



Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name Prism Response LLC _____

Mailing Address 102 Technology Lane _____

City Export _____ State Pa Zip 15632 _____ Email jregan@prismresponse.com

Phone 724-325-3330 x 18 _____ Fax (optional) _____

Name Morgan Hanson _____

Mailing Address Cohen & Grigsby 625 Liberty Ave _____

City Pittsburgh _____ State Pa Zip 15222 _____ Email mhanson@cohen law.com _____

Phone 412-297-4996 _____ Fax (optional) _____

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (The objections may be factual or legal and must be specific if you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)

See Attached

By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature _____ Date 10/19/2018

Appeals should be submitted in person or by mail to:

**Allegheny County Health Department
Attention: Hearing Officer
642 4th Avenue
Pittsburgh, PA 15219**

In the Matter of:
PRISM Response, LLC
102 Technology Lane
Export, PA 15632

ACHD Violation No. 180903/
Sheraton Pittsburgh Airport Hotel

Pursuant to Article XI of the Allegheny County Health Department (“ACHD”) Rules and Regulations, PRISM Response, LLC (“PRISM”) appeals the September 21, 2018 Administrative Order of the ACHD (as attached and provided with the Notice of Appeal Form), with which the ACHD’s Air Quality Program Manager determined that PRISM had violated Sections 2105.62.h.1, 2015.62.k, and 2105.63.k.1 of Article XXI, Chapters 505, 507 and 535 of ACHD’s Rules and Regulations (“Air Pollution Control”), relating to asbestos removal at the Sheraton Pittsburgh Airport Hotel (“Sheraton Hotel”) in May/June 2017; and had violated Section 2101.11.b.4 of Article XXI, with respect to information provided in a permit application for asbestos removal. Based on the determination of violations, the Administrative Order directs payment of a civil penalty in the amount of \$20,770. PRISM has made payment of \$20,770 in accordance with appeal instructions

PRISM asks the Hearing Officer to vacate the September 21, 2018 Administrative Order (“Order”) in its entirety, including the assessment of the \$20,770 civil penalty, for the following reasons:

- 1. PRISM did not perform removal, encasement or encapsulation work.** Pursuant to Article XXI, Section 2015.62(a) of the ACHD’s Rules and Regulations, Sections 2015.62 and 2105.63 apply only to “(1) the removal, encasement, or encapsulation of ACM (Asbestos-Containing Material) at a facility; and (2) the demolition of any facility.”). Contrary to the assertion in the Order, PRISM did not perform asbestos removal, encasement, or encapsulation, as defined in Section 2015.62(a), at the Sheraton Hotel on June 2 and 4, 2017. In 2012, 2013 and 2014, PRISM removed all ACM from within certain areas in the Sheraton Hotel, including the conference rooms at issue. This work was performed under ACHD permits numbers PAA12-0608,13-0001,13-0176 13-0219 and 14-0289. Maverick Management Group engaged PRISM in late May, 2017 to remove soft items and vacuum two conference rooms at Sheraton, which another contractor apparently had used as staging areas when responding to an emergency water leak on the upper floors of the hotel. PRISM, however, was not engaged to and did not, in fact, remove, encase or encapsulate ACM as part of its work at the hotel in May/June 2017. Thus, under Section 2015.62(a)’s plain language, the determination of a violation and the assessment of a penalty under Sections 2105.62 and 63 are in error and should be vacated.
- 2. The cleaning services that PRISM provided at the hotel on June 2 and 4, 2017 did not require a permit under Section 2011.11.b.4.** PRISM did not perform asbestos removal, encasement or encapsulation at the Sheraton Hotel on June 2 and 4, 2017. PRISM provided only cleaning services for two conference rooms at the hotel on those

dates. Because Article XXI of the ACHD's Rules and Regulation does not apply to cleaning services, PRISM was not required to include or identify this type of work on a permit application. Thus, the determination of a violation and the assessment of a penalty for submitting an inaccurate permit application are in error and should be vacated in their entirety.

- 3. Application of adjustment factors to assessed civil penalty was in error.** As set forth in the Order, the assessed civil penalty was increased, based on a finding that the cited actions were intentional or resulted from a reckless disregard of legal requirements for good operating practices. At all times, PRISM maintained a good faith belief that the work performed at the Sheraton Hotel on June 2 and 4, 2017 involved only cleaning services and did not require a separate ACM- related permit or inclusion on an existing ACM-related permit. PRISM's good-faith belief was based, in part, on the following: (1) PRISM had removed All ACM from the conference rooms and other first floor areas in 2012-2013-2014 pursuant to validly issued ACHD permits; (2) the air samples that ATC Group, a consultant on the Project, took before and after PRISM performed its cleaning service work in the conference rooms at the Sheraton Hotel on June 2 and 4, 2017 showed asbestos concentration levels less than 0.006f/cc, well below the requirements of Section 2015.63(j)(6); and (3); and (3) PRISM and ACHD's longtime, prior course of dealing caused PRISM to believe no permit would be necessary. PRISM never intentionally concealed information relating to the work it performed as a means to avoid investigation. As acknowledged in the Order, when PRISM performed ACM abatement at the Sheraton Hotel starting on July 17,2017, PRISM properly identified this work on its permit application, which the ACHD issued and approved as of June 30,2017. Any misunderstanding relating to the application of Article XXI to the cleaning service work that PRISM performed at the Sheraton Hotel on June 2 and 4, 2017 resulted from an honest mistake and was not intentional. Thus, the adjusted increase in the civil penalty for a perceived deliberate act was in error and should be vacated in its entirety.
- 4. PRISM's work on June 2 and 4, 2017 did not endanger the public or the environment.** Article XXI, Section 2015.63(j)(6) sets the asbestos concentration clearance level at .01f/cc. The air samples provided to PRISM taken before and after it performed its cleaning service work in the conference rooms at the Sheraton Hotel on June 2 and 4, 2017 showed asbestos concentration levels less than 0.006f/cc, well below the requirements of Section 2015.63(j)(6), and PRISM did not remove ACM from the conference rooms. To the extent the Order suggests that ACM was present in one or both of the conference rooms prior to Prism's cleaning, this finding was based on wipe samples, which the ACHD itself does not recognize as valid or accurate. PRISM's work complied with the relevant requirements of the ACHD's Rules and Regulations and did not endanger the public or the environment. Thus, the determination of violation and the assessment of civil penalty were in error and should be vacated in their entirety.

For these and other appropriate reasons, PRISM asks the Hearing Officer to vacate the September 21, 2018 Order and to direct return of its payment in the amount of \$20,770.

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

September 21, 2018

VIA CERTIFIED MAIL – 9489 0090 0027 6037 8484 06

PRISM Response, LLC
c/o Corporation Service Company
2595 Interstate Drive, Suite 103
Harrisburg, PA 17110

Re: Asbestos violations at Sheraton Pittsburgh Airport Hotel [1160 Thorn Run Rd.,
Coraopolis, PA 15108]

Dear Sir or Madam:

Please find enclosed a copy of the Administrative Order pertaining to renovation work performed at Sheraton Pittsburgh Airport Hotel located at 1160 Thorn Run Road, Coraopolis, Pennsylvania 15108.

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 30 days in which to file an appeal from the receipt of this Order. 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 not act as a stay. In the absence of a timely appeal, the terms of this Order shall become final.

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 XI and Article XXI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.



KAREN HACKER, MD, MPH, DIRECTOR
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.ACHD.NET

If you have any questions, please contact Shannon Sandberg, ACHD Asbestos Administrator, at 412-578-7969 or by email at Shannon.Sandberg@AlleghenyCounty.us. Thank you for your anticipated prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jayme Graham". The signature is written in a cursive, flowing style.

Jayme Graham
Air Quality Program Manager

cc: Dean DeLuca, Enforcement Section Chief, Air Quality Program (via email)
Shannon Sandberg, ACHD Asbestos Abatement Administrator (via email)
PRISM Response, LLC [VIA CERTIFIED MAIL: 9489 0090 0027 6037 8484 13
102 Technology Lane
Export, PA 15632]

ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM

SEP 27 2018

In the Matter of:

PRISM Response, LLC
102 Technology Lane
Export, PA 15632

ACHD Violation No. 180903

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

Sheraton Pittsburgh Airport Hotel
1160 Thorn Run Road,
Coraopolis, PA 15108

ADMINISTRATIVE ORDER

NOW, this 21st day of September, 2018, the Allegheny County Health Department (hereinafter “ACHD”) issues this Administrative Order after it has found and determined the following:

I. AUTHORITY

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. §§ 7401-7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 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. The ACHD, through its powers under Article XXI, maintains the authority to regulate all asbestos abatement activity within the boundaries of Allegheny County. With regard to regulations concerning asbestos abatement activity in Allegheny County, Article XXI also incorporates the federal asbestos abatement regulations. Article XXI § 2105.62.b.

II. FINDINGS

3. PRISM Response, LLC (hereinafter “PRISM”), is a Pennsylvania limited liability company with a principal place of business at 102 Technology Lane, Export, Pennsylvania 15632. PRISM is licensed by the ACHD as an Asbestos Abatement Contractor (License No. ACAL-18-0412).

4. Pittsburgh Hotel, LLC (hereinafter “Pittsburgh Hotel”) is the owner of the Sheraton Pittsburgh Airport Hotel (hereinafter “Sheraton Hotel”) located at 1160 Thorn Run Road, Coraopolis, Pennsylvania 15108 (Parcel ID No.: 0596-P-00205-0000-00).

5. At all times relevant, Interstate Hotels & Resorts, Inc. (hereinafter “Interstate”) is a hotel management company and was the property manager for the Sheraton Hotel.

6. At all relevant times, Maverick Management Group LLC (hereinafter “MMG”) operated a project management company and was retained by Pittsburgh Hotel and Interstate to provide project management services for the remediation and restoration work performed in the Sheraton Hotel.

7. PRISM is a “person” as that term is defined in Article XXI, § 2101.20 and 42 U.S.C. § 7602(e).

8. The Sheraton Hotel is a “facility” as defined by 40 C.F.R. § 61.141 and as a “facility” the building is subject to the asbestos abatement requirements of Article XXI §§ 2105.60-2105.63 and 40 C.F.R. § 61.145.

9. The Sheraton Hotel rooms, hallways, and conference rooms have a false ceiling constructed of drywall and a steel structural decking above the drywall which is covered with asbestos containing spray-on fireproofing. The drywall ceilings and walls are “facility components” as the term is defined by Article XXI, § 2101.20, and 40 C.F.R. § 61.141.

10. ACHD records indicate that multiple Asbestos Abatement Permits were issued for the Sheraton Hotel for the removal of asbestos containing fireproofing on the steel structural decking and beams in various locations throughout the facility.¹ PRISM is identified as the asbestos abatement contractor on nearly all of the abatement permits.

11. On May 18, 2017, a guest of the Sheraton Hotel set off a smoke alarm in his room which caused the sprinkler system in the room to activate and discharge a large volume of water. The water ran through the flooring and walls causing flooding in the rooms located on floors 1 through 6.

12. Green Maple Enterprises LLC operates a residential and commercial restoration and remediation business under the fictitious name SERVPRO of West Hills (hereinafter "SERVPRO"). After the flooding was discovered, SERVPRO was retained by Pittsburgh Hotel, Interstate, and MMG to provide water damage restoration services.

13. Due to the aforesaid flooding, drywall in the rooms became saturated and portions of the drywall ceilings collapsed exposing the asbestos containing spray-on insulation on the steel structural decking.

14. From May 19 to May 21, 2017, SERVPRO removed a large quantity of drywall from the ceilings and walls in the rooms, hallways, and conference rooms on floors 1 through 6, along with carpeting, insulation, and soft goods located in the rooms.

15. The drywall removed from the ceilings and walls by SERVPRO was covered and contaminated with friable asbestos containing material that had either fallen from the degraded asbestos containing spray-on fireproofing on the steel decking or disturbed during the renovation work. When SERVPRO removed sections of the asbestos covered drywall on the walls and

¹ The following Asbestos Abatement Permits were issued for the Sheraton Hotel: December 10, 2012 (Permit No.: PAA12-0608); December 10, 2012 (Permit No.: PAA13-0001); April 1, 2013 (Permit No.: PAA13-0176); April 29, 2013 (Permit No.: PAA13-0219); and July 1, 2014 (Permit No.: PAA14-0289).

ceilings, the friable asbestos became airborne and contaminated the bedding, carpeting, and other hard and soft furnishings in the rooms.

16. On or around May 22, 2017, Pittsburgh Hotel, Interstate, and MMG retained ATC Group Services LLC (hereinafter "ATC") to prepare an asbestos abatement and water restoration project scope of work and performance protocol for impacted rooms and common areas of the Sheraton Hotel.

17. On May 23, 2017, ATC collected bulk samples of the affected area which were analyzed by EMSL Analytical, Inc. On May 24, 2017, Pittsburgh Hotel, Interstate, and MMG were notified that the identified spray-on fireproofing contained 15% asbestos.

18. On May 26, 2017, ATC Group collected 27 wipe samples from dressers, nightstands, sprinkler pipes, and doors located in the rooms, hallways, and conference rooms on the 6th through 1st floors of the Sheraton Hotel. On May 30, 2017, Pittsburgh Hotel, Interstate, and MMG were notified that twenty-five (25) of the twenty-seven (27) wipe samples analyzed were found to contain chrysotile asbestos.

19. On or about June 1, 2017, PRISM submitted to MMG an "Asbestos Removal / Clean up" proposal for the "stabilization / removal of asbestos dust" in two conference rooms on the first floor of the Sheraton Hotel. PRISM states that the "proposal has been prepared in accordance with Local, State, and Federal Regulations."

20. On June 2 and 4, 2017, PRISM performed asbestos removal in two conference rooms at the Sheraton Hotel. An Asbestos Abatement Permit application was not submitted to the ACHD prior to the start of the asbestos abatement work performed by PRISM. Further, PRISM failed to notify the ACHD of the asbestos abatement in the Sheraton Hotel conference rooms during the actual removal of asbestos and during subsequent inspections of the facility.

21. The Sheraton Hotel conference rooms were opened to the public following the completion of the asbestos abatement activity. PRISM failed to perform clearance air sampling or request that the ACHD conduct a final clearance inspection prior to the Sheraton Hotel's conference rooms being opened to the public. The ACHD first became aware of the abatement activity several months later after obtaining documents from MMG pursuant to an ACHD document request.

22. On June 20, 2017, the ACHD received a complaint regarding the potential improper removal of asbestos containing material at the Sheraton Hotel. An ACHD representative visited the Sheraton Hotel on June 20, 2017, to investigate the complaint and learned, for the first time, of the renovation work performed in the Sheraton Hotel by SERVPRO.

23. On June 20, 2017, following the ACHD's inspection, Pittsburgh Hotel submitted an Asbestos Abatement Permit application for the removal of 1,522 square feet of friable spray-on fire proofing on the 6th through 2nd floors of the Sheraton Hotel. The permit application identifies PRISM as the asbestos abatement contractor. The permit application does not identify the asbestos abatement performed by PRISM in the Sheraton Hotel conference rooms on June 2 and 4, 2017. The ACHD issued the permit (Permit No.: PAA-17-0376) on June 30, 2017.

24. On August 1, 2017, Pittsburgh Hotel submitted a second Asbestos Abatement Permit application for the removal of additional friable spray-on fire proofing (Permit No.: PAA-17-0429). The permit application identifies PRISM as the asbestos abatement contractor. The permit application does not identify the asbestos abatement performed by PRISM in the Sheraton Hotel's conference rooms on June 2 and 4, 2017.

25. Final clearance inspections for both permits were completed by the ACHD on August 15, 2017. The inspections were limited to the areas of the Sheraton Hotel that were

identified in the permit applications submitted to the ACHD. Because PRISM failed to inform the ACHD of the asbestos abatement performed in the Sheraton Hotel's conference rooms on June 2 and 4, 2017, the ACHD did not inspect these areas.

III. VIOLATIONS

VIOLATION OF ARTICLE XXI § 2101.11.b.4 **(Submitting a false, inaccurate, and incomplete permit application)**

26. Article XXI, § 2101.11.b.4, states that “[i]t shall be a violation of this Article for any person to . . . [s]ubmit any application form, report, compliance certification, or any other submittal to the Department under this Article which is, in whole or in part, false, inaccurate, or incomplete.”

27. On June 20, 2017, and August 1, 2017, Asbestos Abatement Permit applications were submitted to the ACHD for the Sheraton Hotel that were false, inaccurate and incomplete. Upon information and belief, PRISM assisted in the preparation of these applications. The applications failed to identify the asbestos abatement performed by PRISM in the Sheraton Hotel conference rooms on June 2 and 4, 2017. The ACHD finds that PRISM intentionally concealed this information in an apparent attempt to avoid investigation by the ACHD of improper asbestos abatement activity by PRISM.

28. The ACHD finds that on June 20, 2017 and August 1, 2017, PRISM violated Article XXI, Section 2101.11.b.4, by submitting asbestos abatement permit applications that were false, inaccurate, and incomplete.

VIOLATION OF ARTICLE XXI § 2105.62.h.1 **(Asbestos Abatement Permit)**

29. Article XXI, § 2105.62.h.1, states that no person shall conduct the removal of asbestos unless an Asbestos Abatement Permit has been issued by the ACHD.

30. On June 2 and 4, 2017, PRISM conducted asbestos removal in the Sheraton Hotel conference rooms. At the time of the asbestos removal, an Asbestos Abatement Permit had not been issued by the ACHD.

31. The ACHD finds that on June 2 and 4, 2017, PRISM violated Article XXI, Section 2105.62.h.1, by conducting asbestos removal without an Asbestos Abatement Permit.

VIOLATION OF ARTICLE XXI § 2105.62.k
(Set-up and Preparation Notice)

32. Article XXI, Section 2105.62.k, requires that no person shall conduct the removal of asbestos unless the ACHD has been notified of completion of the full set-up and preparation of the work area.

33. On June 2 and 4, 2017, PRISM performed asbestos removal in the Sheraton Hotel conference rooms. PRISM failed to notify the ACHD of the completion of the full set-up and preparation of the work area prior to the commencement of asbestos removal.

34. The ACHD finds that on June 2 and 4, 2017, PRISM violated Article XXI, Section 2105.62.k, by removing asbestos without notifying the ACHD of the set-up and preparation of the work area.

VIOLATION OF ARTICLE XXI § 2105.63.k.1
(Final Clearance Inspection)

35. Article XXI, § 2105.63.k.1, requires that no person shall fail to continue to maintain negative air pressure at a project work area or reopen the work area to the public until such time as the ACHD has accepted the results of a final clearance inspection.

36. Following the asbestos abatement activity performed by PRISM on June 2 and 4, 2017, PRISM allowed the conference rooms to be reopened to the public. PRISM failed to perform clearance air sampling or request that the ACHD conduct a final clearance inspection

prior to the Sheraton Hotel’s conference rooms being opened to the public. The ACHD finds that this conduct constitutes a violation of Article XXI, § 2105.63.k.1.

IV. CIVIL PENALTY

37. Pursuant to the Air Pollution Control Act, 35 P.S. § 4009.1(a), and Article XXI, § 2109.06.a.1, the ACHD may assess a of civil penalty of \$25,000 per day for each violation.

38. For the violations set forth in the preceding paragraphs, PRISM Response, LLC, is hereby assessed a civil penalty of TWENTY THOUSAND, SEVEN HUNDRED AND SEVENTY DOLLARS (\$20,770.00). The civil penalty is as follows:

A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
Submitting false, inaccurate, and incomplete permit applications (§ 2101.11.b.4)	\$2,500.00	2	\$5,000.00
Failure to obtain asbestos abatement permit (§ 2105.62.h.1)	\$2,500.00	2	\$5,000.00
Failure to notify the ACHD of completion of set-up and preparation of work area (§ 2105.62.k)	\$900.00	1	\$900.00
Opened work area to public without inspection (§ 2105.63.k.1)	\$2,500.00	1	\$2,500.00
Subtotal of Gravity Penalty			\$13,400.00

B. Adjustment Factors:

Intentional and Reckless conduct for violations on June 2 and 4, 2017	\$7,370.00
TOTAL CIVIL PENALTY	\$20,770.00

39. The ACHD has determined the above civil 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 PRISM to minimize such violations and to prevent future violations; and PRISM's compliance history.

40. 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.

41. The ACHD finds that an adjustment to the gravity portion is warranted based on a finding that PRISM's conduct in performing asbestos abatement on June 2 and 4, 2017 without an asbestos abatement permit and failing to notify the ACHD of the asbestos abatement was either intentional or done with knowledge that the relevant conduct or omission was unlawful or that resulted from a reckless disregard of applicable regulatory or legal requirement or good operating practices.

42. The ACHD reserves the right revise the civil penalty calculation if new evidence supports such assessment.

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI §§ 2109.03.a.1 and 2105.62.e and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that:

43. For the violations set forth in the above paragraphs, PRISM Response, LLC, is hereby assessed a civil penalty of TWENTY THOUSAND, SEVEN HUNDRED AND SEVENTY DOLLARS (\$20,770.00). PRISM Response, LLC, shall pay the civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate check, or the like, shall be made payable to the "Allegheny County Clean Air Fund" and shall be

sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Building #7, Pittsburgh, PA 15201.

44. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department’s Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days in which to file an appeal from the receipt of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. In the absence of a timely appeal, the terms of this Order shall become final.

45. If you appeal this Order, you are required within thirty (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. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless you allege financial inability to prepay the penalty or to post the appeal bond. Article XXI, §§ 2109.06.a.2-3.

46. 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.

47. 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.

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

DONE and **ENTERED** this 21st day of September, 2018, in Allegheny County,
Pennsylvania.

For:

ALLEGHENY COUNTY HEALTH DEPARTMENT



Jayme Graham
Air Quality Program Manager
Allegheny County Health Department

9/21/2018
Date