>Total Gravity Penalty</b>
§2103.12.g, Exceedances of Lead emission limit for FBI 1	\$2,500	1	\$2,500.00
	\$		\$
	\$		\$
	\$		\$
<b>Gravity Component Total</b>			<b>\$2,500.00</b>

<b>B. Adjustment Factors</b>	<b>Factor</b>	<b>Adjustment Amount</b>
Degree of Cooperation:		\$
Compliance History: 1 Enforcement Action	0.25	\$625.00
Degree of Willfulness:		\$
Size of Violator: Governmental Entity	(0.45)	-\$1,125.00
Title V source or a Synthetic Minor source: TV Source	0.2	\$500.00
<b>Adjustment Factors Total</b>		<b>\$0.00</b>

<b>C. Other Adjustments</b>		
Economic Benefit: None Identified	\$	
Cost to the Department:	\$	
Additional Deterrent Penalty:	\$	
<b>Other Adjustments Total</b>		<b>\$0.00</b>

<b>TOTAL CIVIL PENALTY</b>	<b>\$2,500.00</b>
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