

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

NOTICE OF VIOLATION

November 1, 2023

Mr. Michael Machajewski
Facility Infrastructure Engineer/Responsible Official
DataBank Holdings
100 S. Commons
Pittsburgh, PA 15212

RE: Notice of Violation 231101- Violation of Article XXI Air Pollution Control at
DataBank Holdings, 100 S. Commons, Pittsburgh, PA 15212

Dear Mr. Machajewski:

On July 11, 2013, Allegheny County Health Department (“ACHD” or the “Department”) issued amended Operating Permit, #0833-OP13a (the “Permit”) to DataBank Holdings. The Permit requires the submission of semi-annual reports and compliance certifications. Section III.12.B of the Permit detailing the required compliance certification timeline, states:

All certifications of compliance must be submitted to the Department by November 30 of each year for the fiscal year ending September 30.

Section III.15.D.1 of the Permit detailing the semiannual report timeline, states:

One semiannual report is due by October 31 of each year for the time period beginning April 1 and ending September 30.

After a review of the required Semiannual and Annual reports listed in DataBank Holdings’s Permit, ACHD determined that DataBank Holdings was two months delayed in submitting the Semiannual report due October 31, 2021. DataBank Holdings was also late in submitting the Certification of Compliance annual report due on November 20, 2020, and November 30, 2021.

Reporting	Due Date	Received Date
2021, 2nd Semiannual	10/31/2021	12/29/2021
2021 Compliance Certification	11/30/2021	6/16/2023
2020 Compliance Certification	11/30/2020	6/15/2023



**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

301 39TH 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



ACHD has determined that DataBank Holdings has violated Article XXI of Allegheny County Health Department Rules and Regulations, Air Quality (“Article XXI”), namely Article XXI, namely Sections 2103.12.h.5 and 2102.12.k..

§ 2103.12 Issuance, Standard Conditions.

h. **Standard Compliance Requirements** All permits issued under this Subpart shall include the following elements with respect to compliance.

5. Requirements for compliance certification with terms and conditions contained in the permit, [Including emission limitations, standards, or work practices.]

The Operating permit details the required reporting frequency, information and any specified means of data collection, if required. 0833-OP13a details the required timeline in section III.12.B:

All certifications of compliance must be submitted to the Department by November 30 of each year for the fiscal year ending September 30.

§ 2103.12 Issuance, Standard Conditions

k. **Standard Reporting Requirements.** All permits issued under this Subpart shall include all applicable reporting requirements and require the following: *[maintain the biannual schedule and prompt reporting of deviations].*

The Operating permit details the required reporting. 0833-OP13a details the required timeline in section III.15.D.1):

One semiannual report is due by October 31 of each year for the time period beginning April 1 and ending September 30.

This Notice of Violation is neither an order nor final action of ACHD. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action. Please be aware that any violation of the Article XXI regulations subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day.

ACHD is currently reviewing these violations to determine whether corrective actions are required and if a civil penalty is appropriate. Should you have any questions or require additional information, please contact Hudson Tiffany at (412) 578-8119 or email at Hudson.Tiffany@AlleghenyCounty.US

Sincerely,

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Allason Holt
Air Quality Program Manager – Compliance and Enforcement Program
Air Quality

11/1/2023
Date