

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

December 15, 2021

CERTIFIED MAIL – 9489 0090 0027 6037 9321 29

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

RE: Enforcement Order ASB-21-1203 –CCAC Boyce 595 Beatty Rd., Monroeville, PA 15147; 437 Alder St. Tarentum, PA 15084; 3 & 5 Oak St. Russellton, PA 15076, Article XXI § 2105.60

Dear Mr. Richard,

Please find enclosed a copy of the Enforcement Order pertaining to the operations at CCAC Boyce 595 Beatty Rd., Monroeville, PA 15147; 437 Alder St. Tarentum, PA 15084; 3 & 5 Oak St. Russellton, PA 15076. Also attached is an 'Important Notice' for your review.

Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), 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 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, 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>.



DEBRA BOGEN, MD, DIRECTOR
**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**
301 39TH 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



Thank you for your anticipated prompt attention to this matter and future increased efforts to comply with all applicable regulations. Any questions concerning this Order should be directed to the ACHD's representative, Elizabeth Leturgey at 412-578-2655 or e-mail at Elizabeth.Leturgey@AlleghenyCounty.US.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Sandberg". The signature is written in a cursive, flowing style.

Shannon Sandberg
Air Quality Manager

cc: Elizabeth Leturgey, Air Quality Administrator (via email)
File

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

Re: **December 15, 2021 Enforcement Order**

IMPORTANT NOTICE

An Enforcement Order dated December 15, 2021, was mailed to you by the Allegheny County Health Department (ACHD) notifying of the possibility that a Civil Penalty will be levied by virtue of your failure to take certain action.

If you fail to take action pursuant to said enforcement order, a judgment may be entered against you in the Court of Common Pleas of Allegheny County. The sheriff may take your money or other property to pay the judgment any time after the judgment is entered.

YOU ARE WARNED THAT IF YOU FAIL TO CORRECT VIOLATIONS AND/OR PAY FINES OR PENALTIES LEVIED AGAINST YOU IN THE ENFORCEMENT ORDER THAT THE ALLEGHENY COUNTY HEALTH DEPARTMENT MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Allegheny County Health Department
Air Quality Program
301 39th Street, Building #7
Pittsburgh, PA 15201-1811

**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-21-1203

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

CCAC Boyce
595 Beatty Rd.
Monroeville, PA 15147

437 Alder St.
Tarentum, PA 15084

3 & 5 Oak St.
Russellton, PA 15076

ENFORCEMENT ORDER

NOW, this 15th day of December, 2021, the Allegheny County Health Department (hereinafter “ACHD” or “Department”) issues this Enforcement Order after it has found and determined the following:

I. AUTHORITY

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.

II. INTRODUCTION

3. The Community College of Allegheny County (hereinafter “CCAC”) is the owner of the commercial property located at 595 Beatty Rd. Monroeville, PA 15146 (Parcel ID: 0855-D-00245-0000-00).

4. West Deer Township (hereinafter “West Deer”) is the owner of the demolition projects for the residential property located at 437 Alder St., Tarentum, PA 15084 (Parcel ID: 2012-S-00106-0000-00) and the residential property located at 3 & 5 Oak St. Russellton, PA 15076 (Parcel ID: 1361-S-00365-0000-00).

5. CSI Construction Co., Inc (hereinafter “CSI Construction”) is a corporation with a registered business address of 8051 Aber Rd., Verona, PA 15147. Upon information and belief, Heddy Richard is the owner of CSI Construction.

6. CSI Construction is an ACHD Licensed Asbestos Abatement Contractor (License number: ACAL21966).

7. On January 8, 2021, an Administrative Order was issued to CSI Construction with its ACHD Asbestos Abatement Contractor License that detailed additional requirements for CSI Construction. 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 (2) CSI Construction Co., Inc., shall have all pre-abatement containment set-ups inspected by the ACHD prior to conducting any asbestos abatement.”

8. On September 9, 2021, an Enforcement Order was issued to CSI Construction revoking its Asbestos Abatement Contractor License due to violations at CCAC Boyce Campus and 437 Alder St. Tarentum, PA. The Enforcement Order identified violations of Article XXI, §§ 2105.62.h, 2105.62.k, and 2105.63.k.1.

III. PRIOR ENFORCEMENT ACTIONS AGAINST CSI CONSTRUCTION

9. On November 4, 2016, the ACHD suspended CSI Construction’s asbestos abatement contractor license due to a failure to pay asbestos abatement permit fees.

10. On December 19, 2016, an Enforcement Order was issued against CSI for violations of Article XXI asbestos abatement regulations concerning the property located at 800 2nd St., Verona, PA 15147.

11. On May 25, 2017, an Order was issued stating that due to prior compliance issues, CSI’s License was being issued subject to the following requirements: “CSI Construction Co., Inc. shall comply with all applicable provisions of Article XXI §§2105.60, 2105.61, 2105.62, and 2105.63, CSI shall have all pre-abatement set-ups inspected by the ACHD prior to conducting any asbestos abatement, and payments for all permit fees and other costs shall only be made by cashier’s check.”

12. The May 25, 2017 Order further states that the “failure to comply with any of the above requirements shall result in either a suspension or revocation of CSI Construction Co., Inc.’s Asbestos Abatement Contractor License.”

13. On October 2, 2017, an Administrative Order was issued suspending CSI Construction's Asbestos Abatement Contractor License regarding violations at 1104 Barbara Street, Duquesne, PA 15110. The following Article XXI violations were identified in the Order:

- Failure to post warning signs (§2105.63.b.1);
- Failure to adequately wet asbestos containing waste material (ACWM) (§2105.63.f.1);
- Failure to ensure the demolition debris was containerized (§2105.63.1.1);
- Failure to remove ACM to prevent release of fibers during removal and/or disposal (§2105.63.f.2);
- Failure to place all ACWM in properly labeled and sealed leak tight containers (§2105.63.1.1);
- Failure to directly transport ACM to an approved landfill within 8 hours of removal (§2105.63.1.8).

14. Additionally, CSI Construction violated the requirements listed in the Asbestos Abatement Permit for the Barbara Street Property by failing to use a fire hose to control the spread of ACWM.

15. On October 20, 2017, an Administrative Order was issued to CSI Construction regarding violation of ACHD regulations at 1104 Barbara Street. This order issued a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00).

16. CSI Construction appealed the Orders relating to 1104 Barbara Street. Following an evidentiary hearing, the Hearing Officer found in favor of the ACHD and held that the ACHD may assess a \$7,500.00 civil penalty against CSI Construction and suspend its Asbestos Abatement Contractor License for four months.

17. On June 19, 2020, an Administrative Order was issued to CSI Construction stating that due to prior compliance issues, CSI Construction's Asbestos Abatement Contractor License was being issued subject to the following requirements: CSI Construction Co., Inc. shall comply

with all applicable provisions of Article XXI §§ 2105.60, 2105.61, 2105.62, and 2105.63; CSI shall have all pre-abatement set-ups inspected by the ACHD prior to conducting any asbestos abatement, prior to all projects categorized as “demolition with ACM left in place” CSI shall identify for the ACHD the source of water to be used on-site, notification of the start date of all “demolition with ACM left in place projects at least two (2) business days prior to the start of demolition, notification of completion of demolition of “demolition with ACM left in place” projects within 24 hours of completion. Failure to comply with any of these requirements shall result in either a suspension or revocation of CSI Construction ’s Asbestos Abatement Contractor License.

18. On January 8, 2021, an Administrative Order was issued to CSI Construction which identified the requirements that the CSI Construction’s Asbestos Abatement Contractor License is subject to. These requirements included: complying with applicable provisions of Article XXI §§ 2105.60, 2105.61, 2105.62, and 2105.63; pre-abatement set-up inspection, prior to all projects categorized as “demolition with ACM left in place,” CSI shall identify for the ACHD the source of water to be used on-site; notification of the start date of all “demolition with ACM left in place projects at least two (2) business days prior to the start of demolition; and notification of completion of demolition of “demolition with ACM left in place” projects within 24 hours of completion. Failure to comply with any of these requirements shall result in either a suspension or revocation of CSI Construction ’s Asbestos Abatement Contractor License.

19. On February 12, 2021, a Notice of Violation was issued to CSI Construction concerning violations of Article XXI at 315 Spring St., McKeesport, PA 15132. The violation was in regard to Article XXI, Section 2101.11.b.4: “It shall be a violation of this Article for any person

to submit any application form, report, compliance certification, or any other submittal to the Department under this Article which is, in whole or in part, false, inaccurate, or incomplete.”

20. On June 25, 2021, a Notice of Violation was issued to CSI Construction concerning violations of Article XXI at 5210 Dresden Way, Pittsburgh, PA 15201. The violation of Article XXI, Section 2105.63.k.1 for the removal of critical containment barriers, failure to continue to maintain negative air pressure, reopening work area to the public prior to the results of the final clearance inspection for the work area.

21. On September 9, 2021, an Enforcement Order was issued revoking CSI Construction Asbestos Abatement Contractor License regarding violations at CCAC Boyce 595 Beatty Rd., Monroeville, PA 15147 and 437 Alder St., Tarentum, PA 15084.

IV. FINDINGS/VIOLATIONS

A. Violations at 3 & 5 Oak St., Russellton, PA 15076

22. On October 21, 2020, the ACHD received a permit application for a residential structure located at 3 & 5 Oak St., Russellton, PA 15076 for abatement of 520 square feet of floor tile and linoleum. This permit (PAA20-4497) was issued on November 3, 2020 and expired on November 30, 2020.

23. CSI Construction never scheduled a final clearance inspection with the ACHD for 3 & 5 Oak St., Russellton, PA 15076.

24. On September 27, 2021, the ACHD requested and received the final air clearance and waste manifest paperwork from CSI Construction for 3 & 5 Oak St., Russellton, PA 15076.

25. On September 28, 2021, the ACHD confirmed the completed demolition of 3 & 5 Oak St. Russellton, PA 15076 and issued final clearance paperwork.

26. Article XXI, § 2105.62.k, requires that the asbestos abatement contractor submit a notification to the Department of completion of the full set-up and preparation of work site prior to commencement of abatement:

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.

27. CSI Construction did not notify the ACHD of the containment set-up prior to the start of the asbestos abatement which constitutes a violation of Article XX, § 2105.62.k.

28. Article XXI, § 2105.63.k.1, requires a final clearance inspection for each containment prior to the work area being opened to the public:

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.

29. CSI Construction did not request a final clearance inspection. An ACHD representative inspected 3 & 5 Oak St. and confirmed the house was demolished. No inspection of the containment was completed by ACHD prior to the work area being opened to the public which constitutes a violation of Article XXI, § 2105.63.k.1.

B. Violations at CCAC Boyce Campus 595 Beatty Rd., Monroeville, PA 15146

30. On July 21, 2021, the ACHD received a permit application for the CCAC Boyce campus located at 595 Beatty Rd., Monroeville, PA 15146.

31. On August 7, 2021, the ACHD issued permit PAA21-0423 to CSI Construction for the abatement of 301 square feet of floor tile and mastic in Hallway 2N at CCAC Boyce Campus located at 595 Beatty Rd. The permit expired on August 31, 2021.

32. On August 9, 2021, an ACHD Representative called CSI Construction's owner, Heddy Richard, to determine if the CCAC Boyce abatement had been completed 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.

33. 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.

34. On August 10, 2021, at 8:00 AM, an ACHD Representative arrived at CCAC Boyce for the final clearance inspection of the Hallway 2N area. CSI Construction was not present on site for the inspection and Mr. Richard told the ACHD Representative on the phone that they were not aware that they had to meet the inspector on site for the final clearance inspection. The location of the regulated work area could not be determined without the contractor, so the ACHD failed 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.

35. On August 10, 2021, an ACHD Representative returned in the afternoon to find the area where the abatement took place. Upon finding the area of abatement, the ACHD Representative discovered the containment was removed prior to the completion of a final clearance inspection. Additionally, a small amount of floor tile was found left behind under one of the classroom doors in the hallway.

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

37. On August 17, 2021, the ACHD performed a final clearance inspection for the 2N hallway at CCAC Boyce campus. The ACHD representative confirmed that the containment had

been removed prior to final clearance inspection 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. The ACHD Representative reminded Mr. Albert Jenks, a representative of CSI Construction, that containment, negative air pressure, and 3 stage decontamination unit are not permitted to be removed prior to a final clearance inspection by ACHD. A weekend inspection was not requested by CSI Construction.

38. Article XXI, § 2105.62.k, requires that the asbestos abatement contractor submit a notification to the ACHD of completion of the full set-up and preparation of work site prior to commencement of abatement.

39. The Administrative Order dated January 8, 2021 also specifically states that “CSI Construction Co., Inc., shall have all pre-abatement set-ups inspected by the ACHD prior to conducting any asbestos abatement.”

40. CSI Construction did not notify the ACHD of the containment set-up prior to the start of the asbestos abatement which constitutes a violation of Article XX, § 2105.62.k, and the Administrative Order Dated January 8, 2021.

41. Article XXI, § 2105.63.b, provides that no person shall conduct, or allow to be conducted, asbestos abatement activities at any facility unless clearly identifiable signs are posted at the facility and negative air pressure is maintained in the work area.

42. ACHD Representatives inspected the work area in Hallway 2N at CCAC Boyce Campus and no identifiable signs were posted or negative air machines were present which constitutes a violation of Article XXI, § 2105.63.b.

43. Article XXI, § 2105.63.e, provides that no person shall commence the actual removal, encasement, or encapsulation of ACM unless decontamination enclosure systems are

provided, maintained, and properly utilized at all locations where persons or equipment enter or exit the work area.

44. ACHD Representatives inspected the work area in Hallway 2N at CCAC Boyce Campus and no decontamination enclosure systems were observed at the work area which constitutes a violation of Article XXI, § 2105.63.e

45. Article XXI, § 2105.63.h, states:

No person shall conduct, or allow to be conducted, any final clearance air sampling, or request, or allow to be requested, a final clearance inspection by the Department, until all ACM has been removed, encased, or encapsulated, in a work area.

46. On August 10, 2021, ACHD Representatives witnessed a small amount of floor tile that was left behind under one of the classroom doors in the hallway. Failure to remove all ACM prior to requesting a final clearance inspection constitutes a violation of Article XXI, § 2105.63.h.

47. Article XXI, § 2105.63.j.2, requires the collection of at least five (5) air samples prior to requesting a final clearance inspection by the ACHD.

48. Prior to CSI requesting a final clearance inspection, only three air samples were collected instead of the required five. Failure to collect the required number of air samples constitutes a violation of Article XXI, § 2105.63.j.2.

49. Article XXI, § 2105.63.k.1, requires a final clearance inspection for each containment prior to the work area being opened to the public.

50. On August 10, 2021, ACHD Representatives inspected the work area and no containment or negative air machines were present. The work area was opened to the public prior to the completion of the final clearance inspection which constitutes a violation of Article XXI, § 2105.63.k.1.

C. Violations at 437 Alder St., Tarentum, PA 15084

51. 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. Any ACM found above 160 square feet is regulated by ACHD and requires a permit for the removal prior to demolition.

52. On July 22, 2021, the ACHD received a permit application for the 437 Alder St. property from CSI Construction to abate 170 square feet of floor tile in the basement.

53. 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. The Permit expired on August 17, 2021.

54. On August 25, 2021, an ACHD Representative e-mailed CSI Construction's owner, Heddy Richard, to ask about the status of 437 Alder St. as the permit (PAA21-4426) expired August 17, 2021 with no final clearance inspection.

55. On August 26, 2021, the ACHD received an e-mail response from Mr. Richard with 30 minute OSHA personal air clearance results which were conducted by W&A Analytical. Air clearance results are required when asbestos abatement work is completed to clear the area for final clearance inspection by the ACHD. Personal air samples are only accepted for exterior asbestos abatement work. Interior asbestos abatement work requires 5 samples per containment to pass the final air clearance. The ACHD responded to Mr. Richard asking if the containment had been removed or if the house was demolished. Mr. Richard stated that he was informed the house would be demolished by August 12, 2021.

56. On August 27, 2021, an ACHD representative inspected the property at 437 Alder St. and observed that the house was not demolished, and floor tile was present at the property. There was no containment, 3-stage decontamination unit, or negative air present. The ACHD

representative collected a sample of the floor tile for analysis by RJ Lee, an asbestos testing company.

57. On September 7, 2021, RJ Lee e-mailed the results of the asbestos test and found the tile sample collected from 437 Alder St. to be positive for asbestos. An ACHD representative called West Deer Township to confirm that the house had not yet been demolished. The ACHD representative informed West Deer that the demolition could not proceed until the abatement was completed. West Deer was to contact CSI Construction in regard to completing the remaining asbestos abatement. Mr. Richard e-mailed ACHD later that day stating that he advised West Deer to take the entire structure as ACM due to the difficulty of removing the floor tile.

58. On September 8, 2021, Mr. Heddy e-mailed ACHD stating that the vinyl asbestos tile and mastic was removed from 437 Alder St. and asked for a final clearance inspection.

59. On September 9, 2021, an ACHD representative e-mailed both Mr. Richard and West Deer Township detailing that a final clearance inspection was required, and the contractor is required to be on site for the inspection. It was also stated that the past air results were not acceptable and new final air clearance results of 5 samples were necessary for the final clearance inspection. Mr. Richard was reminded that CSI Construction was not permitted to remove the containment or negative air prior to ACHD clearing the work area.

60. On September 14, 2021, an ACHD Representative met with Mr. Albert Jenks, a representative of CSI Construction, at 437 Alder St. for the final clearance inspection. The inspection report details that the floor tile and mastic were removed from the basement. The containment, 3-stage decontamination unit, and negative air pressure were not present for the inspection and final air samples were not completed at the time of the inspection.

61. On September 15, 2021, an ACHD representative emailed the final clearance inspection report for 437 Alder St. to CSI Construction and West Deer Township. The email advised, for a third time, that containment, negative air pressure, and 3-stage decontamination unit are required to be present during a final clearance inspection along with 5 final clearance air samples. The ACHD representative did grant West Deer Township permission to demolish.

62. West Deer Township informed the ACHD after final clearance was issued that CSI Construction had unintentionally abated non-ACM floor tile in the house next door to the 437 Alder St. property mistaking it for the house that was to be abated per the ACHD permit.

63. Article XXI, § 2105.62.k, requires that the asbestos abatement contractor submit a notification to the Department of completion of the full set-up and preparation of work site prior to commencement of abatement.

64. The Administrative Order dated January 8, 2021 also specifically states that “CSI Construction Co., Inc., shall have all pre-abatement set-ups inspected by the ACHD prior to conducting any asbestos abatement.”

65. CSI Construction did not inform ACHD of containment set-up which constitutes a violation of Article XXI, § 2105.62.k, and the Administrative Order dated January 8, 2021.

66. Article XXI, § 2105.63.b, provides that no person shall conduct, or allow to be conducted, asbestos abatement activities at any facility unless clearly identifiable signs are posted at the facility and negative air pressure is maintained in the work area.

67. ACHD Representatives inspected the work areas on August 27, 2021 and September 14, 2021 and no containment or negative air machines were present which constitutes a violation of Article XXI, § 2105.63.b.

68. Article XXI, § 2105.63.e, provides that no person shall commence the actual removal, encasement, or encapsulation of ACM unless decontamination enclosure systems are provided, maintained, and properly utilized at all locations where persons or equipment enter or exit the work area.

69. ACHD Representatives inspected the work area, and no decontamination enclosure systems were present which constitutes a violation of Article XXI, § 2105.63.e.

70. Article XXI, § 2105.63.k.1, requires a final clearance inspection for each containment prior to the work area being opened to the public.

71. CSI Construction's permit for 437 Alder St. expired on August 17, 2021. CSI did not schedule a final clearance inspection. An ACHD representative inspected 437 Alder St on August 27, 2021 and did not witness any containments. On September 8, 2021 CSI Construction reported the floor tile and mastic was removed and informed ACHD the abatement was completed. An ACHD representative inspected 437 Alder St. on September 14, 2021 and did not witness a containment. Opening the work area to the public prior to the ACHD performing a final clearance inspection constitutes a violation of Article XXI, § 2105.63.k.1.

72. Article XXI, § 2105.63.j, states that no person shall request, or allow to be requested, a final clearance inspection by the ACHD, until clearance air sampling has been conducted for the work area.

73. On August 26, 2021, CSI Construction submitted personal OSHA air samples instead of the required five air samples per containment. Further, upon information and belief, West Deer Township stated the abatement and therefore these samples were collected at the neighboring property that CSI Construction had accidentally removed floor tile.

74. CSI Construction did not submit any air samples to the ACHD for the second round of floor tile removal that was reported completed on September 7, 2021. Failure to request a final clearance prior to conducting air sampling constitutes a violation of Article XXI, § 2105.63.j.1.

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:

75. For the violations set forth in the preceding paragraphs, CSI Construction is hereby assessed a civil penalty of **TWENTY-TWO THOUSAND, SEVEN HUNDRED AND EIGHTY-FIVE DOLLARS (\$22,785.00)**. The civil penalty is as follows:

A. Gravity Based Component

Location	Violation	Gravity Based Penalty	Violation Days	Total Gravity Penalty
3 & 5 Oak St.	Failure to submit notification of set-up (§2105.62.k)	\$900	1	\$900
	Unauthorized removal of containment barriers (§2105.63.k.1)	\$2,500	1	\$2,500
	Gravity Component Subtotal			\$3,400
CCAC Boyce	Failure to submit notification of set-up (§2105.62.k)	\$900	1	\$900
	Unauthorized removal of containment barriers (§2105.63.k.1)	\$2,500	1	\$2,500
	Failure to conduct final air sampling or take proper number of samples (§2105.63.j.2)	\$1,300	1	\$1,300

	Failure to use proper signage or negative air (§2105.63.b)	\$1,300	1	\$1,300
	Failure to provide and maintain decontamination enclosure (§2105.63.e)	\$2,500	1	\$2,500
	Conducting final air clearance without removal of all ACM (§2105.63.h)	\$1,300	1	\$1,300
	Gravity Component Subtotal			\$9,800
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437 Alder St.				
	Failure to submit notification of set-up (§2105.62.k)	\$900	1	\$900
	Unauthorized removal of containment barriers (§2105.63.k.1)	\$2,500	1	\$2,500
	Failure to conduct final air sampling or take proper number of samples (§2105.63.j)	\$1,300	1	\$1,300
	Failure to use proper signage or negative air (§2105.63.b)	\$1,300	1	\$1,300
	Failure to provide and maintain decontamination enclosure (§2105.63.e)	\$2,500	1	\$2,500
	Gravity Component Subtotal			\$8,500
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TOTAL GRAVITY COMPONENT				\$21,700

B. Adjustment Factors

Compliance History: 2 enforcement actions within 2 years	0.5		\$10,850
Size of Violator One to ten employees	-0.45		(\$9,765)
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TOTAL CIVIL PENALTY			\$22,785

76. CSI 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 39th Street, Bldg. #7, Pittsburgh, PA 15201.

77. 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 CSI Construction to minimize such violations and to prevent future violations; and CSI Construction’s compliance history.

78. 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.

79. The above civil penalty is adjusted to reflect the compliance history of CSI Construction Co., Inc. The Compliance History was adjusted for previous enforcement actions including an NOV for 315 Spring St. and an NOV issued for 5210 Dresden Way.

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

81. 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.

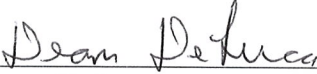
82. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days after receipt of written notice or issuance of this Order. Such a Notice of

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

83. 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 15th day of December, 2021, in Allegheny County, Pennsylvania.

For:



Dean DeLuca
Air Quality Program Manager

12/15/2021
Date