

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the matter of: : Re: Enforcement Order 230301  
Sorick Heating & Cooling :  
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**CONSENT ORDER**

This CONSENT ORDER is entered into this <sup>14<sup>th</sup></sup> day of July, 2023, by and between the ALLEGHENY COUNTY HEALTH DEPARTMENT (“ACHD” or the “Department”) and Sorick Heating & Cooling, Inc. (“Sorick”).

WHEREAS, the Director of ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. §§ 7401 et seq., and the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001 et seq.; and

WHEREAS, ACHD is a local health agency organized under Local Health Administration Law, Act 315 of August 24, 1951, P.L. 1304, as amended, 16 Pa.C.S. §12001 et seq., whose powers and duties include the enforcement of laws relating to public health within Allegheny County, including the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (“Article XXI”); and

WHEREAS, on March 3, 2023, ACHD issued Enforcement Order 230301 to Sorick, having found it to be in violation of several of ACHD’s Article XXI regulations concerning open burning, namely Sections 2105.a.1.A, 2105.50.a.1.B, and 2105.50.a.2; and

WHEREAS, Enforcement Order 230301 imposed a penalty of TWO THOUSAND NINTEY DOLLARS (\$2,090.00); and

WHEREAS, on March 16, 2023, Sorick filed a timely appeal, along with a penalty bond for the amount levied, so that an administrative hearing on the merits could be held before the ACHD Hearing Officer; and

WHEREAS, the Parties, following discussion of the various aspects of the violations, have decided to resolve the matter through payment of a reduced fine without proceeding to a hearing on the merits; and

WHEREAS, after a full and complete negotiation of all matters set forth in this Consent Order and upon mutual exchange of covenants contained herein, the Parties agree that this Consent Order is in the best interest of the Parties and the public.

NOW THEREFORE, without any final determination or admission of fact or law, and intending to be legally bound, and with the consent of the Parties, it is hereby **AGREED, ORDERED, and DECREED** as follows:

1. The Parties agree to reduce the penalty from TWO THOUSAND NINETY DOLLARS (\$2,090.00) to ONE THOUSAND SIX HUNDRED SEVENTY DOLLARS (\$1,670.00).

2. The Parties agree that the execution of this Consent Order by Sorick shall operate as a withdrawal of its appeal of Enforcement Order 230301.

3. The Parties agree that within thirty (30) days of the date of this Consent Order, ACHD shall reimburse Sorick the sum of FOUR HUNDRED TWENTY DOLLARS (\$420.00), attributable to the reduction of the civil penalty imposed by virtue of Enforcement Order 230301. Said sum shall be reimbursed from funds transmitted by Sorick as part of its pre-payment of the penalty.

4. Solely for the purposes of this Consent Order and the underlying alleged violations, Sorick waives all objections and defenses they may have to jurisdiction or venue. Sorick shall not challenge ACHD's jurisdiction to enter into or enforce this Consent Order.

5. The Parties agree that as a consequence of Sorick's appeal, the ACHD Hearing Officer maintains jurisdiction over the matters contemplated by this Consent Order, and therefore, jurisdiction over the resolution thereof.

6. The provisions of this Consent Order shall apply to, be binding upon, and inure to the benefit of ACHD, Sorick, and upon their respective officers, directors, employees, successors, and assigns.

7. The undersigned representative of Sorick certifies that he or she is fully authorized to execute this Consent Order on behalf of Sorick and to legally bind Sorick to this Consent Order

8. The Parties do not authorize any other persons to use the findings in this Consent Order in any matter or proceeding.

9. Nothing herein is intended to limit the authority of the ACHD with respect to violations that may have occurred prior or subsequent to the date of this Consent Order, if any, and that are not specifically the subject of Enforcement Order 230301.

10. In the event that Sorick fails to comply with any provision of this Consent Order, ACHD may, in addition to any remedies prescribed herein, pursue any remedy available under Article XXI, Section 2109 *et seq.*, of Article XXI for a violation of an Order of the ACHD, including action to enforce this Consent Order.

11. This Consent Order shall constitute the entire integrated agreement of the Parties. No prior or contemporaneous communication or prior drafts shall be relevant or admissible for the

purposes of determining the meaning or intent of any provision herein in any litigation or other proceeding.

12. The Parties shall bear their respective attorneys' fees, expenses, and other costs with regard to the prosecution or defense of this matter or any related matters arising prior to the execution of this Consent Order.

IN WITNESS WHEREOF, the Parties hereto have caused this Consent Order to be executed by their duly authorized representatives. Each of the undersigned representatives of Sorick and ACHD certify under penalty of law, as provided by 18 Pa.C.S. § 4909, that he or she is authorized to execute this Consent Order on behalf of his or her respective Party; that Sorick consents to entry of this Consent Order as a final Order of ACHD; and that, except as otherwise provided herein, Sorick hereby knowingly waives its right to appeal this Consent Order and to challenge its content or validity, which rights may be available under Articles XI and XXI of ACHD's Rules and Regulations for Hearing and Appeals, as well as Pennsylvania Local Agency Law, 2 Pa.C.S. §§105, 551-555, or any other applicable provision of law. Any signature by Sorick's attorney certifies only that this Consent Order has been signed after consulting counsel.

Dated this 14<sup>th</sup> day of July, 2023

For:

ALLEGHENY COUNTY HEALTH DEPARTMENT



Allason Holt  
Enforcement Chief

Date: 7/14/2023



Brendan James Turley, Esq.  
Assistant Solicitor

Date: 7/14/23

For:

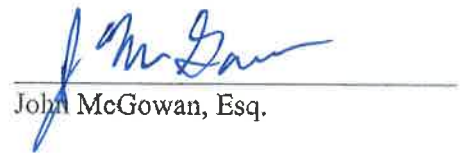
SORICK HEATING & COOLING, INC.



Jeffrey Sorick  
Sorick Heating & Cooling, Inc.

Date: 7/12/2023

ALLEGHENY COUNTY HEALTH DEPARTMENT HEARING OFFICER



John McGowan, Esq.

Date: 7/14/23

