



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

836 Fulton Street, Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation

108 Talbot Ave, Braddock, PA 15104

Name of Alleged Violator

Wheaton & Sons Inc.

Address of Alleged Violator

108 Talbot Ave, Braddock, PA 15104

Contact Person

Jeff Wheaton

Title

Owner

Phone Number

412-351-0405

Email

jwheaton@wheatonmetalfab.com

PART 1: DESCRIPTION OF INSPECTION(s)

On March 12, 2025, Allegheny County Health Department (ACHD) representatives conducted a site visit at Wheaton & Sons Inc. located at 108 Talbot Avenue, Braddock, PA 15104. Wheaton & Sons Inc. is an establishment primarily engaged in fabricated structural metal manufacturing operations. ACHD observed machining processes, including two plasma cutters, one laser cutter, multiple press brakes, bandsaws, curving rolls, and punching centers. The plasma cutter operates on a water table, but ACHD saw no other dust control measures. ACHD observed welding activities that were performed on open tables and vented through exhaust fans directly to the atmosphere. The welders are fueled by CO₂, nitrogen, and argon. Seven Wheaton & Sons employees primarily engage in welding activities. Wheaton & Sons operates a paint booth with High Velocity – Low Pressure paint guns to prime metal. Wheaton & Sons operates a blasting unit that uses aluminum oxide sand as blast media and is controlled by a baghouse on the exterior of the facility. Wheaton & Sons also operates a blasting unit that uses steel abrasives as blast media and is controlled by a baghouse on the interior of the building. ACHD requested additional information regarding the operations and throughput of the facility during the inspection.

Due to the facility's equipment and operations, ACHD determined Wheaton & Sons Inc. was subject to EPA 40 CFR Part 63 Subpart XXXXXX and was subject to ACHD's Article XXI. On May 6, 2025, ACHD provided a data request via email regarding the operations and throughput of the facility with a deadline to respond of June 6, 2025. Pursuant to Section 2109.a of Article XXI, ACHD requested the following information:

- Safety Data Sheet(SDS) for paints, solvents, thinners, and cleaners
- SDS for MIG (Metal Inert Gas) and TIG (Tungsten Inert Gas) wire and rod
- SDS for shielding and carrier gases
- SDS for abrasive blast media
- Natural gas fuel usage for shop heaters
- Number of shop employees
- 12-month material throughput for welding rod, welding wire, paint, gases, and abrasive blast media
- Specifications for spray paint gun
- Machining and welding equipment specifications
- Building dimensions

On June 16, 2025, ACHD again requested the information sought on May 6, 2025, because Wheaton & Sons Inc. had not provided the information. On July 1, 2025, ACHD also requested a Request for Determination or Permit Application from Wheaton & Sons Inc.

As Wheaton & Sons Inc. failed to respond to ACHD's requests for information, on November 21, 2025, ACHD emailed Wheaton & Sons Inc. an issued enforcement order dated November 21, 2025, requiring the following documentation and information, with a deadline of fourteen (14) days of the service of the enforcement order:

- Submit a Request for Determination and appropriate fee to ACHD via the Regulated Entities Portal <https://www.alleghenycounty.us/Services/Health-Department/Air-Quality/RegulatedEntities-Portal>
- Submit the below documentation via email to AQReports@AlleghenyCounty.US
 - SDS sheets for paints, solvents, thinners, and cleaners
 - SDS sheets for MIG and TIG wire and rod
 - SDS sheets for shielding and carrier gases
 - SDS sheets for abrasive blast media
 - Natural gas fuel usage for shop heaters
 - Number of shop employees
 - 12-month material throughput for welding rod, welding wire, paint, gases, and abrasive blast media
 - Specifications for spray paint gun
 - Machining and welding equipment specifications
 - Building dimensions

On November 25, 2025, Wheaton & Sons Inc. provided all requested SDS sheets, Natural gas fuel usage for November 2024, specifications for spray paint guns, and a list of machining and welding equipment. This information was initially requested at the site visit on March 12, 2025 and via email on June 16, 2025. On December 1, 2025, Wheaton & Sons Inc. provided the number of employees, building dimensions, and material throughput. On April 15, 2026, ACHD contacted Wheaton & Sons Inc. via email as to the status of the Request for Determination or Permit application and to provide notice that an application is not complete until payment is received.

On April 28, 2026, Wheaton & Sons Inc. submitted to ACHD a Request for Determination and appropriate fee regarding the need for an air installation permit for their specialty steel fabrication shop in Braddock, 158 days after the issuance of the November 11, 2025 Enforcement Order. On May 1, 2026, ACHD issued a Determination Letter notifying Wheaton & Sons Inc. that ACHD had determined that the operations located at 108 Talbot Ave, Braddock, PA 15104 required an Installation and Operating Permit Application. The Determination Letter stated that Wheaton & Sons Inc.'s estimated potential emissions of Criteria pollutants are significant and above the threshold required for permitting.

As of the date of this order, Wheaton & Sons Inc. has not submitted an Installation or Operating Permit Application and appropriate fee and continues to operate at 108 Talbot Ave, Braddock, PA 15104.

Did the individual/company cooperate with ACHD personnel? No If not, explain:	Wheaton & Sons Inc. has failed to act on ACHD's directives and Enforcement Order to return to compliance by the provided deadlines.
Inspection Date(s) 3/12/2025	Inspector Name(s) James Bollinger, Kacie Cava, Gaspar Muniz Villalon

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

1	Regulation Section §2103.10.b.1 Prohibition of Operating Without a Permit	Regulation Requirement 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 On May 1, 2026, ACHD issued a Determination Response that Wheaton & Sons Inc. is operating a metal fabrication facility that generates emissions in regulated quantities and requires installation and operating permits. Wheaton & Sons Inc is currently operating a stationary source of air pollution without valid installation and operating permits since being informed of the requirement on May 1, 2026. Wheaton & Sons Inc. does not hold a valid installation permit. Wheaton & Sons Inc. does not hold a valid operating permit. Wheaton & Sons Inc, has failed to submit an installation and operating permit application and appropriate fee.	
	What You Must Do to Correct the Violation Do not operate regulated equipment without holding an installation or operating permit. Submit an installation and operating permit application via the Regulated Entities Portal for the operations located at 108 Talbot Avenue, Braddock, PA 15104 within 30 days of the receipt of this order.	
	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.
2	Description of Violation Wheaton & Sons Inc. failed to respond to the Enforcement Order dated November 21, 2025. Wheaton & Sons Inc failed to submit an RFD and appropriate fee by the 14 day deadline.	
	What You Must Do to Correct the Violation In the future, comply with required deadlines from Enforcement Actions.	
	Regulation Section §2101.11.b.2	Regulation Requirement It shall be a violation for any person to in any manner hinder, obstruct, delay, resist, prevent, or in any way interfere or attempt to interfere with the Department or its personnel in the performance of any duty hereunder, including the Department's inspection of any source
3	Description of Violation Wheaton & Sons Inc failed to provide or timely provide information requested by ACHD during a site visit on March 12, 2025, and via email on May 6, 2025, June 16, 2025, July 1, 2025, and March 9, 2026.	
	What You Must Do to Correct the Violation Provide information in a timely manner when requested by the Department.	

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 30 days of the service of this Enforcement Order:

Submit a complete installation and operating permit application and appropriate fee via the Regulated Entities Portal.

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 \$ 9,900.00.

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 §§ 2109.03.d and 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

6/30/2026

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.1 Operating without a Permit	\$5,000.00	1	\$5,000.00
§2109.03.3 Failure to comply with an enforcement order by the required deadline	\$2,000.00	1	\$2,000.00
§2101.11.b.2 Preventing an inspection of data by failing to providing information to ACHD	\$2,000.00	1	\$2,000.00
Gravity Component Total			\$9,000.00

B. <u>Adjustment Factors</u>	Factor	Adjustment Amount
Degree of Cooperation: Wheaton & Sons Inc was informed multiple times and failed to complete activities to regain compliance	0.1	\$900.00
Compliance History: Enforcement Order Issued November 21, 2025	0.25	\$2,250.00
Degree of Willfulness: Failed to provide data after multiple requests, failure to respond to RFD determination	0.0	
Size of Violator: 23 Employees	-0.25	-\$2,250.00
Title V source or a Synthetic Minor source: Not a Title V Source	0.0	
Adjustment Factors Total	0.1	\$900.00

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	\$9,900.00