

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

CSI Construction Co., Inc
Attn: Mr. Heddy Richard
8051 Aber Rd.
Verona, PA 15147

Violation No. ASB-21-0901

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

CCAC Boyce Campus;
437 Alder St. Tarentum

ENFORCEMENT ORDER

NOW, this 9th day of September, 2021, the Allegheny County Health Department (hereinafter “ACHD” or “Department”) issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401 -7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter “APCA”), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapter 505, 507, and 535) (hereinafter “Article XXI”).

2. The ACHD, through its powers under Article XXI, maintains the authority to regulate all asbestos abatement activity within the boundaries of Allegheny County. Article XXI also incorporates the federal asbestos abatement regulations regarding asbestos abatement activity in Allegheny County, Article XXI § 2105.62.b.

3. CSI Construction Co., Inc (hereinafter “CSI Construction”) is a corporation with a registered business address of 8051 Aber Rd. Verona, PA 15147. CSI Construction is an ACHD Licensed Asbestos Abatement Contractor (License number: ACAL21966).

4. On January 8, 2021, CSI Construction received an Administrative Order with their ACHD Asbestos Abatement Contractor License. The Administrative Order detailed additional requirements for CSI Construction to maintain their Asbestos Abatement Contractor License. This Administrative Order detailed that CSI Construction shall comply with all applicable provisions of Article XXI §§ 2105.60, 2105.61, 2105.62, and 2105.63 of the ACHD Regulations; and CSI Construction shall have all pre-abatement set-ups and containments inspected by the ACHD prior to conducting any asbestos abatement.

5. On July 21, 2021, the ACHD received a permit application for the CCAC Boyce campus located at 595 Beatty Rd., Monroeville, PA 15147.

6. On August 7, 2021, the ACHD issued permit PAA21-0423 to CSI Construction for the abatement of floor tile and mastic in Hallway 2N at CCAC Boyce Campus located at 595 Beatty Rd.

7. On August 9, 2021, an ACHD Representative called Mr. Richard to see if the job had been completed at CCAC Boyce and if he was ready to schedule an inspection. An inspection was scheduled with Mr. Richard for the following morning, August 10, 2021 at 8:00 AM.

8. On August 9, 2021, the ACHD received the final air clearance results for the 2N hallway at the CCAC Boyce campus. The air results listed a date of August 7, 2021 for the collection date.

9. On August 10, 2021, an ACHD Representative arrived at CCAC Boyce for the final clearance inspection of the Hallway 2N area at 8 AM. CSI Construction was not on site for the

inspection and told the ACHD Representative on the phone they were not aware that they had to meet the inspector on site for the final clearance inspection. ACHD failed the inspection for a contractor not being on site for the inspection and advised CSI Construction to complete a reinspection certification and deliver the reinspection fee to the ACHD before another inspection could be scheduled.

10. On August 10, 2021, an ACHD Representative returned in the afternoon to find the area where the abatement took place at CCAC Boyce. Upon finding the area of abatement, the ACHD Representative discovered the containment was removed prior to the completion of a final clearance inspection.

11. On August 16, 2021, the ACHD received the final clearance reinspection certificate and reinspection fee for the CCAC Boyce campus reinspection.

12. On August 17, 2021, the ACHD performed a final clearance inspection for the 2N hallway at CCAC Boyce campus. It was confirmed that the containment had been removed prior to final clearance by the ACHD. CSI Construction confirmed that containment had been removed on August 8, 2021 to make the hallway and classrooms accessible to the students and teachers.

13. On June 21, 2021, an asbestos survey of the 437 Alder St. property was completed by a certified asbestos building inspector and revealed 170 square feet of floor tile in the basement of 437 Alder St. Any ACM found above 160 square feet is regulated by ACHD and requires a permit for the removal prior to demolition.

14. On July 22, 2021, the ACHD received a permit application for 437 Alder St. Tarentum, PA 15084 from CSI Construction.

15. On August 6, 2021, the ACHD issued permit PAA21-4426 to CSI Construction for the abatement of 170 square feet of floor tile and mastic in the basement of 437 Alder St.

16. On August 25, 2021, an ACHD Representative e-mailed Mr. Richard to ask about the status of the project.

17. On August 26, 2021, the ACHD received an e-mail response from Mr. Richard with the air clearance results and that he believed the house had been demolished already without an inspection from the ACHD. Further, Mr. Richard stated that they only measured and removed 143 square feet of floor tile from the house. The air clearance results from W & A analytical were OSHA personal samples and not the required 5 samples within the work area.

18. On August 27, 2021, an ACHD Representative went to the 437 Alder St. property to inspect the site. The house was still standing and demolition did not start. The structure was open and not secured. The ACHD Representative discovered intact white floor tile in the doorway of the basement of the structure and took a sample to be tested by an accredited lab. The lab results were analyzed on September 5, 2021 and stated the floor tile was positive for asbestos.

19. On September 7, 2021, Albert Jenks, a Representative of CSI Construction, called the ACHD and stated the floor tile could not be removed and Mr. Richard instructed him to leave it behind and leave the worksite as completed.

20. As a regulated facility renovation project, the renovation of the commercial structure located at 595 Beatty Rd. and 437 Alder St. are subject to the asbestos requirements of Article XXI, and the ACHD has determined that the following provisions have been violated:

- **Article XXI, § 2105.62.h:** No person shall conduct the removal of 160 square feet or more of ACM at any facility unless such abatement is conducted in compliance with this Article and such permit;
- **Article XXI, § 2105.62.k:** No person shall conduct the removal, encasement, or encapsulation of ACM at any facility, unless following completion of the full set-up and preparation of the work area, including the commencement and continuing maintenance of negative air pressure in the work area, but prior to the commencement of any actual removal, the Department is notified of such completion of set-up and preparation.

- **Article XXI, § 2105.63.k.1:** No person shall remove containment barriers, fail to continue to maintain negative air pressure at a project work area, or reopen the work area to the public, or allow any such removal, failure, or reopening, until such time as the Department has accepted the results of a final clearance inspection for such work area.

21. The ACHD finds that CSI Construction violated Article XXI, §2105.62.h, §2105.62.k, §2105.63.k.1, and the conditions of the Administrative order dated January 8, 2021 by removing 301 square feet of asbestos floor tile from the commercial structure located at 595 Beatty Road and 437 Alder St. without first notifying the Department of set-up and removing containment barriers prior to a final clearance inspection for the work area by the ACHD.

ORDER

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:

22. For the violations set forth in the preceding paragraphs, CSI Construction's Co.'s ACHD Asbestos Abatement License (License number: ACAL21966) is hereby revoked. As a result of the revocation, CSI Construction Co., is not permitted to engage in the removal, encasement, or encapsulation of asbestos containing material in Allegheny County.


23. 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.

24. 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 ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

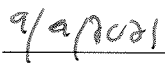
25. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount of the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements 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>.

DONE and **ENTERED** this 9th day of September, 2021, in Allegheny County, Pennsylvania.



Dean DeLuca

Air Quality Program Manager



Date