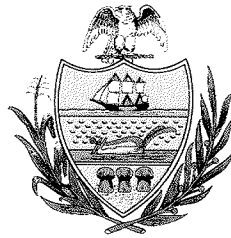


COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 15, 2018

CERTIFIED MAIL – 9489 0090 0027 6037 6666 59

Ms. Glenda Wehrli
Metalico Neville
3100 Grand Ave.
Pittsburgh, Pa 15225

RE: Enforcement Order #181101 – Metalico Neville, 3100 Grand Avenue, Pittsburgh, PA 15225 – Article XXI 2104.01 and Operating Permit #0692

Dear Ms. Wehrli,

Please see the attached Enforcement Order.

Sincerely,

A handwritten signature in cursive script that reads "Dean DeLuca".

Dean DeLuca
Enforcement Chief
Air Quality Program

CC: Nicholas Caito, ACHD Inspection Supervisor (via e-mail)
James R. Bollinger, ACHD Engineering Process Technician (via e-mail)
David Kelley, ACHD Engineering Process Technician (via e-mail)
File



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM

301 39TH STREET • CLACK HEALTH CENTER • BUILDING 7

PITTSBURGH, PA 15201-1811

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**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Metalico Neville
3100 Grand Ave.
Pittsburgh, Pa 15225

Violation No. 181101

Violations of Article XXI (“Air
Pollution Control”) at property:

Metalico Neville – Grand Avenue
Pittsburgh, Pa 15225

ENFORCEMENT ORDER

NOW, this 15th day of November, 2018, the Allegheny County Health Department (hereinafter "ACHD") issues this Enforcement Order after it has found and determined the following:

On August 21, 2007, the ACHD issued a Minor Source Operating Permit #0692 for Neville Metals, LLC and Neville Recycling, LLC (hereinafter “Metalico Neville”). Following recent complaints of frequent explosions and reports of fugitive emissions, the ACHD conducted visual emission observations on August 8 and 21, 2018, and October 29, 2018 that resulted in exceedance of opacity limits. During the investigation into the source of the opacity exceedance, the ACHD concluded that Metalico Neville was out of compliance with the following conditions in Operating Permit #0692:

Permit Site Level Terms and Conditions IV:

1. Reporting of Upset Conditions (§ 2103.12.k.2)
2. Visible Emissions (§ 2104.01.a)

Permit Emission Unit Level Terms and Conditions V:

Condition V.A.1 Restrictions:

- a. Operation of the Metalico Neville recycling shredding machine shall not be conducted unless the “Smart Water Injection System” and the cyclone are operational and in good working order in accordance with manufactures specifications. (§ 2105.03; 2102.04.b.6)
- b. Metalico Neville shall make all reasonable efforts to ensure that the removal of all fuel tanks, refrigeration system equipment, tires, and all other equipment containing volatile organic compounds and other potentially hazardous materials occur offsite and occur prior to shredding. (§ 2102.04.b.6)

- c. The permittee shall not operate, or allow to be operated, the Metalico Neville recycling facility and the Metalico Neville metals facility in such manner that the opacity of visible emissions from a flue or process fugitive emissions from these facilities, excluding uncombined water: (**§ 2104.01.a**)
 - 1) Equal or exceed an opacity of 20% for a period or periods aggregating more than three (3) minutes in any 60-minute period; or
 - 2) Equal or exceed an opacity of 60% at any time.

Condition V.A.3 Monitoring Requirements:

- a. The permittee shall inspect the incoming material to be shredded at Metalico Neville recycling to ensure it complies with V.A.1.b above prior to shredding. (**§ 2102.04.e and § 2103.12.i**)
- b. The permittee shall observe the opacity of all process and building outlets at the Metalico Neville metals and recycling facilities for visible emissions on a weekly basis while the process is in operation and in accordance with USEPA Method 22. If any visible emissions are detected, the permittee shall action to eliminate the cause of these emissions. (**§ 2102.04.e and § 2103.12.i**)

Condition V.A.4 Record Keeping Requirements:

- a. The permittee shall record the following data on a daily basis: (**§ 2102.04.b.6 and § 2103.12.j & k**)
 - 1) Hours of operation of the shredder; and
 - 2) Water usage (in gallons) of the Smart Water Injection System.
- b. The permittee shall keep and maintain the documentation demonstrating of Condition V.A.1.b above have been met. (**§ 2102.04.b.6 and § 2103.12.j & k**)
- c. The permittee shall record the weekly scrap metal processed for the Metalico Neville metals and recycling facilities and the hours of operation of the Metalico Neville recycling equipment. (**§ 2102.04.b.6 and § 2103.12.j & k**)
- d. The results of noncompliance with any condition of this permit, including but not limited to the inspections required by Conditions V.A.3.a and V.A.3.b above, shall be recorded upon occurrence. All corrective actions taken shall also be recorded for each occurrence. (**§ 2102.04.b.6 and § 2103.12.j & k**)

Condition V.A.5 Reporting Requirements:

- a. The permittee shall report instances of noncompliance with the conditions of this permit to the Department (ACHD) on a semi-annual basis. (**§ 2102.04.b.6 and § 2103.12.j & k**)

- b. Reporting instances of noncompliance does not relieve the permittee of the requirement to report breakdowns in accordance with Site Level Condition IV.8, if appropriate. (§ 2102.04.b.6 and § 2103.12.j & k)

Metalico Neville has not demonstrated that it monitors or keep records on its emission control equipment regarding the Smart Water Injection System. The emission control records are required for the operation of the recycle shredder. Metalico Neville has also not demonstrated that it monitors, documents or reports upset conditions to the ACHD regarding the operation of the recycle shredder and the operation of the emission control equipment. Further, Metalico Neville recently operated in a manner that the opacity of visible emissions or process fugitive emissions exceeded the opacity limit of their Operating Permit #0692.

Based on Metalico Neville's failure to comply with the above Operating Permit Conditions, the ACHD has determined that Metalico Neville is in violation of Article XXI, §§ 2104.01.a.1 and 2104.01.a.2, of the ACHD's Rules and Regulations by exceeding the opacity limitations laid out therein. Metalico Neville is also in violation of Article XXI, §§ 2103.12.k.2, 2105.03, 2102.04.e, 2103.12.i, 2102.04.b.6, and 2103.12.j & k, for the failure to report conditions of noncompliance and for failing to comply with the monitoring and record keeping requirements.

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI § 2109.03.a.1 and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that for the violations of Article XXI §§ 2104.01.a.1, 2104.01.a.2, 2103.12.k.2, and 2105.03, Metalico Neville shall pay an assessed civil penalty of **\$6,900.00**. Within thirty (30) days of receipt of this Order, payment of the assessed civil penalty shall be made by corporate check, or the like, made payable to the "Allegheny County Clean Air Fund", and sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

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.

The ACHD has determined the above penalty 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 Metalico Neville to minimize such violations and to prevent future violations; and Metalico Neville compliance history.


Pursuant to Article XI ("Hearings and Appeals") of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days in which to file an appeal from the receipt 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 the ACHD has imposed a civil penalty, 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. 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>.

Thank you for your anticipated prompt attention to this matter and future increased efforts to comply with all applicable regulations. Any questions concerning this Order should be directed to the ACHD's representative(s) David Kelley 412-578-8119 or James Bollinger 412-578-8186 e-mail david.kelley@alleghenycounty.us. or james.bollinger@alleghenycounty.us.

DONE and **ENTERED** this 15th day of November, 2018, in Allegheny County, Pennsylvania.



Jayme Graham
Air Quality Program Manager

11/15/18
Date