

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Urban Redevelopment Authority of
Pittsburgh
412 Boulevard of the Allies
Suite 901
Pittsburgh, PA 15219

Schaaf Excavating Contractors, Inc.
1800 Triphammer Rd.
South Park, PA 15129

Violation No. ASB-20-0602

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

2115 Perrysville Ave.
Pittsburgh, PA 15214

ENFORCEMENT ORDER

NOW, this 4th day of June, 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. The City of Pittsburgh (the “City”) is a duly organized municipality within the Commonwealth of Pennsylvania having a principal address within Allegheny County at 313 City-County Building, 414 Grant Street, Pittsburgh, Allegheny County, Pennsylvania 15219. Urban Redevelopment Authority of Pittsburgh (hereinafter “Urban Redevelopment Authority”) is an Authority of Pittsburgh with a registered business address of 412 Boulevard of the Allies Suite 901, Pittsburgh, PA 15219.

4. Schaaf Excavating Contractors, Incorporated (hereinafter “Schaaf Excavating Contractors”) is a Pennsylvania corporation with a registered business address of 1800 Triphammer Rd., South Park, PA 15129.

5. On March 6, 2020, Schaaf Excavating Contractors was issued a permit (DP-2020-03460) by the City of Pittsburgh to demolish the auxiliary structure and breezeway adjoining the auxiliary structure and the main building located at 2115 Perrysville Ave., Pittsburgh, PA 15214 (Parcel ID: 0046-P-00017-0000-00) for the City of Pittsburgh.

6. In the Description of Work from this City Funded Demolition, it lists, “ACHD asbestos application is required. Asbestos survey included.”

7. On May 11, 2020, an ACHD Representative inspected the site and observed the completed demolition of the auxiliary structure and breezeway located at the 2115 Perrysville Ave. property.

8. The ACHD, through its powers under Article XXI, maintains the authority to regulate all asbestos abatement activity within the boundaries of Allegheny County. With regard

to regulations concerning asbestos abatement activity in Allegheny County, Article XXI also incorporates the federal asbestos abatement regulations.

9. 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).

10. 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).

11. The ACHD has no record of an Asbestos Abatement and Demolition/Renovation Notification Form being submitted for demolition of the 2115 Perrysville Ave. property.

12. The ACHD has determined that the Urban Redevelopment Authority of Pittsburgh and Schaaf Excavating Contractors are in violation of Article XXI § 2105.62, 40 C.F.R. § 61.145(b), by failing to submit to the ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey report ten (10) working days prior to demolition work starting.

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:

13. Within seven (7) days of the date of this Order, the Urban Redevelopment Authority of Pittsburgh and Schaaf Excavating Contractors shall submit to ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey performed at the 2115 Perrysville Ave. property.

14. 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.

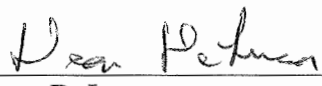
15. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days from the date of issuance or receipt of this Order in which to file an appeal from the receipt of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.

16. 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>.

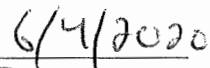
17. Please be advised that this administrative order is not necessarily the final ACHD enforcement action for this matter. The ACHD may issue a separate enforcement order which may result in a civil penalty.

18. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and Urban Redevelopment Authority of Pittsburgh and Schaaf Excavating Contractors, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

DONE and **ENTERED** this 4th day of June, 2020, in Allegheny County, Pennsylvania.



Dean DeLuca
Air Quality Program Manager



Date