

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

June 27, 2019

VIA INTER-OFFICE MAIL AND EMAIL

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

RE: 1542 Bakerstown Road Appeal.

Dear Hearing Officer Slater:

On January 16, 2019, the Allegheny County Health Department (“ACHD” or “Department”) assessed a civil penalty in the amount of \$6,000.00 against Westmoreland Affordable Plumbing, Heating, and Cooling (“Westmoreland”) for violations of ACHD Rules and Regulations, Article XV, Plumbing and Building Drainage, committed at 1542 Bakerstown Road, Frazer Township, PA 15084. On June 12, 2019, Westmoreland filed an appeal of the penalty.

The ACHD moves for the appeal to be dismissed on the following grounds. First, pursuant to ACHD Rules and Regulations, Article XI, Hearings and Appeals (“Article XI”), §§ 1104(A) and (D), the appeal is untimely because it was filed more than thirty days after the January 16th penalty was assessed and when the ACHD’s actions had already become final. In fact, the appeal was filed approximately five months after the penalty was assessed and Westmoreland was notified of its right to appeal. Secondly, Westmoreland failed to “set forth with particularity the manner in which [it] is aggrieved by the action of the Department, ... and the grounds for [its] appeal.” Westmoreland did not dispute the ACHD’s findings as outlined in the January 16th letter. Thus, the ACHD moves to dismiss this appeal. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

A handwritten signature in black ink, appearing to read "Vijyalakshmi Patel".

Vijyalakshmi Patel
ACHD Assistant Solicitor

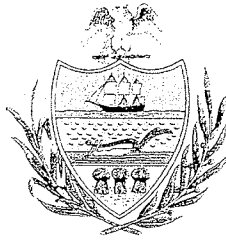
Enclosures

cc: Ivo Miller, ACHD Plumbing Program Manager (via email)
John Morgan, Appellant (via email)



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

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE
January 16, 2019

Proof of Mailing

Westmoreland Affordable Plumbing
Tom Rodgers
41 Cherry Lane
North Huntingdon, PA 15642

RE: 1542 Bakerstown Road
Frazer Township

Dear Mr. Rodgers:

You are hereby notified that conditions described on the attached inspection report at **1542 Bakerstown Road, Frazer Township**, have been found to be in violation of the noted sections of the Allegheny County Health Department (ACHD) Rules and Regulations, **Article XV, "PLUMBING."**

On April 7, 2017 a permit was filed by Tom Rodgers. On April 14, 2017, a building drain inspection was performed. No further inspections were called on for the above ground rough or a final inspection. On January 9, 2018, the homeowner called Plumbing Inspector, Kevin O'Toole with concerns of the work that was performed. Kevin O'Toole went to meet with the homeowner. The work was done with no inspections, and numerous violations and illegal plumbing. The homeowner is complaining of mold problems, plumbing fixtures not being secured properly and numerous other code violations. None of the work that was performed was done properly or done to code.

It has been determined by Ivo Miller (Plumbing Program Manager) and Andrew P. Grese (Assistant Plumbing Program Manager) that a consent penalty is issued to you in the amount of **six thousand dollars** (\$6,000.00), payable to the **ENVIRONMENTAL HEALTH FUND** by February 21, 2019.

Pursuant to Article XI entitled Hearings and Appeals, you are hereby notified that you have thirty (30) days of receipt of this notice in which to file an appeal. The notice of appeal shall be in writing and filed in the ACHD Office of the Director, 542 4th Avenue, Pittsburgh, PA 15219. In the event an appeal is not filed within the time specified, the within action shall become final.

Sincerely,

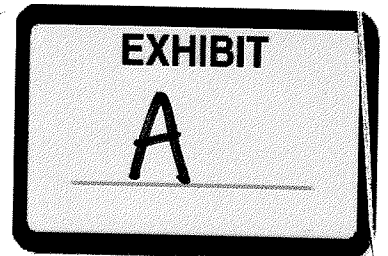
Handwritten signature of Ivo Miller in cursive.

Ivo Miller
Program Manager

IM/am

Attachments: Inspection Certificate of 4-4-17 & Noted Sections

Cc: File



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

3901 PENN AVENUE • BUILDING 5 • PITTSBURGH, PA 15224-1318
PHONE: 412.578.8036 • FAX: 412.578.8053 • WWW.ACHD.NET



JOHN
724-685-1713

ALLEGHENY COUNTY HEALTH DEPARTMENT
PLUMBING INSPECTION REPORT

COMPLAINT # 15084 PLAN # 4243-17

PROPERTY ADDRESS: 1542 BAKERSTOWN RD TARENTUM 54035
NUMBER STREET MUNICIPALITY CT

PLUMBERS NAME: WESTMORLAND JOHN MAKORY
LAST FIRST OWNER

TYPE OF BUILDING: SINGLE FAMILY (X) MULTI-FAMILY () COMMERCIAL ()
TYPE OF VISIT: INITIAL INSPECTION (X) REINSPECTION () SUBSEQUENT INSPECTION ()
TYPE OF TEST: AIR () WATER (X) OTHER ()
TIME OF INSPECTION FROM: 2:30 TO: 3:10

TYPE OF INSPECTION

STORM DRAIN () BUILDING DRAIN (X) WATER SERVICE () FINAL ()
STORM SEWER () ROUGH ABOVE GROUND () WATER HEATER ()
BUILDING SEWER () WATER DISTRIBUTION () INDIRECT WASTE () OTHER ()
(Partial Rough, Partial House Drain, Etc.)

KEVIN O'TOOLE
PLUMBING INSPECTOR: [Signature] DATE OF INSPECTION 4-4-17

ACCEPTED BY: [Signature] 11/26 TITLE: JP H.P.# 3353

LOCATION IN BUILDING & COMMENTS: BUILDING DRAIN
- INSTALLED PPS TEE ONTO 4" PVC ON BS SIDE AND
4" TC ON DD SIDE - SECURED PERMITS
- INSTALLED 4" PVC WYE INTO EXISTING 4" TC BD
1- PD
1- 2" STUB-UP FOR LT (WTD)
1- CN BRN (1/2")
1- SWEAT (NEW FIBERGLASS PIP TO BE INSTALLED) 1 1/2" END
5 WATER TESTED
5 NEW BRN

**ARTICLE XV PLUMBING
RULES AND REGULATIONS OF THE ALLEGHENY COUNTY HEALTH
DEPARTMENT**

Section 102.3

MAINTENANCE

All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.

The owner or owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

AC-106.5.8

PERFORMANCE OF PLUMBING WORK

No person, other than a licensed master plumber, a licensed journeyman plumber in the employ of a licensed master plumber, a registered plumbing apprentice in the employ of a licensed master plumber, or a bonafide owner presently occupying an existing a single family building shall install, alter, or make connections with any sewer, water, drain, or any pipe connected therewith; or alter the location of any existing plumbing fixtures, water distribution piping system or sewer drainage system.

AC-107.1 (4)

INSPECTIONS & TESTING

Plumbing work for which a permit is required shall not be covered or concealed in any manner until after it has been inspected and approved by the Department inspectors.

Section 108.7

UNSAFE PLUMBING

Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

Patel, Vijyalakshmi

From: Slater, Max
Sent: Wednesday, June 12, 2019 3:51 PM
To: Patel, Vijyalakshmi; Miller, Ivo; Parker, Michael
Subject: New appeal--1542 Bakerstown Road
Attachments: 4320_001.pdf

Dear All,

I received the attached plumbing appeal in the mail, entitled "1542 Bakerstown Road." Please let me know if you would like me to schedule a hearing.

-Max

From: scanner@allegHENYcounty.us <scanner@allegHENYcounty.us>
Sent: Wednesday, June 12, 2019 3:58 PM
To: Slater, Max <Max.Slater@AlleghenyCounty.US>
Subject: Attached Image

