ALLEGHENY COUNTY HEALTH DEPARTMENT ADMINISTRATIVE DECISION

In the Matter of:	:	Violations of Article XXI ("Air
	:	Pollution Control") at property:
KCA DEMOLITION CO., INC.	:	
316 Grant Avenue	:	1104 Barbara Street
Duquesne, PA 15110	:	Duquesne, PA 15110
	:	
	:	<u>Copies Sent To:</u>
	:	Counsel for KCA:
	:	Christopher P. Furman, Esq.
	:	98 East Maiden Street
	:	Washington, PA 15301
	:	
	:	Counsel for ACHD:
	:	Jeffrey R. Bailey, Esq.
	:	301 39 th Street, Building 7
	:	Pittsburgh, PA 15201

DECISION AND ORDER OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT HEARING OFFICER

AND NOW, this 12th day of February, 2018, it is hereby ORDERED that the

Allegheny County Health Department's ("ACHD") Motion to Dismiss Appellant,

KCA Demolition Co., Inc.'s ("Appellant") December 18, 2017 Notice of Appeal is

GRANTED and Appellant's Notice of Appeal is hereby **DISMISSED**, with

prejudice, for the following reasons:

- 1. Appellant had 30 days from the assessment of the November 6, 2017 civil penalty of \$5,000 to either post a bond, forward the amount of the civil penalty to the ACHD, or assert an inability to pay the bond or prepay the penalty.
- 2. Appellant failed to either post the bond, forward the amount of the civil penalty to the ACHD, or assert an inability to pay the bond within these 30 days.

3. This tribunal therefore finds that Appellant's failure to either post a bond, forward the amount of the civil penalty to the ACHD, or assert an inability to pay the bond within the 30 days "result[s] in a waiver of all legal rights to contest the violation or the amount of the civil penalty." Article XXI, § 2109.06(a)(3).

/s/_____

Max Slater Administrative Hearing Officer Allegheny County Health Department