

**ALLEGHENY COUNTY HEALTH DEPARTMENT
ADMINISTRATIVE HEARINGS**

BRUCE FOX AND PATRICIA FOX,

Appellants,

vs.

ALLEGHENY COUNTY HEALTH
DEPARTMENT,

Appellee.

Proceedings under Article VIII
("Solid Waste and Recycling
Management") and Article XXI
("Air Pollution Control") at
property:

711 Worthington Ave
Clairton, PA 15025

**ALLEGHENY COUNTY HEALTH DEPARTMENT'S
WITNESS AND EXHIBIT LIST**

I. Witnesses

1. Barbara Zirngibl
Environmental Health Specialist II
ACHD Water Pollution Control and Solid Waste Management
2. Najeeb Basher
Enforcement Engineer (Retired)
ACHD Air Quality Program
3. Joy L. Smallwood, MS, LEED GA
Environmental Health Administrator II
ACHD Water Pollution Control and Solid Waste Management
4. Dean DeLuca
Enforcement Chief
ACHD Air Quality Program
5. Robert L. Silvis, P.E.
Department of Environmental Protection
Bureau of Abandoned Mine Reclamation
6. George Hollenberger
Deputy Fire Marshal
Allegheny County Fire Marshal's Office
7. Bruce Fox
711 Worthington Avenue
Clairton, PA

II. Exhibits

1. Photographs taken by the ACHD;
2. County of Allegheny Fire Marshal's Office Fire Investigation Report;
3. City of Clairton Fire Department Incident Report;
4. Pennsylvania Department of Environmental Protection documents regarding investigation of alleged mine fire at 711 Worthington Avenue, Clairton, PA;
5. Pennsylvania Department of Environmental Protection Inquiry Details Report;
6. Pennsylvania Department of Environmental Protection mine investigation report dated September 6, 2017;
7. Photographs taken by Department of Environmental Protection;
8. Photographs taken by County of Allegheny Fire Marshal's Office;
9. Clairton Police Incident Report dated August 22, 2017;
10. Notice of Violation and Order dated July 17, 2017 issued by the Allegheny County Health Department;
11. Notice of Violation dated August 4, 2017 issued by the Allegheny County Health Department;
12. Administrative Order dated October 10, 2017 issued by the Allegheny County Health Department;
13. Photographs taken by Appellants;
14. Photographs taken by Appellants' expert;
15. Videos taken by Appellants;
16. Video dated July 17, 2017 taken by WTAE TV;
17. Google Earth photographs for 711 Worthington Ave., Clairton, PA;
18. Documents from Allegheny County Assessment website for 711 Worthington Ave., Clairton, PA;
19. Appellants' responses to ACHD's discovery requests;
21. ACHD's second set of discovery requests to Appellants;
25. Any documents produced in discovery by Appellants;
26. Any documents produced by ACHD in response to Appellants' discovery requests.

III. Reservation of Rights

The Allegheny County Health Department (ACHD) reserves the following rights with respect to this matter:

A. The ACHD has listed potential exhibits in recognition of its obligation to advise Appellants of potential exhibits, depending on what may transpire at the hearing. However, by identifying any exhibit, the ACHD does not waive any objection it might have to the admissibility, relevancy or authenticity of said exhibit.

B. The ACHD may utilize all or part of any exhibit identified above, including complete documents or excerpts thereof, as well as all or part of the files or collections of documents listed as exhibits.

C. The ACHD reserves the right to call any witness for purposes of impeachment or rebuttal, regardless of whether such person is listed on any pre-hearing statement.

D. The ACHD reserves the right to introduce any exhibit for purposes of impeachment or rebuttal, regardless of whether the exhibit is listed on any pre-hearing statement.

E. The ACHD reserves the right to call as a witness any person listed on Appellants' pre-hearing statement, and for this reason, only, incorporates by reference the witness lists on any pre-hearing statement filed by Appellants.

F. The ACHD reserves the right to introduce into evidence any exhibit listed on any pre-hearing statement filed by Appellants and for this reason, only, incorporates the exhibit list on any pre-hearing statement filed by Appellants. In doing so, the ACHD specifically does not waive any objection to any exhibit listed.

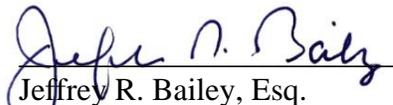
G. The ACHD may utilize enlargements, overheads or projected images of all or parts of any exhibit.

H. The ACHD may prepare charts or diagrams before or during the hearing and have the same marked and introduced as exhibits.

I. By listing witnesses in this pre-hearing statement, the ACHD is serving notice of the possibility that any or all of these persons may be called. In listing the witnesses, this party does not represent that any or all of the witnesses are subject to this party's control, nor does it represent that it will call any or all of the witnesses at time of hearing. If and to the extent that any opposing parties seek to call any of the witnesses, said witnesses must be identified on their pre-hearing statement and appropriate arrangements or subpoenas must be made for such witness' attendance at the hearing.

Dated: December 17, 2018

Respectfully submitted,



Jeffrey R. Bailey, Esq.

Pa. I.D. No. 203023

ACHD Assistant Solicitor

Michael A. Parker, Esq.

Pa. I.D. No. 90979

ACHD Solicitor

Allegheny County Health Department

Air Quality Program

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Allegheny County Health Department's Witness and Exhibit List has been served upon the following via electronic mail this 17th day of December, 2018:

Max Slater, Esq.
Administrative Hearing Officer
Allegheny County Health Department
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(Counsel for Appellants, Bruce Fox and Patricia Fox)


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