

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

URBAN METRO LLC
3507 BUTLER ST 2nd FLOOR
PITTSBURGH PA 15201

INNOVATIVE CONSTRUCTION
SPECIALISTS LLC
2010 WIGHTMAN ST
PITTSBURGH, PA 15217

Violation No. ASB-20-0202

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

4805 PENN AVE
PITTSBURGH, PA 15224

ENFORCEMENT ORDER

NOW, this 13th day of February, 2020, 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. URBAN METRO LLC (hereinafter “URBAN METRO”) is a Pennsylvania limited liability company with a registered business address of 3507 Butler Street, Pittsburgh, PA 15201.

4. INNOVATIVE CONSTRUCTION SPECIALISTS LLC (hereinafter “INNOVATIVE CONSTRUCTION SPECIALISTS”) is a Pennsylvania limited liability company with a registered business address of 2010 Wightman Street, Pittsburgh, PA 15217.

5. On June 13, 2017, INNOVATIVE CONSTRUCTION SPECIALISTS was issued a permit (17-B-02454) by the City of Pittsburgh to do renovation work on a commercial structure located at 4805 Penn Ave, Pittsburgh, PA 15224 (Parcel ID: 0050-J-00062-0000-00) for URBAN METRO. The permitted work included interior accessible upgrades, a new elevator, and renovations to common areas and core areas on all levels, in addition to an exterior stair and elevator shaft enclosure on the rooftop.

6. On January 17, 2020, an ACHD Representative observed work being conducted on the roof of a commercial building located at 4805 Penn Ave. Pittsburgh, PA 15201.

7. The ACHD and the federal asbestos abatement regulations require that before any demolition or renovation work is performed in a facility, the owner or operator of a demolition or renovation activity must complete an asbestos survey by a licensed inspector to determine whether the facility contains asbestos. Article XXI § 2105.62, 40 C.F.R. § 61.145(a).

8. The ACHD regulations further provide that for all demolition work and for renovation work in which asbestos containing material was found during the survey, the owner must submit to the ACHD and the United States Environmental Protection Agency (“EPA”) an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey report ten (10) working days prior to demolition or renovation work starting. Article XXI § 2105.62.f-g, 40 C.F.R. § 61.145(b).

9. Upon review of its records, the Department concludes that it has not received an Asbestos Abatement and Demolition/Renovation Notification Form for 4805 Penn Avenue, Pittsburgh, PA 15201.

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI §§ 2105.62e, 2109.01.a, 2109.03.a.1, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** as follows:

10. Within seven (7) days of the date of this Order, URBAN METRO shall submit to ACHD a thorough asbestos survey for the renovation and roofing area where work was performed or will be performed.

11. 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.

12. 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.

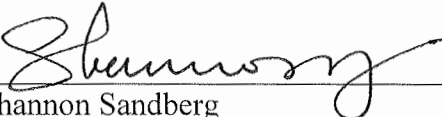
In the absence of a timely appeal, the terms of this Order shall become final. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

13. Please be advised that this enforcement order is not necessarily the final ACHD enforcement action for this matter. The ACHD may issue a separate enforcement order which may result in a civil penalty.

14. 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.

15. 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 13th day of February, 2020, in Allegheny County, Pennsylvania.



Shannon Sandberg
Air Quality Enforcement Chief

2/13/2020
Date