

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

Bristol Metals, LLC  
1001 East Waterfront Drive  
Munhall, PA 15120

Violation No. 210703

Violations of Article XXI (“Air  
Pollution Control”) at property:

Bristol Metals, LLC  
1001 East Waterfront Drive  
Munhall, PA 15120

**ENFORCEMENT ORDER**

**NOW**, this 30th day of July 2021, the Allegheny County Health Department (hereinafter “ACHD”) issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401 -7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter “APCA”), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507 and 535) (hereinafter “Article XXI”).

2. Bristol Metals, LLC (hereinafter “Bristol Metals”) operates a facility producing stainless steel tubes located at 1001 East Waterfront Drive, Munhall, Pennsylvania 15120.

3. On December 9, 2004, the ACHD issued a Minor Source Operating Permit (Permit No. 0626) and on June 15, 2017, an amended Operating Permit (Permit No. 0626a) to Bristol Metals.

4. The facility operates an acid pickling line with a wet scrubber system to remove hydrofluoric acid from the exhaust. Hydrofluoric acid is designated as a hazardous air pollutant (HAP).

5. Condition III.12 of Operating Permit No. 0602a and Article XXI, § 2103.12.h.5 require that Bristol Metals submit annually a Certification of Compliance and is required to identify each permit condition, compliance status, and if the noncompliant condition is continuously or intermittently noncompliant.

**III.12. Certification of Compliance (§2103.12.h.5)**

a. The permittee shall submit on an annual basis, certification of compliance with all terms and conditions contained in this permit, including emission limitations, standards, or work practices. The certification of compliance shall include the following information at a minimum:

- 1) The identification of each term or condition of the permit that is the basis of the certification;
- 2) The compliance status;
- 3) Whether any noncompliance was continuous or intermittent;
- 4) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with the provisions of this permit;

6. On November 6, 2019, ACHD received the Certification of Compliance submitted by Bristol Metals for the period starting October 1, 2018 and ending September 30, 2019. Bristol Metals failed to state in their compliance certification which conditions of the

permit were in noncompliance, whether the noncompliance was continuous or intermittent, the method for determining compliance, and the corrective actions taken.

7. Condition III.15 of Operating Permit No. 0626a and Article XXI §2103.12.k also require that Bristol Metals submit semi-annual reports at least every six (6) months.

**III.15. Reporting Requirements (§2103.12.k)**

- a. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the Responsible Official.
- b. Prompt reporting of deviations from permit requirements is required, including those attributable to upset conditions as defined in this permit and Article XXI §2108.01.c, the probable cause of such deviations, and any corrective actions or preventive measures taken.
- c. All reports submitted to the Department shall comply with the certification requirements of General Condition 4 above.

8. Bristol Metals submitted to the Department Semi-Annual Reports April 12, 2019, October 14, 2019, and April 6, 2020. Bristol Metals failed to include in their semi-annual reports all instances of deviations from permit requirements. The three semi-annual reports certified that all conditions of Operating Permit No. 0626a were in compliance.

9. On May 14, 2020, an onsite inspection, as part of a full compliance evaluation of the facility, was performed by an ACHD Representative. During the onsite inspection, the ACHD Representative determined that the wet scrubber system designated as control device C001 was not operating properly. Specifically, the flowmeters measuring the flowrate of the scrubbing liquid were not operational. The Certificate of Compliance submitted to the ACHD on November 6, 2019 does not include the noncompliant permit conditions related to the wet scrubber system. The semi-annual reports submitted to the ACHD April 12, 2019, October 14, 2019, and April 2021 also failed to report the noncompliant conditions. Bristol Metals confirm via email sent to the Department July 28, 2021, that the flowmeters were not operational for the

reporting period of the compliance certificate and the semi-annual reports. The failure to include noncompliant conditions in the Certificate of Compliance and semi-annual reports are violations of Condition III.12 of Operating Permit No. 0602a and Article XXI, § 2103.12.h.5, and Condition III.15 and Article XXI, § 2103.12.k, respectively.

10. Condition V.A.1.d of Operating Permit No. 0602a, requires that Bristol Metals have instrumentation to measure the scrubbing liquid flowrate.

#### **V.A.1. Restrictions**

d. Instrumentation shall be provided to measure at any time the differential pressure across each scrubber unit to within ½” w.c. (15 mm w.c.), and the scrubbing liquid flowrate through each scrubber to within 1% of the actual flowrate.

11. During the May 14, 2020 onsite inspection, the ACHD Representative observed that the required instrumentation, the scrubbing liquid flowmeters, were nonoperational. On November 30, 2020, Bristol Metal submitted a Certificate of Compliance for the period starting October 1, 2019 and ending September 30, 2020 which included the date of the May 14, 2020 onsite inspection. Bristol Metals reported in the Compliance Certification that the instrumentation was not operating properly and therefore not measuring the flowrate of the scrubbing liquid. The ACHD has determined that Bristol Metals is in violation of Condition V.A.1.d of Operating Permit No. 0602a.

12. In the November 2020 Compliance Certification Bristol Metals provided documentation of corrective action to ensure future compliance with Condition V.A.1.d of Operating Permit No. 0602a.

13. Condition V.A.1.b.2 of Operating Permit No. 0602a, requires that the wet scrubber system for the Pickle Line #1 operate with a minimum scrubbing liquid flowrate of 300 gpm (68.1 m<sup>3</sup>/hr).

### **V.A.1. Restrictions**

- b. The permittee shall at no time operate or allow to be operated Pickle Line #1 unless the packed-bed scrubber is operated according to the following conditions:
  - 2) Minimum scrubbing liquid flowrate shall be 300 gpm (68.1 m<sup>3</sup>/h);

14. During the May 14, 2020 onsite inspection, the ACHD Representative was unable to confirm compliance with the scrubbing liquid flowrate due to the nonoperational scrubbing liquid flowmeters.

15. In the November 2020 Certificate of Compliance, Bristol Metals reported a noncompliant condition for the flowrate of the scrubber liquid flowrate. In the Certification, Bristol Metals stated the flowmeters were repaired and calibrated in September 2020 having learned the flowmeters were inoperable during the May 14, 2020 ACHD onsite inspection. Upon completion of the repair and calibration, Bristol Metals determined that the flowrate was below the minimum flowrate of 300 gallons per minute (gpm). At the time of the submission of the Certificate of Compliance, Bristol Metals stated the flowmeters would be rebuilt and re-installed in December 2020. In the July 28, 2021 email from Bristol Metals, they provided confirmation that new flowmeters were installed on January 14, 2021.

16. ACHD has determined that Bristol Metals operated the scrubber with a scrubbing liquid flowrate below the minimum flowrate of 300 gpm which is a violation of Condition V.A.1.b.2 of Operating Permit No. 0602a.

17. On April 9, 2021, The ACHD Representative performed a follow-up inspection at the facility and confirmed that the rebuilt flowmeters were operational, and the scrubbing liquid flowrate was in compliance.

18. Condition V.A.2.e of Operating Permit No. 0602a, requires that Bristol Metals conduct semi-annual calibration checks on the monitoring instrumentation for the wet scrubber system.

### **V.A.2. Testing Requirements**

- e. The permittee shall conduct semi-annual calibration checks on the monitoring instrumentation specified in condition V.A.3.a according to the manufacturer's specifications in order to determine indicator measurement accuracy of less than or equal to 5%. [§2103.12(j)]

19. During the May 14, 2020 onsite inspection, the ACHD Representative determined Bristol Metals did not perform semi-annual calibration checks certified by the manufacturer for the required accuracy. In the November 2020 Compliance Certification, Bristol Metals reported noncompliant status for Condition V.A.2.e. The failure to perform the required calibration checks on the monitoring instrumentation for the packed-bed scrubber is a violation of Condition V.A.2.e of Operating Permit No. 0602a and Article XXI, §2108.02(e).

20. Condition V.A.3.a requires that Bristol Metals have the scrubbing liquid flowmeters certified by the manufacturer for accuracy within 5%.

### **V.A.3 Monitoring Requirements**

- a. The packed-bed scrubber shall be provided with instrumentation that shall continuously monitor both the pressure drop across the scrubber and the scrubbing liquid pH. Each monitoring device shall be certified by the manufacturer to be accurate to within 5%.

21. Bristol Metals was unable to provide manufacturer's certification of the accuracy of the pressure drop across the scrubber and the scrubbing liquid pH. Failure to have certified by the manufacturer the accuracy of the scrubbing liquid flowmeters is a violation of Condition V.A.3.a of Operating Permit No. 0602a.

22. In the November 2020 Compliance Certification, Bristol Metals provided documentation of satisfactory corrective action to ensure future compliance.

23. Condition V.A.3.b.3 of Operating Permit No. 0602a requires that Bristol Metals monitor and record daily for the scrubber the scrubbing liquid flowrate.

**V.A.3 Monitoring Requirements**

b. The following parameters shall be monitored and recorded daily for the pickle line and/or scrubber:

3) Scrubbing liquid flowrate.

24. During the May 14, 2020 onsite inspection, the ACHD Representative confirmed the scrubbing liquid flowrate was not properly monitored and recorded. Proper monitoring and recording of the scrubbing liquid flowrate by Bristol Metals would have informed the company that the flowmeters were inoperable and thus determine the scrubbing flowrate to be below the minimum required. The ACHD has determined that Bristol Metals failed to monitor and record daily the scrubbing liquid flowrate which is a violation of Condition V.A.3.b.3 of Operating Permit No. 0602a.

25. In the November 2020 Compliance Certification, Bristol Metals provided documentation of satisfactory corrective action to ensure future compliance.

26. Condition V.A.3.b.5 of Operating Permit No. 0602a requires Bristol Metals to perform visual inspections of the scrubber system to ensure proper operation.

**V.A.3. Monitoring Requirements**

b. The following parameters shall be monitored and recorded daily for the pickle line and/or scrubber:

5. A visual inspection in accordance with the manufacturer's recommended maintenance for proper operation and to ensure that there is no evidence of chemical attack on the structural integrity.

27. The ACHD Representative reviewed daily records from January, February, and March 2020 and determined that Bristol Metals failed to perform visual inspections that would have shown that the two flowmeters for the scrubber were not operating properly. The ACHD Representative reviewed the daily inspection record and found that there was no indication on the inspection reports of the nonoperational flowmeters. Failure to monitor and record visual inspections for proper operations of the packed-bed scrubber is a violation of Condition V.A.3.b.5 of Operating Permit No. 0602a.

28. Condition V.A.4.f of Operating Permit 0602a requires that Bristol Metals keep records of certification and semi-annual calibrations.

#### **V.A.4. Recording Requirements**

f. The permittee shall keep records of the manufacturer's certification required in condition V.A.3. and of the semi-annual calibrations required by condition V.A.2.e for the packed-bed scrubber instrumentation.

29. The ACHD Representative determined during the May 14, 2020, onsite inspection that Bristol Metals was not keeping records of the manufacturer's certification or semi-annual calibrations. Failure to keep these records is a violation of Condition V.A.4.f of Operating Permit No. 0602a.

30. The violations of Operating Permit No. 0602a documented in the previous paragraphs constitute violations of Article XXI §2102.03.c which reads as follows:

#### **Article XXI §2102.03 Permit General**

##### **c. Conditions**

It shall be a violation of this Article giving rise to the remedies provided by Part I of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Part.

31. In the November 2020 Certificate of Compliance, Bristol Metals documented the beforementioned noncompliant conditions and the corrective action to ensure future compliance.



32. Article XXI §2108.01.c requires that Bristol Metals submit the Department a breakdown report no later than 60 minutes following the breakdown of any air pollution control equipment.

**Article XXI §2108.01 Reports Required**

**c. Breakdowns.**

1. In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this Article, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than 60 minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.

33. The ACHD Representative documented the wet scrubber system instrumentation was nonoperational and therefore, the proper functioning of the wet scrubber system could not be confirmed. The November 2020 Certificate of Compliance submitted to the Department confirms the breakdown of the wet scrubber system's instrumentation. The report further documents the minimum flow rate of the scrubber was below the minimum required by Bristol Metal's operating permit. Further investigation determined the scrubber sprayer was not functioning properly.

34. As of the date of this order, ACHD has not received a breakdown report for the wet scrubber system. Failure to submit a breakdown report to the Department within 60 minutes from the start of the breakdown constitutes a violation of Article XXI §2108.01.

**ORDER**

**NOW THEREFORE**, pursuant to the authority granted to the ACHD by Article XXI, § 2109.03.a.1, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that:

13. For the violations set forth in the preceding paragraphs, Bristol Metals is hereby assessed a civil penalty of TWENTY-FOUR THOUSAND FOUR HUNDRED TWENTY DOLLARS (\$24,420.00). The civil penalty is as follows:

**A. Gravity Based Component**

<b>Violation</b>	<b>Gravity Based Penalty</b>	<b>Number of Violations</b>	<b>Total Gravity Penalty</b>
Inaccurate Compliance Certification (Article XXI, § 2103.12.h.5, Condition III.12)	\$1,300.00	1	\$1,300.00
Inaccurate Semi-annual Report (Article XXI, § 2102.12.k, Condition III.15)	\$1,300.00	3	\$3,900.00
Flowrate below minimum required (Article XXI, § 2102.03, Condition V.A.1.b.2)	\$900.00	1	\$900.00
Nonoperational Instrumentation (Article XXI, § 2102.03, Condition V.A.1.d)	\$2,500.00	1	\$2,500.00
Failure to perform semiannual calibration (Article XXI, § 2102.03, Condition V.A.2.e)	\$1,300.00	4	\$5,200.00
Failure to certify instrumentation accuracy (Article XXI, § 2102.03, Condition V.A.3.a)	\$2,500.00	1	\$2,500.00
Failure to monitor and record flowrate (Article XXI, § 2102.03, Condition V.A.3.b.3)	\$2,500.00	1	\$2,500.00
Failure to monitor and record proper scrubber operation (Article XXI, § 2102.03, Condition V.A.3.b.5)	\$2,500.00	1	\$2,500.00
Failure to maintain calibration and certifications	\$900.00	1	\$900.00

(Article XXI, § 2102.03, Condition V.A.4.f)

Failure to submit a breakdown report (Article XXI, § 2108.1.c)	\$900.00	1	\$900.00
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<b>Gravity Component Subtotal</b>			<b>\$23,100.00</b>
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**B. Adjustment Factors:**

Degree of Cooperation			<b>\$2,310.00</b>
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<b>TOTAL CIVIL PENALTY</b>			<b>\$25,410.00</b>
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14. Bristol Metals 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, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

15. The ACHD has determined the above penalty 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 economic benefit gained by failing to comply with the ACHD’s regulations; the actions taken by Bristol Metals to minimize such violations and to prevent future violations.

16. The gravity-based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity-based component may be adjusted for factors and circumstances unique to the violator.

17. The above civil penalty is adjusted to reflect the Degree of Cooperation of Bristol Metals to bring the facility into compliance with all permit conditions found to be noncompliant.

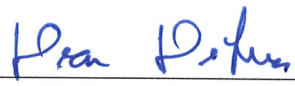
Bristol Metals took 8 months from the date the company learned the flowmeters were inoperable to the date properly operating flowmeters were installed.

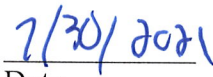
18. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days from the date of issuance or receipt of this Order in which to file an appeal. Such a Notice of Appeal 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 -6- not act as a stay unless the Director of ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

19. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount of 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>.

20. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and Bristol Metals, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

**DONE** and **ENTERED** this 30<sup>th</sup> day of July 2021, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

  
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Date