



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

836 Fulton Street, Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation I-376 Bridge over Boyce Road 4699 Campbells Run Road, Pittsburgh PA 15205			
Name of Alleged Violator #1 Northeast Paving -General Contractor			
Address of Alleged Violator #1 290 Bilmar Drive, Pittsburgh, PA, 15205			
Contact Person #1 Mark Spruill	Title Project Engineer	Phone Number (412) 875-3370	Email mark.spruill@eurovia.us
Name of Alleged Violator #2 Pennsylvania Department of Transportation - Owner			
Address of Alleged Violator #2 45 Thomas Run Road, Bridgeville, PA 15017			
Contact Person #2 Robert Yarup	Title IIC	Phone Number (412) 738-4275	Email ryarup@pa.gov

PART 1: DESCRIPTION OF INSPECTION(S)

On April 23rd, 2025, the Allegheny County Health Department Air Quality Program issued Abrasive Blasting Permit AB25.06 to 446 Painting LLC (abrasive blasting contractor), Northeast Paving (general contractor) and the Pennsylvania Department of Transportation (owner) for abrasive blasting of a three-span continuous multi-tier girder. 446 Painting LLC was contracted to sandblast 15,278 square feet of painted structural steel to remove paint, rust, and concrete utilizing steel grit and to the best of Department’s knowledge complied with all relevant Article XXI regulations.

On April 17, 2025, ACHD Representatives inspected the blasting site at I-376 Bridge over Boyce Road. During the inspection, ACHD observed unpermitted abrasive blasting on rusted rebar for concrete repairs. Northeast Paving reported that they had been performing blasting on the rusted rebar since April 14, 2025. This work was not included in the original project permit application for abrasive blasting of painted structural steel. Since the total project exceeded 1,000 square feet, the sandblasting of rusted rebar required a notification to be submitted and approved prior to the start of work on April 14, 2025. The notification application for the sandblasting of rusted rebar was submitted on May 12, 2025, about a month after the work had been completed. The notification lists Northeast Paving as the abrasive blasting contractor for the abrasive blasting of rusted rebar utilizing Black Beauty abrasive material.

Northeast Paving and the Pennsylvania Department of Transportation performed abrasive blasting activities of rusted rebar at -376 Bridge over Boyce Road without notifying ACHD 30 days prior to the start of blasting activities.

Did the individual/company cooperate with ACHD personnel? If not, explain:	Yes
Inspection Date(s) April 17, 2025	Inspector Name(s) Catie O’Malley and Cali Conley

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

1	Regulation Section §2105.51.a.2.B Abrasive Blasting General	Regulation Requirement General. No person shall conduct, or allow to be conducted, abrasive blasting or power tool cleaning, hereinafter all referred to as abrasive blasting, of any surface, structure, or part thereof, hereinafter all referred to as surface, which has a total area greater than 1,000 square feet unless...[t]he owner of such surface, which has a total area...[g]reater than 1,000 square feet but not more than 10,000 square feet, has properly submitted a notice to the Department under this Section, except where such blasting is part of a process requiring an operating permit under Subparts C.1 or C.2 of this Article.
	Description of Violation Northeast Paving and the Pennsylvania Department of Transportation allowed or performed abrasive blasting of rusted rebar of an area greater than 100 square feet but less than 10,000 square feet without notifying ACHD as part of a larger abrasive blasting project.	
	What You Must Do to Correct the Violation Do not perform abrasive blasting of an area greater than 1,000 square feet but less than 10,000 square feet without proper notification to ACHD	

2	Regulation Section §2105.51.c.1 Permit Applications and Notices	Regulation Requirement Permit Applications and Notices. Properly completed applications for permits and notices required under this Section, along with the appropriate fees, shall be submitted to, and received by, the Department no later than 30 days prior to the proposed date, and in the case of notices the actual date, of commencement of the proposed abrasive blasting.
	Description of Violation Northeast Paving and the Pennsylvania Department of Transportation failed to notify ACHD of regulated abrasive blasting of rusted rebar at I-376 Bridge over Boyce Road 30 days prior to the commencement of abrasive blasting activities.	
	What You Must Do to Correct the Violation Do not perform abrasive blasting of an area greater than 1,000 square feet but less than 10,000 square feet without proper notification to ACHD	

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 \$ 4,030.00. 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”), 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 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, 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

3/9/2026

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

<u>Violation</u>	<u>Gravity Based Penalty</u>	<u>Violation Days</u>	<u>Total Gravity Penalty</u>
§2105.51. a. 2. B Performing regulated abrasive blasting without an abrasive blasting notification	\$2,200.00	1	\$2,200.00
§2105.51. c. 1 Failing to notify ACHD of abrasive blasting activities 30 day prior to work starting	\$4,000.00	1	\$4,000.00
	\$		\$
	\$		\$
Gravity Component Total			\$6,200.00

<u>B. Adjustment Factors</u>	<u>Factor</u>	<u>Adjustment Amount</u>
Degree of Cooperation: Submitted notification after work was complete	0.1	\$620.00
Compliance History: No Enforcement Actions in last two years		\$
Degree of Willfulness: Failure to Exercise Due Diligence		\$
Size of Violator: Governmental Agency	-0.45	\$2,790.00
Title V source or a Synthetic Minor source: Blasting Contractor Role		\$
Adjustment Factors Total		-\$2,170.00

<u>C. Other Adjustments</u>		
Economic Benefit:	\$	
Cost to the Department:	\$	
Additional Deterrent Penalty:	\$	
Other Adjustments Total		\$

TOTAL CIVIL PENALTY	\$4,030.00
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