



# ENFORCEMENT ORDER

## Allegheny County Health Department

### Air Quality Program

836 Fulton Street Pittsburgh, PA 15233

Phone: (412) 578-8103

Address of Alleged Violation

6 Renwick Street, Pittsburgh PA 15210, 807 Excelsior Street, Pittsburgh PA 15210

Name of Alleged Violator #1

Grandview South Homes LP

Address of Alleged Violator #1

2121 Old Gatesburg Road #200, State College PA, 16803

Contact Person #1

Andrew Haines

Title

Executive Vice President

Phone Number

814-272-8907

Email

Name of Alleged Violator #2

Mistick Construction Company

Address of Alleged Violator #1

1300 Brighton Road, Pittsburgh PA, 15213

Contact Person #1

Clint Meyers

Title

Project Manager

Phone Number

412-639-8228

Email

[cmeyers@mistickconstruction.com](mailto:cmeyers@mistickconstruction.com)

Name of Alleged Violator #3

Pittsburgh Hilltop Alliance

Address of Alleged Violator #3

209 Bausman Street Pittsburgh, PA 15210

Contact Person #3

Bill Shimko

Title

Executive Director

Phone Number

412-586-5807 x 6

Email

[bill@pghhilltopalliance.org](mailto:bill@pghhilltopalliance.org)

Name of Alleged Violator #3

Gatesburg Road Development

Address of Alleged Violator #3

2121 Old Gatesburg Road #200, State College PA, 16803

Contact Person #1

Andrew Haines

Title

Executive Vice  
President

Phone Number

814-272-8907

Email

[ahaines@gatesburgroaddevelopment.com](mailto:ahaines@gatesburgroaddevelopment.com)

#### PART 1: DESCRIPTION OF INSPECTION(s)

On December 4, 2024, Allegheny County Health Department's (ACHD) Inspectors witnessed demolition and new construction activities occurring in the Allentown neighborhood in the city of Pittsburgh, Pennsylvania. ACHD determined the demolition and new construction activities were associated with the Grandview South Homes Project. Grandview South Homes LP is a single purpose entity created by nonprofit partner Hilltop Alliance and Gatesburg Road Development for the development of affordable housing units in Allentown. Grandview South Homes LP received public funding through the Pennsylvania Housing Finance Agency for tax credits for the construction of 31 new lease-to-own homes. Hilltop Alliance's website listed eight structures that were to be demolished to allow for new construction: "Properties to be demolished including 615, 616, 618, 803, 807 & 845 Excelsior Street and 6 & 8 Renwick Street" (<https://www.pghhilltopalliance.org/grandviewsouthhomesproject>). The owner of the properties to be demolished is Grandview South Homes LP. Mistick Construction Company was the demolition contractor for 6 Renwick, 8 Renwick, and 807 Excelsior.

Previously, on September 16, 2022, ACHD received demolition notices for 615, 616, and 618 Excelsior as part of asbestos abatement permit applications. On December 11, 2023, ACHD received demolition notices for 803 and 845 Excelsior as part of asbestos abatement permit applications. ACHD was properly notified of demolition at 8 Renwick, 615, 616, 618, 803, and 845 Excelsior.

On December 4, 2024, ACHD directed Pittsburgh Hilltop Alliance, Grandview South Homes LP, and Mistick Construction Company to stop all demolition and renovation activity regarding this project and provide asbestos surveys and demolition notifications for the structures listed to be demolished and the structures that had previously been demolished. For the Grandview South Homes Project, Hilltop Alliance's representative reported

the co-developer as Gatesburg Road, the engineer as HRG, and the general contractor as Mistick Construction Company.

Mistick Construction Company voluntarily stopped work and provided the requested documentation to ACHD. The demolition notice for 807 Excelsior listed the demolition start date as February 2, 2024, and completion date as February 22, 2024. The demolition notice for 6 Renwick listed December 2, 2024, as the demolition starting date and was reported by Mistick Construction Company's representative to be partially demolished. Demolition notices for 6 Renwick and 807 Excelsior were not submitted by the property owner, Grandview South Homes LP or the demolition contractor, Mistick Construction, prior to the start of demolition activities for 6 Renwick and 807 Excelsior. Hilltop Alliance and Gatesburg Road Development, the co-developers of Grandview South Home Project, did not submit demolition notices for 6 Renwick and 807 Excelsior.

The Grandview South Homes Project is a publicly funded, urban renewal project involving the demolition of eight structures in the Allentown neighborhood of Pittsburgh, PA. The demolition activity for this urban renewal project requires notification ten days prior to the start of demolition activities. Grandview South Homes, LP, Mistick Construction Company, Hilltop Alliance, and Gatesburg Road Development failed to notify ACHD of demolition activity ten days prior to the start of work for the structures located at 6 Renwick and 807 Excelsior.

Did the individual/company cooperate with ACHD personnel? If not, explain:

Yes

Inspection Date(s)  
12/4/2024

Inspector Name(s)  
Alanna Bachtlin

## PART 2: YOU ARE IN VIOLATION OF THE FOLLOWING REGULATION(s):

1	<b>Regulation Section</b> <b>Article XXI § 2105.62.f.1,</b> <b>Demolition Notice</b> <b>40 C.F.R. § 61.145(b)</b>	<b>Regulation Requirement</b> <b>No person shall demolish, or allow the demolition, of any facility unless the owner of the facility proposed to be demolished has submitted to the Department, and the Department has received, by no later than 10 days prior to the beginning of the proposed demolition, if there is less than 260 linear feet of pipe with ACM and a total of less than 160 square feet of, or no ACM present in the facility, a written notice that includes, at a minimum, the information detailed in Article XXI § 2105.62.f.1.A-G.</b>
	<b>Description of Violation</b> Grandview South Homes LP, Mistick Construction Company, Hilltop Alliance and Gatesburg Road Development failed to notify ACHD of demolition activity 10 days period to the start of work for the structures located at 6 Renwick and 807 Excelsior.	
	<b>What You Must Do to Correct the Violation</b> Demolition notifications were submitted late to ACHD. No further action is needed. In the future, submit notification of demolition to ACHD 10 days prior to the beginning of the proposed demolition	

## PART 3: YOU ARE HEREBY ORDERED AS FOLLOWS:

- ☐ **Immediately stop all work and/or cease operations at the following location(s):**  
\_\_\_\_\_
- ☐ **You are hereby Ordered to correct the violations(s) listed in Part 2 within \_\_\_\_\_ days of the service of this Enforcement Order.**
- ☐ **You are hereby Ordered to comply with the following requirements within \_\_\_\_\_ days of the service of this Enforcement Order:**  
\_\_\_\_\_

**The Order(s) in this Part is enforceable upon issuance and any appeal shall not act as a stay.** The Order(s) shall remain in effect until you are notified in writing by the Department. Please contact the ACHD Air Quality Program at (412) 578-8103 to arrange for a reinspection or to request that the Order(s) be rescinded.

**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.**

#### **PART 4: CIVIL PENALTY**

**For the violations listed in Part 2, you are hereby assessed a civil penalty of \$ 8,000.00.** The determination of the civil penalty is attached as **Exhibit No. 1** and is incorporated as part of this Enforcement Order.

Please be aware that if the Department did not assess a civil penalty, the Department may issue a subsequent enforcement order in which a civil penalty is assessed.

You 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, 836 Fulton Street, Pittsburgh, PA 15233.


#### **PART 5: REQUEST FOR ADMINISTRATIVE HEARING**

**Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), and Article XXI § 2109.06.a.5, of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance 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 or Hearing Officer of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.**

**Please be aware that if you wish to appeal this Order and a civil penalty has been assessed under Part 4, you are required within 30 days of receipt of this Order to forward the penalty amount to the ACHD for placement in an escrow account, post an appeal bond to the ACHD in the amount of the penalty, or claim an inability to pay. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless you allege financial inability to prepay the penalty or to post the appeal bond. If you allege financial inability to pay, then you have the burden to prove it. Please review the specific requirements for prepaying the penalty, posting the appeal bond, or claiming an inability to pay 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>.**

  
\_\_\_\_\_  
Air Quality Program Manager

4/25/2025  
Date

## EXHIBIT NO. 1

### CIVIL PENALTY DETERMINATION AND CALCULATION

**PURPOSE:** The primary purpose for assessing civil penalties is to deter future violations not only at the specific facilities that are involved in the enforcement actions taken by the Department, but also at all the facilities within Allegheny County that are subject to the Article XXI regulations. In order to achieve the goal of deterrence, a civil penalty should remove any significant economic benefit resulting from noncompliance and include an amount beyond recovery of the economic benefit to reflect the seriousness of the violation.

**CIVIL PENALTY FACTORS:** The ACHD has determined the 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 the violator to minimize such violations and to prevent future violations; and the violator's compliance history.

**CIVIL PENALTY FORMULA:** The following calculation is used to assess the civil penalty:

$$\text{Civil Penalty} = (\text{Gravity Based Component} \times \text{Adjustment Factor}) + \text{Economic Benefit} + \text{Cost to the Department} + \text{Additional Deterrent Penalty}$$

**Gravity Based Component:** A gravity based component reflects the potential harm that the violation may have on the public or environment and the severity of the violation.

**Adjustment Factor:** The gravity based component may be adjusted for factors and circumstances unique to the violator. These adjustment factors include the violators degree of cooperation with the ACHD during the investigation, the compliance history of the violator, the degree of willfulness that violator exhibited with regard to the violation, the size of the violator, and whether the violator is a Title V source or a Synthetic Minor source.

**Economic Benefit:** This component is a measure of the economic benefit gained by the violator as a result of noncompliance with the regulatory, statutory, or permit requirements.

**Cost to the Department:** Extra monetary costs for the investigation and preparation of the case, such as source sampling costs and laboratory costs, may be identified and added to the adjusted civil penalty.

**Additional Deterrent Penalty:** An additional deterrent penalty may be assessed if justified by the circumstances of the case.

## CIVIL PENALTY CALCULATION

### A. Gravity Based Component

Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
§2105.62.f., 40C.F.R. §61.145(b) Failure to Notify Prior to the start of demolition activities.	\$4,000.00	2	\$8,000.00
	\$		\$
	\$		\$
	\$		\$
<b>Gravity Component Total</b>			<b>\$8,000.00</b>

B. <u>Adjustment Factors</u>	Factor	Adjustment Amount
Degree of Cooperation: Voluntarily Stopped Work		\$
Compliance History: No orders in the last two years		\$
Degree of Willfulness: Aware of asbestos regulations, has submitted demo notification in the past		\$
Size of Violator: Greater than \$5 million in holdings		\$
Title V source or a Synthetic Minor source: Not a TV Source		\$
<b>Adjustment Factors Total</b>		<b>\$8,000.00</b>

C. Other Adjustments	
Economic Benefit:	\$
Cost to the Department:	\$
Additional Deterrent Penalty:	\$
Other Adjustments Total	\$0.00

<b>TOTAL CIVIL PENALTY</b>	<b>\$8,000.00</b>
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