

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

**NOTICE OF VIOLATION**

**December 14, 2021**

**CERTIFIED MAIL - 9489 0090 0027 6037 9321 05**

Kevin Fisher  
5401 Penn Ave.  
Pittsburgh, PA 15206

**RE: Notice of Violation #ASB-21-1202** – Violations of Article XXI (“Air Pollution Control”) at property 5401 Penn Ave., Pittsburgh, PA 15206.

Dear Mr. Fisher,

On March 18, 2021 an ACHD Representative stopped at 5401 Penn Ave. to request an asbestos survey from an active renovation project. The interior of the building was empty and debris was being transferred into a dumpster outside of the building. After speaking with the supervisor on site as well as the owner of the property, it was determined that an asbestos survey was not completed prior to the renovation project at 5401 Penn Ave. A stop work order was issued on March 18<sup>th</sup> for work to cease until TEM air sampling for airborne asbestos could be completed on site as well as any further bulk sampling of leftover materials.

The TEM air sample results concluded that asbestos fibers were not present in the air at the time of sampling within the facility. Bulk sampling on the premises did not yield any positive samples at the time of sampling.

Please allow this correspondence serve as notice to Mr. Kevin Fisher of the following violations of the Allegheny County Health Department Rules and Regulations, Article XXI (“Air Pollution Control”):



DEBRA BOGEN, MD, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**  
301 39<sup>TH</sup> STREET • CLACK HEALTH CENTER • BUILDING 7  
PITTSBURGH, PA 15201-1811  
PHONE (412) 578-8103 • FAX (412) 578-8144  
24-HR (412) 687-ACHD (2243)  
[WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT](http://WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT)



- a. **Article XXI § 2105.62.b:** Failure to perform an asbestos survey prior to demolition or renovation.

Please be advised that the ACHD has calculated a civil penalty in the amount of \$1,375.00 for the above violation. Before issuing a final order and civil penalty, the ACHD requests an opportunity to meet. Please contact the ACHD within **14 days** of receipt of this notice to schedule a meeting to discuss the violation. A meeting may be scheduled by contacting Shannon Sandberg via email at [ACHDAsbestos@AlleghenyCounty.US](mailto:ACHDAsbestos@AlleghenyCounty.US). If a meeting is not requested, the ACHD will proceed with further enforcement action.

**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.**

If you believe any of the facts in this Notice of Violation are in error, you may submit information to Ms. Sandberg via email, [ACHDAsbestos@AlleghenyCounty.US](mailto:ACHDAsbestos@AlleghenyCounty.US), or at this address: 301 39th Street, Clack Health Center Building 7, Pittsburgh, PA 15201-1811. The ACHD will consider new information you submit and take appropriate action. Thank you for your anticipated prompt attention to this matter.

Sincerely,



Shannon Sandberg  
Enforcement Section Chief  
Air Quality Program

cc: File