

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

Prism Response, LLC  
102 Technology Ln.  
Export, PA 15632

Violation No. ASB-21-0301

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

1006 Evans Ave.  
2509 Harrison St.  
2912 Grandview Ave.  
1012 Evans Ave.

**ENFORCEMENT ORDER**

**NOW**, this 5<sup>th</sup> day of March 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. The City of McKeesport is the owner of the properties: 1012 Evans Ave., 2912 Grandview Ave., 2509 Harrison St., and 1006 Evans Ave. which are all located in McKeesport, PA.

4. Prism Response, LLC (hereinafter “Prism Response”) is a Pennsylvania limited liability corporation with a registered business address of 102 Technology Lane, Export, PA 15632. Prism Response is an ACHD Licensed Asbestos Abatement Contractor (License number: ACAL21941).

5. On June 15, 2020, Prism Response was issued a permit (Permit: PAA20-4296) by the ACHD to provide asbestos abatement supervision of the asbestos containing material (ACM) in place demolition of a residential structure located at 2509 Harrison St. This permit expired June 28, 2020.

6. On July 20, 2020, Prism Response was issued permits (Permit: PAA20-4358, PAA20-4363, PAA20-4364) by the ACHD to provide asbestos abatement supervision of the ACM in place demolition of residential structures located at 2912 Grandview Ave. (rear), 1012 Evans Ave., and 1006 Evans Ave., respectively. These permits expired August 28, 2020.

7. On January 22 and January 28, 2021, an ACHD Representative inspected 1012 Evans Ave., 2912 Grandview Ave., 2509 Harrison St., and 1006 Evans Ave. to confirm the residential demolitions had been completed. No building materials were observed at any lot which were flattened to a level grade.

8. An ACHD Representative reached out to William Fraser, listed Project Manager on the permits, on February 2<sup>nd</sup> and February 16<sup>th</sup> to inquire about the air clearance results. Mr. Fraser reported he would send the paperwork to the ACHD.

9. The ACHD has no record of final clearance inspection requests or final clearance air monitoring results for 1012 Evans Ave., 2912 Grandview Ave., 2509 Harrison St., and 1006 Evans Ave. as of March 2, 2021.

10. The ACHD asbestos regulations require that the Department has accepted the results of a final clearance inspection before the work area can be opened to the public. Article XXI § 2105.63.

11. The ACHD regulations further provide that final clearance inspections shall be requested by either the licensed asbestos abatement contractor or the air monitoring or sampling firm for the project and scheduled in advance with the Department. Article XXI § 2105.63.k.

12. The ACHD has determined that Prism Response is in violation of Article XXI, § 2105.63.k, by failing to request a final clearance inspection and opening the work area up to the public prior to the Department accepting the results of said final clearance inspection.

### **ORDER**

**NOW THEREFORE**, pursuant to the authority granted to the ACHD by Article XXI §§ 2105.62.e, 2109.01.a, 2109.03.a.1, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** as follows:

13. Within seven (7) days of the date of this Order, Prism Response shall submit to the ACHD final clearance air sampling and waste manifest paperwork for 1012 Evans Ave., 2912 Grandview Ave., 2509 Harrison St., and 1006 Evans Ave.

14. 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.

15. 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 from the date of issuance or receipt of this Order in which to file an appeal. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.

16. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay. In the absence of a timely appeal, the terms of this Order shall become final. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

17. Please be advised that this enforcement order is not necessarily the final ACHD enforcement action for this matter. The ACHD may issue a separate enforcement order which may result in a civil penalty.

18. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and Prism Response, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

**DONE and ENTERED** this 5<sup>th</sup> day of March, 2021, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

  
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Date