

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

August 18, 2022

**NOTICE OF DISAPPROVAL AND ORDER FOR COMPLIANCE**

**CERTIFIED MAIL - 9489 0090 0027 6045 1973 98**

Mr. Richard Morris  
Magnus Products, LLC  
734 E. Schantz Avenue  
Oakwood, OH 45419

**RE: Notice of Disapproval and Order for Modification of Mon Valley Air Pollution Mitigation Plan (Article XXI § 2106.06) at Magnus Products, LLC, 1300 Braddock Avenue, Braddock, PA 15104**

Dear Mr. Morris:

As you are aware, in September 2021, the Mon Valley Air Pollution Episode Rule (hereinafter “Episode Rule”), Article XXI § 2106.06, was passed by Allegheny County Council and signed by the County Executive. The Episode Rule requires that subject facilities submit to the Allegheny County Health Department (ACHD) a Mon Valley Air Pollution Mitigation Plan (hereinafter “Episode Mitigation Plan”) to reduce PM<sub>2.5</sub> and PM<sub>10</sub> emissions to be implemented during the Mon Valley Air Pollution Watch and Warning Phases. The Episode Mitigation Plan must include procedures to ensure that the source is operating in a manner consistent with good engineering practice and all air pollution control equipment is maintained in good working condition. The Episode Mitigation Plan is also required to include procedures for record keeping and reporting and procedures to ensure that the source has sufficient staff and resources available to implement the Mon Valley Air Pollution Warning Phase within 24 hours of the ACHD’s notification to the source of a Mon Valley Air Pollution Watch or Warning.

On July 19, 2022, the ACHD received Magnus Products, LLC’s Episode Mitigation Plan. The ACHD has determined that the Episode Mitigation Plan is unacceptable for the reasons set forth below. Magnus Products, LLC is hereby **ORDERED** to modify and resubmit the Episode Mitigation Plan which shall include the following changes and/or additions:

- a. Source is required to resubmit a plan that will detail all available methods to reduce PM<sub>2.5</sub>/PM<sub>10</sub> for every process and piece of equipment during the warning phase. Current plan only addresses roads; and
- b. Plan shall determine the feasibility of emission reduction methods for every process and piece of equipment with justifications of said determination; and



DEBRA BOGEN, MD, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT**  
**AIR QUALITY PROGRAM**  
301 39<sup>TH</sup> STREET • CLACK HEALTH CENTER • BUILDING 7  
PITTSBURGH, PA 15201-1811  
PHONE (412) 578-8103 • FAX (412) 578-8144  
24-HR (412) 687-ACHD (2243)  
[WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT](http://WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT)



- c. Source is required to resubmit an active “live spreadsheet” documenting the reduction in emissions for each process operation in lbs/hr and percent reduction.

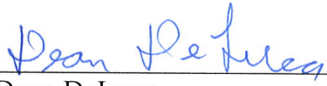
Pursuant to Article XXI, § 2106.06.g.2, Magnus Products, LLC shall submit to the ACHD the modified Episode Mitigation Plan within **thirty (30)** days from receipt of this Notice and Order. **Please be aware that Magnus Products, LLC’s Episode Mitigation Plan submitted on July 19, 2022, shall remain in effect until the modified Plan is received by the ACHD.** The modified Episode Mitigation Plan shall be effective upon submission to the ACHD.

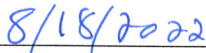
Please be advised that in the event that **Magnus Products, LLC** fails to resubmit a modified Episode Mitigation Plan or fails to resubmit the Plan in accordance with the changes and/or additions specified above, the ACHD has the authority under Article XXI, § 2106.06.g.4, to issue an order to **Magnus Products, LLC** detailing the procedures for a Mon Valley Air Pollution Watch or Warning Phase. Further, the 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.

Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), of the ACHD 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. A copy of Article XXI and Article XI regulations may be found at <https://www.alleghenycounty.us/HealthDepartment/Health-Department-Regulations.aspx>.

If you have any questions concerning this Order, or if we can be of further assistance, please call Allason Holt at 412-578-8122 or Nick Caito at 412-578-7963.

Regards,

  
\_\_\_\_\_  
Dean DeLuca  
Air Quality Program Manager

  
\_\_\_\_\_  
Date