

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

NOTICE OF VIOLATION

March 26, 2021

CERTIFIED MAIL - 9489 0090 0027 6047 5263 94

4012 Liberty Avenue Development, LLC
373 S Atlantic Ave
Pittsburgh, PA 15224-2310

RE: Notice of Violation #ASB-21-0303 – Violations of Article XXI (“Air Pollution Control”) at property 4012 Liberty Ave., Pittsburgh 15224.

Dear Sir or Madam,

On March 21, 2019, the Allegheny County Health Department (ACHD) asbestos engineers inspected the property located at 4012 Liberty Avenue Pittsburgh, PA 15224. According to the Allegheny County Real Estate Portal, 4012 Liberty Avenue Development, LLC is the owner of the property. The ACHD asbestos engineers observed that suspect asbestos-containing materials (hereinafter “ACM”) had been removed and were present in debris piles around the perimeter of the building. Subsequent testing confirmed that sheet flooring and roofing material found in the debris was regulated ACM.

The ACHD and the federal asbestos abatement regulations require that before any demolition or renovation work is performed in a facility, the owner or operator of a demolition or renovation activity must complete an asbestos survey by a licensed inspector to determine whether the facility contains asbestos. Article XXI § 2105.62; 40 C.F.R. § 61.145(a). The ACHD regulations further provide that for all demolition work and for renovation work in which asbestos containing material was found during the survey, the owner must submit to the ACHD and the United States Environmental Protection Agency (“EPA”) an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey report ten (10) working days prior to demolition or renovation work starting. Article XXI § 2105.62.f-g; 40 C.F.R. § 61.145(b).



DEBRA BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM
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PHONE (412) 578-8103 • FAX (412) 578-8144
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The ACHD has no record of an Asbestos Abatement and Demolition/Renovation Notification Form being submitted for renovation of the 4012 Liberty Ave. Property or any record of an asbestos survey being conducted prior to beginning renovation work. Also, ACHD asbestos engineers determined that ACM had been removed by an unlicensed contractor and uncertified workers; that an asbestos abatement project permit had not been issued prior to the removal of 160 square feet or more of ACM; that the work area was not prepared prior to the removal of ACM; that proper removal procedures were not followed during the removal of ACM; that a final inspection was not conducted by the ACHD prior to the reopening of the work area to the public; and that asbestos-containing waste materials had been handled improperly.

Please allow this correspondence serve as notice to 4012 Liberty Avenue Development LLC of the following violations of the Allegheny County Health Department Rules and Regulations, Article XXI (“Air Pollution Control”):

- a. **Article XXI § 2105.60(a):** The removal, encasing, or encapsulating of ACM without a valid Asbestos Abatement Contractor License issued by the Department.
- b. **Article XXI § 2105.62.f-g, 40 C.F.R. § 61.145(b):** Failure to perform an asbestos survey prior to demolition or renovation.
- c. **Article XXI § 2105.62(h):** Failure to submit permit application prior to asbestos abatement.
- d. **Article XXI § 2105.63(d):** failure to prepare the work area prior to the removal of ACM.
- e. **Article XXI § 2105.63(f):** failure to follow proper removal procedures during the removal of ACM.
- f. **Article XXI § 2105.63(k):** failure to obtain a final inspection by the ACHD prior to the reopening of the work area to the public
- g. **Article XXI § 2105.63.l:** failure to place all ACM, prior to removal from the work area, in leak-tight containers and properly sealed and labeled, for transportation to and disposal at an approved landfill.

This Notice of Violation is neither an order nor any other final action of the Allegheny County Health Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the ACHD determines that an enforcement action is appropriate, you will be notified of the action. Please be aware that any violation of the Article XXI regulations subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day.

Please contact the ACHD within **14 days** of receipt of this notice to schedule a meeting to discuss the violations. A meeting may be scheduled by contacting Shannon Sandberg at (412) 578-7969 or emailing at shannon.sandberg@alleghenycounty.us. If a meeting is not requested, the ACHD will proceed with further enforcement action.

If you believe any of the facts in this Notice of Violation are in error, you may submit information to Ms. Sandberg via email or at the address shown at the bottom of the first page of this letter. The ACHD will consider new information you submit and take appropriate action. Thank you for your anticipated prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Sandberg". The signature is written in a cursive, flowing style.

Shannon Sandberg
Enforcement Section Chief
Air Quality Program

cc: File