

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

Curtis Morehead  
975 Garden City Dr.  
Monroeville, PA 15146

Jadell Minniefield Construction  
Services, Inc.  
212 Mansion St.  
Pittsburgh, PA 15207

Violation No. ASB-22-0601

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

2214 Centre Ave.  
Pittsburgh, PA 15219

**ENFORCEMENT ORDER**

**NOW**, this 2<sup>nd</sup> day of June 2022 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. Curtis Morehead is the owner of a commercial property located at 2214 Centre Ave., Pittsburgh, PA 15219 (Parcel ID: 0010-P-00141) (hereinafter “Centre Ave. Property”).

4. Jadell Minniefield Construction Services, Inc. (hereinafter “Jadell Minniefield Construction”) is a Pennsylvania corporation with a registered business address of 212 Mansion St., Pittsburgh, PA 15207. Jadell Minniefield Construction is licensed as a general contractor by the City of Pittsburgh and provides building demolition services.

5. On November 12, 2019, Jadell Minniefield Construction was issued a permit (Permit No.: 19-D-00089) by the City of Pittsburgh to demolish a commercial structure located on the Centre Ave. Property.

6. On April 14, 2020, an ACHD representative inspected the site and observed the completed demolition of the commercial structure located at the Centre Ave. Property. No building material was present, and the lot was leveled with grass covering the property.

7. On June 4, 2020, an enforcement order was issued (ASB-20-0604) to Curtis Morehead and Jadell Minniefield Construction to provide the asbestos survey and Asbestos Abatement and Demolition/Renovation Notification Form to the ACHD within seven (7) days. The paperwork was due by June 11, 2020.

8. On June 11, 2020, the Asbestos Abatement and Demolition/Notification Form was provided to the ACHD by Odell Minniefield, but not the asbestos survey. On June 11 and June 17, 2020 via email, an ACHD representative again requested Jadell Minniefield Construction to provide the survey. Jadell Minniefield Construction stated the survey had been completed by

Brandon Cahall of General Contracting. An ACHD representative also requested the asbestos survey from Brandon Cahall of General Contracting on June 23, 2020 via email.

9. On June 24, 2020, Brandon Cahall of General Contracting responded that he was not able to access his data on his computer and that Jadell Minniefield Construction also requested the survey from him. Brandon Cahall stated that he would provide what we need by the end of the week, but no further correspondence was received.

10. On January 4, 2021 via email, an ACHD representative again requested Jadell Minniefield Construction and General Contracting to provide the asbestos survey for 2214 Centre Ave. A deadline of Friday January 8, 2021 was given, and no response was received by the ACHD.

11. As of the issue date of this order, the ACHD has not received an asbestos survey for the 2214 Centre Ave. Property.

12. As a regulated facility demolition project, the demolition of the commercial structure located at 2214 Centre Ave. is subject to the asbestos abatement requirements of Article XXI, and the ACHD has determined that the following provisions have been violated:

- **Article XXI, § 2105.62.f.1:** Failure to submit ACHD Asbestos Abatement and Demolition/Renovation Notification Form 10 days prior to commencing demolition activities;
- **Article XXI, § 2105.62.f.1.G:** Failure to submit with the results of the asbestos containing material (ACM) inspection showing that no asbestos removal project permit is required prior to demolition due to the absence, or the presence of less than 260 linear feet of pipe with ACM and a total of less than 160 square feet of ACM in the facility.

13. The ACHD finds that Curtis Morehead and Jadell Minniefield Construction violated Article XXI §2105.62.f.1 and §2105.62.f.1.G, by demolishing the commercial structure located at 2214 Centre Ave. without a prior demolition notice and asbestos survey having been submitted to or received 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:

14. For the violations set forth in the preceding paragraphs, Curtis Morehead and Jadell Minniefield Construction are herein found to be jointly and severally liable and are hereby assessed a civil penalty of **TWO THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$2,750)**.

The civil penalty is as follows:

**A. Gravity Based Component**

<b>Violation</b>	<b>Gravity Based Penalty</b>	<b>Violation Days</b>	<b>Total Gravity Penalty</b>
Failure to submit an asbestos survey prior to demolition or renovation (§2105.62.f.1.G)	\$2,500	1	\$2,500
Failure to submit an Asbestos Notification Form prior to demolition or renovation work starting (§2105.62.f.1)	\$2,500	1	\$2,500
<b>Gravity Component Subtotal</b>			<b>\$5,000</b>

**B. Adjustment Factors**

<b>Size of Violator</b> 1 – 10 employees	<b>(\$2,250)</b>
<b>TOTAL CIVIL PENALTY</b>	<b>\$2,750</b>

15. Curtis Morehead and Jadell Minniefield Construction shall pay the civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified 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 39<sup>th</sup> Street, Bldg. #7, Pittsburgh, PA 15201.

16. The ACHD has determined the above civil penalty to be 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 Curtis Morehead and Jadell Minniefield Construction to minimize such violations and to prevent future violations; and Curtis Morehead and Jadell Minniefield Construction's compliance history.

17. The gravity-based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity-based component may be adjusted for factors and circumstances unique to the violator.

18. The above civil penalty is further adjusted to reflect the size of the company.


19. 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.

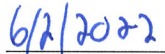
20. Pursuant to Article XI ("Hearings and Appeals") of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, you have thirty (30) days in which to file an appeal from the receipt of this Order. Such a Notice of Appeal shall be filed in 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.

21. 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 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>.

**DONE** and **ENTERED** this 2<sup>nd</sup> day of June 2022, in Allegheny County, Pennsylvania.

For:

  
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Dean DeLuca  
Air Quality Program Manager

  
\_\_\_\_\_  
Date