

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

NOTICE OF VIOLATION

November 9, 2021

CERTIFIED MAIL - 9489 0090 0027 6047 4909 30

West Deer Township
Attn: William Payne
109 E. Union Rd.
Cheswick, PA 15024

RE: Notice of Violation #ASB-21-1102 – Violations of Article XXI (“Air Pollution Control”) at property 437 Alder St. Tarentum, PA 15084 and 3 & 5 Oak St. Russellton, PA 15076.

Dear Mr. William Payne,

On November 3, 2020, permit PAA20-4497 was issued to West Deer Township and CSI Construction for abatement of 520 square feet of floor tile and linoleum in the residential structure located at 3 & 5 Oak St., Russellton, PA. This permit expired November 30, 2020 and a final clearance inspection was never scheduled. 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. On September 28, 2021, the ACHD confirmed the completed demolition of 3 & 5 Oak St.

On August 6, 2021, permit PAA21-4426 was issued to West Deer Township and CSI Construction for the abatement of 170 square feet of floor tile and mastic in the basement of the residential structure located at 437 Alder St. On August 25, 2021, an ACHD representative e-mailed Mr. Richard of CSI Construction to inquire about the status of 437 Alder St. as the permit was expired with no final clearance inspection. On August 26, 2021, Mr. Richard submitted OSHA personal samples and stated he believed the demolition of the residential structure had been completed. On August 27, 2021, an ACHD representative inspected the property at 437 Alder St. and determined the residential structure was not demolished and the floor tile was still



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present at the property. There was no containment, 3-stage decontamination unit, or negative air pressure present. The representative took a sample of the tile for analysis at RJ Lee.

On September 7, 2021, RJ Lee e-mailed results of the floor tile sample from 437 Alder St. confirming it was positive for asbestos. An ACHD representative called Mr. William Payne, code enforcement officer of West Deer Township, to confirm that the residential structure had not been demolished and informed him that demolition could not occur until abatement was completed. On September 8, 2021, Mr. Richard of CSI Construction e-mailed ACHD stating that the vinyl asbestos tile and mastic was removed from 437 Alder St. and asked to schedule an inspection. On September 9, 2021, an ACHD representative e-mailed both Mr. Richard and Mr. William Payne 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.

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 available to ACHD at the time of the inspection. On September 15, 2021, an ACHD representative sent the ACHD final clearance inspection report for 437 Alder St. to CSI Construction and West Deer Township. It was detailed for a third time in the e-mail 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.

Please allow this correspondence serve as notice to West Deer Township of the following violations of the Allegheny County Health Department Rules and Regulations, Article XXI (“Air Pollution Control”):

- a. **Article XXI § 2105.63.k.1:** The unauthorized removal of containment barriers or reopening of the work area to the public and failure to maintain negative air pressure until the final clearance inspection results were deemed acceptable.
- b. **Article XXI § 2105.63.j:** No person shall request, or allow to be requested, a final clearance inspection by the Department, until clearance air sampling has been conducted for the work area in accordance with this Section.
- c. **Article XXI § 2105.63.b:** 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.

This Notice of Violation is neither an order nor any other final action of the Allegheny County Health Department. It neither imposes nor waives any enforcement action

available to the Department under any of its statutes. If the ACHD determines that an enforcement action is appropriate, you will be notified of the action. Please be aware that any violation of the Article XXI regulations subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day.

The Allegheny County Health Department is currently reviewing this violation to determine whether corrective actions are required and if a civil penalty is appropriate. Should you have any questions or require additional information, please contact Shannon Sandberg at (412) 578-8120 or email at ACHDAsbestos@AlleghenyCounty.US

Sincerely,

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

Shannon Sandberg
Enforcement Section Chief
Air Quality Program

cc: File