



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

836 Fulton Street Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violator

4200 Neville Road, Neville Township, PA 15225

Name of Alleged Violator #1

Lindy Paving

Address of Alleged Violator #1

4200 Neville Road, Neville Township, PA 15225

Contact Person #1

Ryan Mitchell

Title

General Manager

Phone Number

724-333-2950

Email

Ryan.Mitchell@lindypaving.com

PART 1: DESCRIPTION OF INSPECTION(s)

On August 6, 2024, the Allegheny County Health Department (ACHD) issued Installation Permit 0311-I003 (0311-I003) to Lindy Paving Incorporated (Lindy Paving) located at 4200 Neville Road, Neville Township, PA 15225 for a total replacement of all asphalt production equipment. The project entailed the removal of the existing hot mix asphalt plant, three natural gas heated asphalt cement storage tanks, six product storage silos and the addition of a new hot mix asphalt plant, four electric asphalt cement storage tanks, and nine stationary silos. On June 20, 2024, ACHD commenced a public comment period regarding 0311-I003, which concluded on July 30, 2024. Lindy Paving provided formal feedback during the public comment period, which did not include comment on Condition V.A.1.e.

Condition IV.12.a of 0311-I003 requires new and modified sources to perform emission testing no later than 60 days after achieving full production or 120 days after startup, whichever is earlier. Section V.A of 0311-I003 lists restrictions for the Hot Mix Asphalt Plant. Condition V.A.1.e of 0311-I003 requires that emissions of nitrogen oxides (NO_x) shall not exceed 60 ppm_{vd} (parts per million by volume, dry basis), at 3% O₂ and 20 ppm_{vd} at 15% O₂. [§2102.04.b.6]. Condition V.A.1.g lists emission limitations including a 22.59 tons per year limit on NO_x. §2102.04.b.6 states, “For new sources, BACT (Best Available Control Technology) has been applied.” BACT is defined as: “An emission limitation based on the maximum degree of reduction of each air contaminant regulated by this Article, which the Department determines on a case-by-case basis to be achievable taking into account the energy, environment, and economic impacts and other costs. In no event shall application of BACT result in emissions of any air contaminant exceeding the emissions allowed under any applicable NSPS, any NESHAP, or any RACT emission limit under this Article.” §2102.04.b.6 requires that ACHD shall not issue any installation permit for a new source unless it complies with all applicable requirements and demonstrates that for new sources, BACT has been applied.

On August 14, 2025, Lindy Paving submitted the source test procedural protocol. On September 2, 2025, ACHD deemed the source test procedural protocol acceptable. On October 16, 2025, Lindy Paving performed compliance testing. On January 23, 2026, Lindy Paving submitted the compliance test report. ACHD reviewed the test report and the test results documented the facility’s tested NO_x emissions at 67.3 ppm_{vd} at 3% O₂ and 22.1 ppm_{vd} at 15% O₂ exceeding the limitations of condition V.A.1.e of 0311-I003. The test report also documented NO_x emission at 12.84 tons per year, less than the 22.59 tons per year limitation.

On October 30, 2025, Lindy Paving and ACHD met to discuss safety, environmental and testing issues. On November 21, 2025, Lindy Paving submitted a Request for Modification of the Installation Permit with respect to Condition V.A.1.e of 0311-I003. Lindy Paving reported that the ppm_{vd} units were inadvertently included in 0311-I003 and another NO_x limit, 60 ppm at 15% O₂, was appropriate and intended to be the limit included in 0311-I003. The initial permit application submitted by Lindy Paving for 0311-I003 included the 60 ppm_{vd}, at 3% O₂ and 20 ppm_{vd} at 15% O₂ limit and therefore it was included in the issued permit. Information from the manufacturer listed 60 ppm_{vd}, at 3% O₂ and 20 ppm_{vd} at 15% O₂ as an appropriate emission limitation for the equipment. After a review of limitations for similar facilities, none included a ppm_{vd} limitation. The annual limit was based on the 60 ppm_{vd}, at 3% O₂ limitation. ACHD included an appropriate limit for the Hot Mix Asphalt

Plant but has determined that the existing restrictions in Condition V.A.1.g are effective for the control of NOx. ACHD drafted an amended permit removing V.A.1.e of 0311-I003. The amendment, 0311-I003a is out for public comment from July 11, 2026 to August 12, 2026.

As of the date of the test, October 16, 2025, Condition V.A.1.e of 0311-I003's restriction of 60 ppm_{vd} at 3% ppm_{vd} and 20 ppm_{vd} at 15% O₂ was in place and exceeded. Lindy Paving exceeded these limits during emission testing on October 16, 2025. Lindy Paving operated the Hot Asphalt Plant from October 16, 2025 through November 30, 2025 without a passing stack test.

Did the individual/company cooperate with ACHD personnel? If not, explain:

Yes

Inspection Date(s)

October 16, 2026

Inspector Name(s)

Bill Rausch

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

1	Regulation Section Article XXI § 2102.04.b.c (2103.10.b.3 0311-I003 V.A.1.e)	Regulation Requirement For new sources, BACT has been applied Emissions of nitrogen oxides (NOX) shall not exceed 60 ppm_{vd} at 3% O₂ and 20 ppm_{vd} at 15% O₂.
	Description of Violation Lindy Paving exceeded an enforceable NOx limitation for 60 ppm _{vd} , at 3% O ₂ and 20 ppm _{vd} at 15% O ₂ during emission testing on October 16, 2025.	
	What You Must Do to Correct the Violation An amended permit is out for public comment removing NOx ppm _{vd} limitation and retaining tons per year limitation.	
2	Regulation Section Article XXI § 2101.11.a Prohibition of Air Pollution	Regulation Requirement It shall be a violation of this Article to fail to comply with, or to cause or assist in the violation of, any requirement of this Article, or any order or permit issued pursuant to authority granted by this Article. No person shall willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such manner that emissions from such source: Exceed the amounts permitted by this Article or by any order or permit issued pursuant to this Article
	Description of Violation Lindy Paving operated the Hot Mix Asphalt plant during two calendar months from October 16, 2025 to November 30, 2025, without a stack test showing compliance with Condition V.A.1.g of 0133-I001.	
	What You Must Do to Correct the Violation On November 30, 2025, a permit amendment and appropriate fee was submitted to ACHD to restrict NOx emission in a tons per year limitation.	

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 _____ days of the service of this Enforcement Order:

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 \$ 13,195.00. 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.

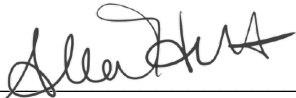
PART 5: REQUEST FOR ADMINISTRATIVE HEARING

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 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

7/29/2026

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
Article XXI § 2101.04.b.c, 2103.10.b.3 0311-I003 V.A.1.e For new sources, BACT has been applied Emissions of nitrogen oxides (NOX) shall not exceed 60 ppmvd at 3% O2 and 20 ppmvd at 15% O2.	\$1,100.00	1	\$1,100.00
2101.11.a Prohibition of Air Pollution – Operating Out of Compliance for two calendar months	\$4,000.00	2	\$8,000.00
Gravity Component Total			\$9,100.00

B. <u>Adjustment Factors</u>	Factor	Adjustment Amount
Degree of Cooperation: Submitted amendment		
Compliance History: 1 Enforcement Order – April 25, 2025	0.25	\$2,275.00
Degree of Willfulness:		
Size of Violator:		
Title V source or a Synthetic Minor source: Synthetic Minor	0.2	\$1,820.00
Adjustment Factors Total		\$4,095.00

C. Other Adjustments

Economic Benefit: None Identified	
Cost to the Department:	
Additional Deterrent Penalty:	
Other Adjustments Total	\$0.00
TOTAL CIVIL PENALTY	\$13,195.00