



ENFORCEMENT ORDER

Allegheny County Health Department

Air Quality Program

836 Fulton Street Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation 2220 Second Ave, Pittsburgh, PA 15219			
Name of Alleged Violator #1 Heidelberg Materials			
Address of Alleged Violator #1 2220 Second Ave, Pittsburgh, PA 15219			
Contact Person #1 Thomas Andrews	Title Plant Manager	Phone Number 412-431-60001	Email Thomas.andres@heidelbergmaterials.com

PART 1: DESCRIPTION OF INSPECTION(S)

On June 29, 2026, an Allegheny County Health Department (ACHD) representative was driving on the Boulevard of the Allies and observed the Lindy Paving Asphalt Plant stack and the Heidelberg Materials cement plant. At 8:17 am, ACHD observed emissions estimated at 100% opacity from the tallest of the three silos at Heidelberg Materials. The observer was driving to another inspection and was unable to stop at the facility at that time. After performing the other inspection, ACHD returned to Heidelberg Materials. ACHD met with a Heidelberg Materials representative to discuss the excess emissions and determine the processes that were occurring during the observation. Heidelberg Materials reported that a cement truck was being unloaded and one of the lines that are associated with the silo may have been plugged, causing excess emissions. ACHD did not inspect the top of the silo as the ladder to the top of the silo had no cage and would have required the inspector to wear a harness for safety purposes. Heidelberg Materials reported they would investigate the silo and lines to resolve the issue. ACHD provided guidance to Heidelberg Materials as to observing the silo during unloading for the presence of excess emissions and documenting the inspections. Heidelberg Materials reported they were implementing an inspection procedure and provided an inspection sheet that Heidelberg Materials would utilize for observations.

On June 29, 2026, Heidelberg Materials emitted fugitive emissions with 100% opacity from their silo during truck unloading.

Did the individual/company cooperate with ACHD personnel? If not, explain:	Yes
Inspection Date(s) 6/29/2026	Inspector Name(s) Bill Rausch

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

1	Regulation Section Article XXI § 2104.01.a.2	Regulation Requirement No person shall operate, or allow to be operated, any source in such a manner that the opacity of visible emissions from a flue or process fugitive emissions from such source, excluding uncombined water: Equal or exceed an opacity of 60% at any time.
	Description of Violation On June 29, 2026, ACHD witnesses fugitive emission of 100% opacity from a cement silo at Heidelberg Materials.	
	What You Must Do to Correct the Violation Ensure operations of truck unloading and operation of the cement silo do not produce opacity in excess of 60% at any time or 20% for a period or periods aggregating more than three minutes in any 60 minute period.	

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 \$ 3,500.00. 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 post 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

8/14/2024

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 § 2104.01.a.2 -Opacity from fugitive emissions in excess of 60%	\$3,500.00	1	\$3,500.00

Gravity Component Total	\$3,500.00
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B. Adjustment Factors	Factor	Adjustment Amount
Degree of Cooperation: Implemented new procedure		\$0.00
Compliance History: No previous actions		\$0.00
Degree of Willfulness: Negligent		\$0.00
Size of Violator:		\$0.00
Title V source or a Synthetic Minor source: Not a permitted source		\$0.00

Adjustment Factors Total	\$0.00
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C. Other Adjustments

Economic Benefit:	\$
Cost to the Department:	\$
Additional Deterrent Penalty:	\$

Other Adjustments Total	\$
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TOTAL CIVIL PENALTY	\$3,500.00
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