

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

October 11, 2018

**VIA INTER-OFFICE MAIL AND EMAIL**

Max Slater, Esq.  
Administrative Hearing Officer  
Allegheny Co. Health Dept.  
542 Fourth Avenue  
Pittsburgh, PA 15219

**RE: Saw Mill Run Blvd./Greenlee Ave. Appeal submitted by the Borough of Brentwood, dated August 6, 2018.**

Dear Hearing Officer Slater:

On July 27, 2018, the Allegheny County Health Department (“ACHD”) issued a notice of violation to the Borough of Brentwood (“Borough”) for alleged violations of the Pennsylvania Clean Streams Law, Act 394 of 1937, P.L. 1987, sections 201, 202, and 203, as amended; and the ACHD Rules and Regulations Article XIV, “Sewage Management”, section 1404.2. The ACHD observed sanitary sewer overflows from manholes along Saw Mill Run Blvd. and Greenlee Ave. The ACHD ordered the Borough to submit within 30 days of receipt of the July 27<sup>th</sup> notice a plan and schedule for eliminating the overflows. On August 6, 2018, the Borough filed an appeal and stated that it is addressing the sanitary sewer overflows from manholes along Saw Mill Run Blvd. and Greenlee Ave. Notably, the Borough did not challenge the ACHD’s observations of these overflows nor did it dispute its obligation to address these violations.

On September 13, 2018, the ACHD received a letter from the Borough whereby the Borough described the efforts undertaken to address defects in its sanitary sewer system along Saw Mill Run Blvd. and Greenlee Ave. including the installation of a manhole-to-manhole sewer liner and creation of a hydraulic model of this area to identify the capacity restrictions that cause and or contribute to the sanitary overflows. Therefore, no controversy exists for a hearing and the ACHD requests that the appeal be dismissed. If you have any questions, I can be reached at 412-578-2653.



KAREN HACKER, MD, MPH, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT**  
542 FOURTH AVENUE • PITTSBURGH, PA 15219  
PHONE (412) 687-ACHD (2243) • FAX (412) 578-8325 • WWW.ACHD.NET

Letter to Max Slater  
Re: Saw Mill Run Blvd. Appeal  
October 11, 2018  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Vijyalakshmi Patel". The signature is fluid and cursive, with a large initial "V" and a long horizontal stroke at the end.

Vijyalakshmi Patel  
ACHD Assistant Solicitor

Enclosures

cc: Michael Moskorisin, ACHD Water Pollution Control & Solid Waste Management Program  
Manager (via email)  
Daniel Conlon, Esq., Counsel for Appellant (via email)  
Gavin Robb, Esq., Counsel for Appellant (via email)

August 6, 2018

**VIA HAND DELIVERY**

Office of the Director  
Allegheny County Health Department  
542 4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Re: In Re: Enforcement Order Dated July 27, 2018  
Saw Mill Run Road / Greenlee Avenue  
Notice of Appeal

To Whom It May Concern:

Enclosed please find a Notice of Appeal of the Enforcement Order dated July 27, 2018, which is being filed on behalf of the Appellant, The Borough of Brentwood.

Your consideration is appreciated.

Very truly yours,

TUCKER ARENSBERG, P.C.

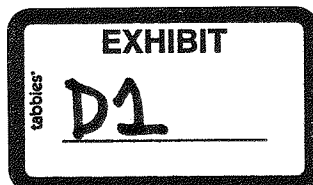


Daniel C. Conlon

DCC/kc  
Enclosure

c: Jason Willis, Esquire, Asst. Solicitor, Allegheny County Health Department (w/enc.)

BUS\_EST:461596-1 031940-178336



BEFORE THE ALLEGHENY COUNTY HEALTH DEPARTMENT  
542 4<sup>th</sup> AVENUE  
PITTSBURGH, PENNSYLVANIA, 15219

In the Matter of:       BOROUGH OF BRENTWOOD  
                                  3624 Brownsville Rd.  
                                  Pittsburgh, PA 15227  
                                  Saw Mill Run Road / Greenlee Avenue

**NOTICE OF APPEAL**

Appellant, the Borough of Brentwood ("Borough"), by and through its attorneys, Tucker Arensberg, P.C., respectfully submits this Notice of Appeal of the Enforcement Order dated July 27, 2018 ("Order"), attached hereto as **Exhibit "A"**, pursuant to Section 1104 of the Rules and Regulations ("Rules") of the Allegheny County Health Department ("ACHD"), and avers as follows:

1.       The Borough is a municipal corporation with its offices located at 3624 Brownsville Road, Pittsburgh, PA 15227.

**Direct Interest / Aggrieved Party**

2.       The Borough, a municipal corporation with its offices located at 3624 Brownsville Road, Pittsburgh, PA 15227, is the subject of the Order.

3.       The Borough is an aggrieved party and has a direct interest in this action because the ACHD ordered the Borough to submit to the ACHD a plan and schedule for eliminating overflows from manholes along Saw Mill Run Boulevard and Greenlee Avenue within 30 days of the Order.

**Grounds for Appeal**

4.       The Order states that on March 6, 2018, ACHD officials met with Borough Public Works officials to discuss Sanitary Sewer Overflows from manholes along Saw Mill Run Boulevard and Greenlee Avenue.

5.       The manhole at Greenlee involves the trunk sewer and pipes that are part of the

Sewer Regionalization and ALCOSAN Wet Weather Plan.

6. The Borough is addressing Sanitary Sewer Overflows from manholes along Saw Mill Run Boulevard and Greenlee Avenue pursuant to its Operations and Management Plan ("O&M Plan"), which said O&M Plan was adopted in accordance with an Administrative Consent Order between ACHD and the Borough.

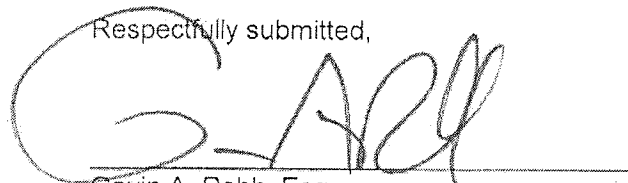
7. For example, the Borough recently completed a significant capital improvement project on Viking Drive, which is located upstream of Greenlee Avenue, to reduce Sanitary Sewer Overflows in the Borough, including the area which is the subject of the Order.

8. The Borough's capital improvement project improved conditions in the Viking Way sanitary sewer and downstream through the reconstruction of two manholes, the rehabilitation of three further manholes, and the installation of a watertight liner within approximately 1,050 of sanitary pipe, at a cost of approximately \$160,000. This project was done pursuant to the Borough's O&M Plan.

9. The Borough will continue to address any Sanitary Sewer Overflows from manholes along Saw Mill Run Boulevard and Greenlee Avenue pursuant to the Borough's O&M Plan, the ALCOSAN Wet Weather Plan and regionalization efforts.

10. The Borough reserves the right to amend and/or supplement the factual and legal averments contained herein as authorized by the Rules.

Respectfully submitted,

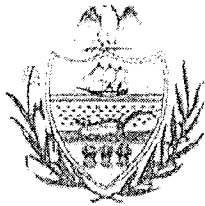


Gavin A. Robb, Esq.  
Daniel C. Conlon, Esq.

TUCKER ARENSBERG, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 566-1212

Counsel for the Appellant,  
Borough of Brentwood

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

July 27, 2018

Brentwood Borough  
3624 Brownsville Road  
Brentwood, PA 15227

Attention: Harold Smith, President of Council  
George Zboyovsky, Manager

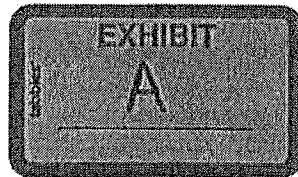
RE: SEWERAGE  
SANITARY SEWER OVERFLOWS  
SAW MILL RUN ROAD/GREENLEE AVENUE  
BRENTWOOD BOROUGH

Dear Officials:

This Department's Water Pollution Control and Solid Waste Management (WPC/SWM) Program has received a citizens' complaint concerning the discharge of sewage from manholes along Saw Mill Run Boulevard and Greenlee Avenue during significant rain events. On March 6, 2018, Dustie Specht and Brian Buttacavoli of this Department, met with Public Works Supervisor, Robert Mackewich at Saw Mill Run and Greenlee Avenue to discuss Sanitary Sewer Overflows (SSOs) that occur in this area. Brentwood Borough is required to report SSOs that may occur within the system according to the requirements of PA Code Chapters 92A.41 and 91.33. A SSO reporting form has already been provided to the Public Works Department for their use.

Please be advised that these discharges of sewage constitute violations of the Pennsylvania Clean Streams Law, Act 394 of 1937, P.L. 1987, Sections 201, 202, and 203, as amended; and of the Allegheny County Health Department Rules and Regulations, Article XIV, "Sewage Management", Section 1404.2.

These discharges also constitute a health hazard as determined by this Department. Under the authority vested in this Department by Section 12 of the Local Health Administration Law, Act 315 of 1951, P.L. 1304, the Borough is hereby **ORDERED** to submit to this Department in writing, within Thirty (30) days of receipt of this notice, a plan and schedule for eliminating the above- referenced overflows.



KAREN HACKER, MD, MPH, DIRECTOR  
ALLEGHENY COUNTY HEALTH DEPARTMENT

WATER POLLUTION CONTROL & SOLID WASTE MANAGEMENT  
3901 PENN AVENUE • BUILDING 5 • PITTSBURGH, PA 15224-1318  
PHONE: 412.578.8040 • FAX: 412.578.8053 • WWW.ACHD.NET



Brentwood Borough  
RE: Sanitary Sewer Overflows  
July 27, 2018  
Page 2

Pursuant to Article XI entitled "Hearings and Appeals", you are hereby notified that you have ten (10) days in which to file an appeal from the date of this Order. The notice of appeal shall be filed in the Office of the Director, 542 Fourth Avenue, Pittsburgh, PA 15219. In the event that an appeal is not filed within ten (10) days from the date of this Order, the within action shall become final.

If you have any questions, please contact Mike Scheer, Administrator II, of this office at 412-578-8388.

Sincerely,

Michael J. Moskorisin, Program Manager  
Water Pollution Control & Solid Waste Management

DRS/ge

cc: PA DEP, Clean Water Program  
Stacey Greenwald, PA DEP Clean Water Program  
Lisa Talarico

CERTIFICATE OF SERVICE

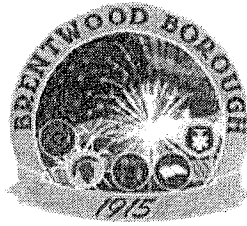
I hereby certify that a true and correct copy of the foregoing *Notice of Appeal* has been served on the party listed below via hand delivery, on August 6, 2018:

Office of the Director  
Allegheny County Health Department  
542 4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

A handwritten signature in black ink, appearing to read "Daniel C. Conlon", is written over a horizontal line.

Daniel C. Conlon, Esq.





**THE BOROUGH OF BRENTWOOD**  
MUNICIPAL BUILDING – 3624 BROWNSVILLE ROAD  
PITTSBURGH, PA 15227-3199  
Office 412-884-1500 – FAX 412-884-1911  
www.brentwoodboro.com

**RECEIVED**

September 7, 2018

**SEP 13 2018**

Michael J. Moskorisin, Program Manager  
Allegheny County Health Department  
Water Pollution Control & Solid Waste Management Division  
3901 Penn Avenue, Building 5  
Pittsburgh, PA 15224

**DIRECTOR'S  
OFFICE**

***RE: SANITARY SEWER OVERFLOWS AT SAW MILL RUN BLVD & GREENLEE ROAD  
RESPONSE TO ADMINISTRATIVE CORRECTIVE ORDERS***

Dear Mr. Moskorisin:

The Borough of Brentwood (“Borough”) is in receipt of your July 26, 2018 letter regarding sanitary sewer system overflows at the manhole located near the intersection of Saw Mill Run Boulevard and Greenlee Road. The letter directs the Borough to take corrective action and to provide a written response to the Allegheny County Health Department (“ACHD”). On August 6, 2018, a Notice of Appeal was filed on behalf of the Borough with respect to the determination of ACHD in this matter. Without waiving its rights pursuant to said appeal, please find below the Borough’s responses:

1) The Borough continues to diligently adhere with the terms of the Administrative Consent Order signed with the ACHD, which was most recently amended on February 18, 2016. Through a comprehensive CCTV inspection schedule, the Borough works to identify those defects that allow the greatest quantity of inflow & infiltration (“I&I”) into the sanitary sewer system. This information is subsequently used to plan improvement projects, which include sewer line spot repairs, manhole upgrades, and the installation of manhole-to-manhole liners. Over the past five years alone, the Borough has invested more than \$3 million into sanitary sewer system enhancements. Additionally, in recognition that upwards of 50% of all I&I is the result of defects in privately owned laterals, the Borough mandates a CCTV inspection of said lines as a condition of conveyance of any property.

2) In order to specifically address capacity issues with the regional trunk line that is located within the Saw Mill Run Boulevard right-of-way, in 2017, the Borough invested \$160,000 into a sewer that traverses a paper street known as Viking Way. This line,



which connects to the trunk line approximately 1,500 feet upstream from the location of the reported overflow, was severely compromised and was identified as an aggravating factor in such incidents. The installation of a manhole-to-manhole sewer liner has removed significant quantities of I&I from the trunk sewer. The Allegheny County Sanitary Authority has recognized the impacts of this project by partially offsetting its cost through the provision of a Green Revitalization of Our Waterways (GROW) grant. The Borough will direct future funds to similarly impactful projects; however, a comprehensive solution to overflows within this corridor is only possible through a coordinated regional effort.

3) Brentwood Borough, in cooperation with the downstream community of Whitehall Borough, has performed flow monitoring to quantify flows in this area and has subsequently developed a hydraulic model of this area to identify the capacity restrictions that cause and or contribute to the sanitary overflows in this area. In a joint effort, the communities are looking into potential solutions to the overflow issues and evaluating the feasibility of these options from both a construction and cost perspective to determine the best solution to resolve these issues.

If you have any further questions, do not hesitate to contact me.

Sincerely,

BRENTWOOD BOROUGH



George Zboyovsky, PE  
Borough Manager

CC: Office of the Director, Allegheny County Health Department, 542 4<sup>th</sup> Avenue, Pittsburgh  
PA 15219