

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Pittsburgh Cremation Services
143 Cemetery Lane
Pittsburgh, PA 15237

Violation No. 200602

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

Pittsburgh Cremation Services
143 Cemetery Lane
Pittsburgh, PA 15237

ENFORCEMENT ORDER

NOW, this 8th day of June, 2020, 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. On May 30, 2013, the ACHD issued Minor Source Operating Permit #0104 to Pittsburgh Cremation Services.

3. Article XXI, § 2103.12.e.1, provides that an operating permit shall remain valid for five (5) years from the date of issuance, or such other shorter period if required by the Clean Air Act.

4. Pittsburgh Cremation Services' Operating Permit states that the permit expires on May 29, 2018, five (5) years after the issuance of the permit.

5. Condition III.22 of Operating Permit #0104 and Article XXI, § 2103.13.b, requires that Pittsburgh Cremation Services submit an application for renewal of the operating permit at least six (6) months prior to the expiration of the permit:

III.22. Renewals (§2103.13.b.)

Renewal of this permit is subject to the same fees and procedural requirements, including those for public participation and affected State and EPA review, that apply to initial permit issuance. The application for renewal shall be submitted at least six (6) months but not more than eighteen (18) months prior to expiration of this permit. The application shall also include submission of a supplemental compliance review as required by Article XXI §2102.01.

6. The ACHD did not receive an application for renewal of Pittsburgh Cremation Services' Operating Permit. The failure to submit the renewal application is a violation of Condition III.22 of Operating Permit #0104 and Article XXI, § 2103.13.b.

7. Pittsburgh Cremation Services is also required pursuant to Condition III.15 of Operating Permit #0104 and Article XXI, § 2103.12.k, to submit semi-annual reports:

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 III.4 above.
- d. Semiannual reports required by this permit shall be submitted to the Department as follows:

- 1) One semiannual report is due by December 31 of each year for the time period beginning May 1 and ending October 31.
- 2) One semiannual report is due by July 30 of each year for the time period beginning November 1 and ending April 30.
- 3) The first semiannual report shall be due July 30, 2013 for the time period beginning on the issuance date of this permit through April 30, 2013.

8. The ACHD determined that Pittsburgh Cremation Services failed to submit required semi-annual reports in violation of Condition III.15 of Operating Permit #0104 and Article XXI, § 2103.12.k.

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:

9. For the violations set forth in the preceding paragraphs, Pittsburgh Cremation Services is hereby assessed a civil penalty of ONE THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS (\$1,755). The civil penalty is as follows:

A. Gravity Based Component

Violation	Gravity Based Penalty	Violations	Total Gravity Penalty
Failure to Submit Semi-annual Reports (§2103.12.k)	\$900.00	2	\$1,800.00
Failure to Submit Operating Permit Renewal Application (§2103.13.b)	\$900.00	1	\$900.00
Gravity Component Subtotal			\$2,700.00

B. Adjustment Factors

Degree of Cooperation: Reluctant, slow, took some corrective action but not all reasonable action	\$270.00
Size of Violator: Number of employees 1-10	(\$1215.00)
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TOTAL CIVIL PENALTY	\$1,755.00
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10. Pittsburgh Cremation Services 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.

11. Within thirty (30) days of receipt of this Order, Pittsburgh Cremation Services shall submit an accurate report for the two most recent semi-annual reporting periods; from November 1, 2018 – April 30, 2019 and May 1 – October 31, 2019.

12. Within sixty (60) days of receipt of this Order, Pittsburgh Cremation Services shall submit an operating permit renewal application.

13. 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 actions taken by Pittsburgh Cremation Services to minimize such violations and to prevent future violations; and Pittsburgh Cremation Services’ compliance history.

14. The civil penalty amount includes an adjustment for degree of cooperation. Pittsburgh Cremation Services was notified of the reporting requirements by David Kelley,

ACHD air quality inspector, during an on-site inspection and has not submitted the required reports to date.

15. Please be advised that 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.

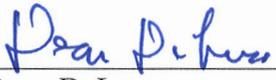
16. Pursuant to Article XXI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days from the date of issuance or receipt of this Order in which to file an appeal. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.

17. 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.

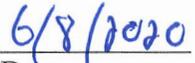
18. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount to the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements 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://alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

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

DONE and **ENTERED** this 8th day of June 2020, in Allegheny County, Pennsylvania.



Dean DeLuca
Air Quality Program Manager



Date