



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

836 Fulton Street, Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation

720 Gross Street, Pittsburgh, PA 15224

Name of Alleged Violator

Max Auto Real Estate LLC

Address of Alleged Violator

720 Gross Street, Pittsburgh, PA 15224

Contact Person

Laurie McKinnon

Title

Phone Number

412-389-1456

Email

laurie.mckinnon@pandwforeigncars.com

Name of Alleged Violator

P&W BMW of Pittsburgh

Address of Alleged Violator

4801 Baum Boulevard, Pittsburgh, PA 15213

Contact Person

Tom Brooks

Title

Operations Manager

Phone Number

412-292-0536

Email

Tom.Brooks@pandwforeigncars.com

Contact Person

Laurie McKinnon

Title

Phone Number

412-389-1456

Email

laurie.mckinnon@pandwforeigncars.com

PART 1: DESCRIPTION OF INSPECTION(s)

On August 27, 2009, Allegheny County Health Department (hereafter ACHD) issued Minor Source Operating Permit # 0184 to the West Penn Allegheny Health System for the operation of two boilers and an emergency generator at the West Penn Hospital Foundation Research Building located at 720 Gross Street, Pittsburgh, PA 15224. Permit # 0184 expired on August 26, 2014. On May 10, 2024, ACHD contacted the facility representative, John Brown, regarding unpaid annual maintenance fees. John Brown reported that the building was sold and the new owners intended to tear the building down.

The Allegheny County Real Estate Portal shows that Max Auto Real Estate LLC purchased 720 Gross Street, Pittsburgh, PA 15224 from the West Penn Hospital Foundation on January 3, 2024 for \$130,000.00. Upon purchase of the facility, Max Auto Real Estate LLC became the owner of the regulated equipment and the requirements of ACHD's Article XXI and Minor Source Operating Permit # 0184.

On February 9, 2024, ACHD received an asbestos abatement permit application and notification of renovation that listed the owner of 720 Gross Street as Max Auto Real Estate LLC with street address of 4801 Baum Boulevard, Pittsburgh, PA 15213 and the contact was Laurie McKinnon. 4801 Baum Boulevard, Pittsburgh, PA 15213 is the address of P&W BMW of Pittsburgh. On December 5, 2024, ACHD emailed Laurie McKinnon, representative of Max Auto Real Estate LLC and P&W BMW of Pittsburgh of 720 Gross Street, Pittsburgh, PA 15224. ACHD informed Laurie McKinnon that they would need to transfer the permit to the new owners or render the equipment inoperable and terminate the permit and if they failed to terminate the equipment, they would be subject to Annual Maintenance Fees. P&W BMW of Pittsburgh reported that they would provide contact information to perform the permit termination inspection. On April 25, 2025, ACHD representatives spoke with Tom Brooks, P&W BMW of Pittsburgh Project Manager, who reported that the two boilers and emergency generator remained operable. On April 25, 2025, ACHD emailed Tom Brooks and Laurie McKinnon informing the facility representatives that the permit must be transferred and renewed or that the equipment be rendered inoperable and the permit terminated. ACHD requested that P&W BMW of Pittsburgh decide whether to renew or terminate the permit by May 10, 2025. ACHD provided a deadline of May 31, 2025, to submit a renewal application via ACHD's regulated entities portal. P&W BMW of Pittsburgh failed to respond to or act on ACHD directives. On July 10, 2025, Tom Brooks reported that P&W BMW of Pittsburgh wanted to renew the permit. On July 16, 2025, ACHD contacted P&W BMW of Pittsburgh again and provided a final deadline of August 16, 2025, to submit the renewal application and appropriate fee. On August 13, 2025, ACHD sent an

email as a follow up to a phone conversation with P&W BMW of Pittsburgh. The email discussed setting up P&W BMW of Pittsburgh with an account in ACHD's permitting portal and Laurie McKinnon assuming the role of Responsible Official. The email included forms for the change of Responsible Official and agreement to access the permitting portal that are to be completed by P&W BMW of Pittsburgh and submitted to ACHD. As of the date of this Enforcement Order, Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to submit the change of Responsible Official form and agreement to access the permitting portal. As of the date of this Enforcement Order, Max Auto Real Estate LLC of Pittsburgh failed to submit a renewal application and appropriate fee.

On August 12, 2025, ACHD issued an Enforcement Order ASB 25-09-01 to P&W BMW of Pittsburgh regarding its continued operation of regulated equipment without a permit and failure to transfer the permit due to change of ownership. ASB 25-09-01 required P&W BMW to submit an Operating Permit renewal application within 21 days of receipt of the order. The Order also assessed a civil penalty of \$1,800.00. ASB 25-09-01 was sent to 720 Gross Street via certified mail, tracking number 94890090002760452111964 and was delivered to an individual on September 19, 2025. As of the date of this Enforcement Order, Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to submit a renewal application, appropriate fee or pay the civil penalty.

As Max Auto Real Estate LLC and P&W BMW of Pittsburgh are owners and operators of regulated equipment at 720 Gross Street since January 3, 2024, and are subject to the requirements of Minor Source Operating Permit # 0184, they are assessed an Annual Maintenance Fee.

On December 17, 2024, ACHD emailed Max Auto Real Estate LLC and P&W BMW of Pittsburgh Representatives Tom Brooks and Laurie McKinnon a payment reminder for the 2025 Annual Maintenance Fee. Attached was invoice AQANN2600338 for which the total due was \$500.00. AQANN2600338's invoice period is January 1, 2025 to December 31, 2025 and the due date was December 31, 2024. Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to pay the invoice by December 31, 2024. A 50% civil penalty, \$250.00 was assessed. The total due for 2025 is \$750.00. As of the date of this order, Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to pay the 2025 Annual Maintenance fee and civil penalty for late payment.

On November 19, 2025, ACHD emailed P&W BMW of Pittsburgh Representative Maureen Lucas invoice AQANN2600578 for the 2026 Annual Maintenance Fee. AQANN2600578's invoice period is from January 1, 2026 through December 31, 2026 with a due date of December 31, 2025 and total due amount of \$1,000.00. Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to pay the invoice by December 31, 2025. A 50% civil penalty, \$500.00, was assessed. On February 10, 2026, ACHD emailed Laurie McKinnon and Maureen Lucas invoices AQANN2600338 and AQANN2600578 for 2025 and 2026 Annual Maintenance fees and late payment penalties. As of the date of this order, Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to pay the 2026 Annual Maintenance fee and civil penalty for late payment.

Max Auto Real Estate LLC and P&W BMW of Pittsburgh continue to currently operate regulated sources of air pollution at 720 Gross Street, Pittsburgh, PA 15224 without a valid operating permit after being informed of regulatory requirements multiple times in writing, over the phone and through an Enforcement Order. Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to transfer ownership and renew the operating permit for the regulated equipment at 720 Gross Street. After receipt of the Enforcement Order, Max Auto Real Estate LLC and P&W BMW of Pittsburgh have operated regulated equipment throughout 2025 and 2026 and have failed to transfer ownership of the permit. Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to timely respond to ACHD requests for the submission of an operating permit application and appropriate fee for nine months. Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to pay the Annual Maintenance Fees and late payment penalties for calendar years 2025 and 2026.

Did the individual/company cooperate with ACHD personnel? No If not, explain:

Max Auto Real Estate LLC of Pittsburgh has failed to act on ACHD's guidance and Enforcement Order to return to compliance.

Inspection Date(s)
8/8/2025

Inspector Name(s)
Erick S. Vail

PART 2: YOU ARE IN VIOLATION OF THE FOLLOWING REGULATION(s):

1	Regulation Section	Regulation Requirement
	§2103.10.b.a Prohibition of Operating Without a Permit	Except as otherwise expressly provided under this Subpart, no source subject to this Subpart may be operated, or allowed to operate, after the time a complete Operating Permit application for such source is required to be submitted under this Part, except in compliance with an Operating Permit issued under this Subpart.
	Description of Violation Max Auto Real Estate LLC and P&W BMW of Pittsburgh are operating two boilers and an emergency generator that require an operating permit at 720 Gross Street, Pittsburgh PA during calendar years 2025 and 2026. Max Auto Real Estate LLC and P&W BMW of Pittsburgh does not hold a valid operating permit for two boilers and an emergency generator at 720 Gross Street, Pittsburgh PA. On February 14, 2025, April 25, 2025, July 16, 2025, and August 12, 2025, ACHD notified Max Auto Real Estate LLC and P&W BMW of Pittsburgh of its obligation to transfer or terminate Permit #0184 and has failed to act.	
	What You Must Do to Correct the Violation Do not operate regulated equipment without holding an installation or operating permit. Submit a renewal operating permit via the Regulated Entities Portal for the operation of two boilers and an emergency generator at 720 Gross Street, Pittsburgh PA within 21 days of the receipt of this order.	
2	Regulation Section	Regulation Requirement
	§2102.03.e Transfers	Permits issued pursuant to this Part or Part C of this Article shall not be transferable from one person to another, except in accordance with the requirements of this Part or Part C in cases of change-in-ownership which are documented to the satisfaction of the Department, and shall be valid only for the specific sources and equipment for which they were issued. The transfer of permits in the case of change-in-ownership shall also require the submission to the Bureau of a Permit Transfer application fee in the amount set by the Board of Health.
	Description of Violation Max Auto Real Estate LLC and P&W BMW of Pittsburgh purchased the regulated sources of air pollution at 720 Gross Street, Pittsburgh, PA and failed to submit documentation and fee to perform the transfer of ownership. On February 14, 2025, April 25, 2025, July 16, 2025 and August 12, 2025, ACHD notified Max Auto Real Estate LLC and P&W BMW of Pittsburgh that they needed to transfer or terminate Permit #0184 and has failed to act. Max Auto Real Estate LLC and P&W BMW have failed to transfer Permit #0184 in 2026.	
	What You Must Do to Correct the Violation Submit a transfer of ownership and renewal operating permit application along with the appropriate fee via the regulated entities portal to transfer and renew the operating permit within 21 days of receipt of this order.	

PART 2: YOU ARE IN VIOLATION OF THE FOLLOWING REGULATION(s):

3	Regulation Section §2109.03.e. Violations	Regulation Requirement Failure to comply with any Enforcement Order within the times specified therein shall be a violation of this Article and a public nuisance giving rise to the remedies and penalties provided by §2109.02 and 2109.06 of this Article. In addition to such remedies and penalties, the Department may immediately revoke such order and may pursue any other remedy as if such order has never existed.
	Description of Violation Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to respond to ASB 25-09-01 and submit an operating permit renewal and appropriate fee.	
	What You Must Do to Correct the Violation Submit the operating permit renewal application and applicable fee via the Regulated Entities Portal within 21 days of the receipt of this order.	
4	Regulation Section §2103.12.f.5 Standard General Requirements	Regulation Requirement The permittee shall furnish to the Department in writing, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of any records required to be kept by the permit
	Description of Violation Max Auto Real Estate LLC and P&W BMW of Pittsburgh have failed to provide information via an operating permit renewal and have failed to complete change of Responsible Official forms as requested on April 25, 2025, July 16, 2025 and Enforcement Order ASB 25-09-01 by any deadline set by ACHD.	
	What You Must Do to Correct the Violation Submit the operating permit renewal application and applicable fee via the Regulated Entities Portal within 21 days of the receipt of this order. Submit the Change of Responsible Official form and email to AQReports@AlleghenyCounty.US	
5	Regulation Section §2103.40.c Annual Operating Permit Maintenance Fee	Regulation Requirement Beginning for calendar year 2021, an owner or operator of a source that has submitted an application for an operating permit under this Part shall pay an annual operating permit maintenance fee in the amount set by the Board of Health. For calendar year 2021, the annual operating permit maintenance fee is due on or before 60 days after the effective date of this subsection. For subsequent years, the annual operating permit maintenance fee is due on or before December 31 of each year for the next calendar year. The owner or operator shall pay the fee while such application is being reviewed and then during the term of any permit subsequently issued.
	Description of Violation Max Auto Real Estate LLC and P&W BMW of Pittsburgh failed to pay the 2025 and 2026 Annual Operating Permit Maintenance Fee in a timely manner. Civil penalties for late payments were assessed and also remain past due.	
	What You Must Do to Correct the Violation Submit the 2025 Annual Operating Permit Maintenance Fee of \$500.00 and \$250.00 civil penalty for late payment. Submit the 2026 Annual Operating Permit Maintenance Fee of \$1,000.00 and \$500.00 civil penalty for late payment.	

PART 3: YOU ARE HEREBY ORDERED AS FOLLOWS:

- ☐ **Immediately stop all work and/or cease operations at the following location(s):**

You are hereby Ordered to correct the violations(s) listed in Part 2 within _____ days of the service of this Enforcement Order.

- ☒ **You are hereby Ordered to comply with the following requirements within __21__ days of the service of this Enforcement Order:**

Submit an operating permit renewal application and appropriate fee via the Regulated Entities Portal.

Submit the 2025 Annual Operating Permit Maintenance Fee of \$500.00 and \$250.00 civil penalty for late payment

Submit the 2026 Annual Operating Permit Maintenance Fee of \$1,000.00 and \$500.00 civil penalty for late payment

The Order(s) in this Part is enforceable upon issuance and any appeal shall not act as a stay. The Order(s) shall remain in effect until you are notified in writing by the Department. Please contact the ACHD Air Quality Program at (412) 578-8103 to arrange for a reinspection or to request that the Order(s) be rescinded.

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.

PART 4: CIVIL PENALTY

For the violations listed in Part 2, you are hereby assessed a civil penalty of \$ 22,780.00.

The determination of the civil penalty is attached as **Exhibit No. 1** and is incorporated as part of this Enforcement Order.

Please be aware that if the Department did not assess a civil penalty, the Department may issue a subsequent enforcement order in which a civil penalty is assessed.

You 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, 836 Fulton Street Pittsburgh, PA 15233.

PART 5: REQUEST FOR ADMINISTRATIVE HEARING

Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), and Article XXI § 2109.06.a.5, of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance 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 unless the Director or Hearing Officer of the ACHD so orders. 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 and a civil penalty has been assessed under Part 4, 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. If you allege financial inability to prepay or post the bond, then you have the burden to prove it. 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>.



Air Quality Program Manager

4/27/2026

Date

EXHIBIT NO. 1

CIVIL PENALTY DETERMINATION AND CALCULATION

PURPOSE: The primary purpose for assessing civil penalties is to deter future violations not only at the specific facilities that are involved in the enforcement actions taken by the Department, but also at all the facilities within Allegheny County that are subject to the Article XXI regulations. In order to achieve the goal of deterrence, a civil penalty should remove any significant economic benefit resulting from noncompliance and include an amount beyond recovery of the economic benefit to reflect the seriousness of the violation.

CIVIL PENALTY FACTORS: The ACHD has determined the civil penalty to be 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 the violator to minimize such violations and to prevent future violations; and the violator's compliance history.

CIVIL PENALTY FORMULA: The following calculation is used to assess the civil penalty:

$$\text{Civil Penalty} = (\text{Gravity Based Component} \times \text{Adjustment Factor}) + \text{Economic Benefit} + \text{Cost to the Department} + \text{Additional Deterrent Penalty}$$

Gravity Based Component: A gravity based component reflects the potential harm that the violation may have on the public or environment and the severity of the violation.

Adjustment Factor: The gravity-based component may be adjusted for factors and circumstances unique to the violator. These adjustment factors include the violators degree of cooperation with the ACHD during the investigation, the compliance history of the violator, the degree of willfulness that violator exhibited with regard to the violation, the size of the violator, and whether the violator is a Title V source or a Synthetic Minor source.

Economic Benefit: This component is a measure of the economic benefit gained by the violator as a result of noncompliance with the regulatory, statutory, or permit requirements.

Cost to the Department: Extra monetary costs for the investigation and preparation of the case, such as source sampling costs and laboratory costs, may be identified and added to the adjusted civil penalty.

Additional Deterrent Penalty: An additional deterrent penalty may be assessed if justified by the circumstances of the case.

CIVIL PENALTY CALCULATION

A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
§2103.10.b.a Prohibition of Operating Without a Permit (2025, 2026)	\$1,100.00	2	\$1,100.00
§2102.03.e Transfers (2026)	\$700.00	1	\$700.00
§2109.03.e3- Violations- Failure to comply with EO terms	\$2,100.00	1	\$2,100.00
§2103.12.f.5 Standard Requirements Duty to Provide Information	\$2,100.00	2	\$4,200.00
§2103.40.c Failure to Pay Annual Fees	\$2,100.00	2	\$4,200.00

Gravity Component Total	\$13,400.00
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B. <u>Adjustment Factors</u>	Factor	Adjustment Amount
Degree of Cooperation: P&W was informed multiple times yet failed to act, failed to respond to Enforcement Orders	0.25	\$3,350.00
Compliance History: Enforcement Order ASB 25-09-01	0.25	\$3,350.00
Degree of Willfulness: Was informed in writing and via enforcement order	0.3	\$4,050.00
Size of Violator: 51-200 Employees	-0.1	-\$1,340.00
Title V source or a Synthetic Minor source: Not a Title V Source	0	0
Adjustment Factors Total	0.7	\$9,380.00

C. Other Adjustments

Economic Benefit:	\$0.00
Cost to the Department:	\$0.00
Additional Deterrent Penalty:	\$0.00
Other Adjustments Total	\$0.00

TOTAL CIVIL PENALTY	\$22,780.00
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