

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

City of Pittsburgh  
414 Grant St., Room 200  
Pittsburgh, PA 15219

Violation No. **ASB-21-1103**

Deller Professional Services, Inc.  
125 Walcott Dr.  
Gibsonia, PA 15044

Violations of Article XXI (“Air  
Pollution Control”)

General Contracting Corporation  
1433 Woods Run Avenue  
Pittsburgh, PA 15212

Jadell Minniefield Construction  
Services, Inc.  
212 Mansion Street  
Pittsburgh, PA 15207

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

Joan Unis and Ralph E. Unis  
d/b/a Unis Demolition Company  
1306 Maratta Road  
Aliquippa, PA 15001

**ENFORCEMENT ORDER**

**NOW**, this 10<sup>th</sup> day of November, 2021, the Allegheny County Health Department (hereinafter “ACHD” or “Department”) issues this Enforcement Order after it has found and determined the following:

**I. AUTHORITY**

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. In 1990, the Environmental Protection Agency (“EPA”) promulgated revisions to the National Emission Standard for Hazardous Air Pollutants (“NESHAP”). The 1990 amendments added a definition of “installation” that stated: “Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).” 40 CFR 61.141.

4. The preamble accompanying the revisions to the NESHAP noted that:

EPA does not consider residential structures that are demolished as part of a commercial or **public project** to be exempt from this rule. For example, the demolition of one or more houses as part of an **urban renewal project**, a highway construction project, or a project to develop a shopping mall, industrial facility, or other private development would be subject to the NESHAP.

55 FR 48412 (emphasis added). Further, in response to a comment asking whether a group of residential buildings at one location would be covered by the rule, the preamble stated: “A group of residential buildings under the control of the same owner or operator is considered an

**installation** according to the definition of “installation” and is therefore covered by the rule.” *Id.* (emphasis added).

5. Thereafter, on July 28, 1995, the EPA issued a “Notice of Clarification” with the Federal Register as to the applicability of the NESHAP to urban renewal projects. 60 FR 38725. The EPA clarified that “EPA considers demolitions planned at the same time or as part of the same planning or scheduling period to be part of the same project. In the case of municipalities, a scheduling period is often a calendar year or fiscal year or the term of a contract.” *Id.*

6. Based on the EPA’s interpretation of its own rule and to the extent that the rule is incorporated into Article XXI, the ACHD has adopted the EPA’s interpretation of the NESHAP to require municipalities to conform to the Article XXI’s asbestos abatement regulations when performing demolitions of residential and commercial structures. Specifically, all municipalities within the geographic area of Allegheny County must conform to Article XXI §§ 2105.60- 63.

## **II. INTRODUCTION**

7. 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.

8. Deller Professional Services, Incorporated, (hereinafter “Deller Professional Services”) is a Pennsylvania corporation with a registered business address of 125 Walcott Dr., Gibsonia, PA 15044. Deller Professional Services is not an approved ACHD Asbestos Abatement Contractor.

9. General Contracting Corporation (hereinafter “General Contracting”) is a Pennsylvania corporation with a registered business address of 1433 Woods Run Avenue,

Pittsburgh, PA 15212. General Contracting Corporation is a licensed ACHD Asbestos Abatement Contractor.

10. Jadell Minniefield Construction Services, Inc. (hereinafter “Jadell Minniefield Construction”) is a Pennsylvania corporation with a registered business address of 212 Mansion St., Pittsburgh, PA 15207. Jadell Minniefield Construction is not an approved ACHD Asbestos Abatement Contractor.

11. 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. Schaaf Excavating Contractors is not an approved ACHD Asbestos Abatement Contractor.

12. Unis Demolition Company (hereinafter “Unis”) is the fictitious name of a demolition company owned by Joan Unis and Ralph E. Unis. Unis has a registered business address of 1306 Maratta Road, Aliquippa, PA 15001. Unis is a licensed ACHD Asbestos Abatement Contractor.

### **III. FINDINGS**

13. The City maintains a list of condemned residential and commercial properties. As the condition of a property declines, the City will fund the demolition of the blighted structures.

14. The City awards bids and issues Demolition Permits to contractors to demolish the blighted residential and commercial structures.

15. Pursuant to the EPA’s interpretation of the federal asbestos regulations, the City funded demolitions of the blighted structures are subject to the requirements of the Article XXI asbestos regulations.

16. On September 26, 2016, the ACHD issued an Enforcement Order against the City, requiring it to “submit to the ACHD a list of all structures awaiting demolition within 120 days

from the date of this Order. The list was to conform to the requirements for demolition notices under Article XXI, § 2105.62(f) of the Allegheny County Rules and Regulations.”

17. On February 1, 2017, the ACHD issued an Enforcement Order against Unis for not holding a valid Annual Asbestos Contractor License (Article XXI, § 2105.60.a.) and failure to submit a complete Demolition notification (Article XXI, § 2105.62.f.2). At that time, Unis was contracted by the City to perform a “City of Pittsburgh Ordered Demolition.”

18. On April 18, 2017, the ACHD and the City, through the City’s Department of Permits, Licenses and Inspections (“PLI”), entered into a Consent Order and Agreement (hereinafter “COA”) where the parties acknowledge and agree to the following regulatory precursors:

Regulations for Planned Demolitions:

- The EPA and ACHD require all structures to be thoroughly inspected for asbestos containing material (ACM).
- The ACHD regulates all types of asbestos containing materials.
- If the amount of ACM is greater than or equal to 160 square feet, the ACM must be abated prior to demolition.
- All municipal-funded demolitions require notification to the EPA and the ACHD.

Regulations for Ordered Demolitions:

- The EPA and ACHD waive requirements of asbestos survey and 10-day waiting period for ordered demolitions;
- All municipal-funded demolitions require notification to the EPA and the ACHD;
- Entire structure is to be treated as ACM;
- The amount of ACM when entire structure is presumed positive exceeds the threshold for a permitted project.
- The EPA and the ACHD require a copy of the demolition order to be submitted with the notification.

(Consent Order and Agreement, 4/18/2017, p. 2-3).

19. The COA requires Ordered Demolitions of structures with no survey available to apply for an ACHD Asbestos Abatement Permit. (Exhibit “A” to COA, at § B.I).

20. From July 19, 2019 to August 25, 2021, the City funded the demolition of the following blighted properties:

<b>Address</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>
302 Sylvania Ave.	Deller Professional Services	General Contracting
3003 Zephyr Ave.	Deller Professional Services	General Contracting
517 Francis St.	Unis Demolition	Unis Demolition
2126 Elsie St.	Schaaf Excavating	General Contracting
923 Blackadore St.	Deller Professional Services	General Contracting
7030 Fielding Way	Deller Professional Services	General Contracting
427 Belonda St.	Deller Professional Services	General Contracting
418 Beltzhoover St.	Schaaf Excavating	General Contracting
416 Beltzhoover St.	Schaaf Excavating	General Contracting
342 Freeland St.	Schaaf Excavating	General Contracting
705 Taft Ave.	Schaaf Excavating	General Contracting
1310 California Ave.	Schaaf Excavating	General Contracting
728 Wills St.	Deller Professional Services	General Contracting
301 Chalfont	Schaaf Excavating Contractors	General Contracting
315 Orchard Pl.	Schaaf Excavating Contractors	General Contracting
133 Meadow St.	Schaaf Excavating Contractors	General Contracting
135 Meadow St.	Schaaf Excavating Contractors	General Contracting
135 Stoebner Way	Schaaf Excavating Contractors	General Contracting
6337 Meadow St.	Schaaf Excavating Contractors	General Contracting
5139 - 5141 Chaplain Way	Schaaf Excavating Contractors	General Contracting
3128 McClure Ave.	Schaaf Excavating	General Contracting
2928 Bedford Ave.	Deller Professional Services	General Contracting

1021 Lawndale St.	Deller Professional Services	General Contracting
1100 E. Carson	Deller Professional Services	General Contracting
1537 New England Road	Jadell Minniefield Construction Services	General Contracting

21. On June 4, 2020, the ACHD issued an Enforcement Order against the City pertaining to demolition of structures situated at 135 Meadow St., 133 Meadow St., 6337 Meadow St., 135 Stoebner Way, 301 Chalfont St., 315 Orchard Pl., 5139 -5141 Chaplain Way, Pittsburgh, PA. In this Order, the City and Schaaf Excavating Contractors were found to be in violation of Article XXI § 2105.62 and 40 C.F.R. § 61.145(b) by failing to submit to the ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with an asbestos survey ten (10) working days prior to demolition work starting.

22. The Order required the City and Schaaf Excavating Contractors to submit to the ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey for each property. The ACHD received the Notifications for the properties.

23. On June 30, 2020, the ACHD issued an Enforcement Order against the City pertaining to demolition of structures situated at 1021 Lawndale St., Pittsburgh, PA 15211 and 2928 Bedford Ave., Pittsburgh, PA 15219. In this Order, the City and Deller Professional Services were found to be in violation of Article XXI § 2105.62, and 40 C.F.R. § 61.145(b) by failing to submit to the ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with an asbestos survey ten (10) working days prior to demolition work starting.

24. The City and Deller Professional Services were ordered to submit to the ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey performed for each property listed above. The ACHD received a Notification Form and Permit application for each of the properties.

#### IV. VIOLATIONS

**VIOLATIONS OF ARTICLE XXI, § 2105.62.f.1**  
***(Failure to submit an Asbestos Notification Form  
prior to demolition work starting)***

25. The City funded the demolition of the following structures:

<b>Address</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>
301 Chalfont	Schaaf Excavating Contractors	General Contracting
315 Orchard Pl.	Schaaf Excavating Contractors	General Contracting
133 Meadow St.	Schaaf Excavating Contractors	General Contracting
135 Meadow St.	Schaaf Excavating Contractors	General Contracting
135 Stoebner Way	Schaaf Excavating Contractors	General Contracting
6337 Meadow St.	Schaaf Excavating Contractors	General Contracting
5139 - 5141 Chaplain Way	Schaaf Excavating Contractors	General Contracting

26. Article XXI, § 2105.62.f.1, provides that no person shall demolish, or allow the demolition, of any facility unless the owner of the facility proposed to be demolished has submitted to the ACHD, and the ACHD has received, by no later than 10 days prior to the beginning of the proposed demolition, written notice which includes a copy of the documentation of the results of the asbestos containing material (ACM) inspection showing that no asbestos removal project permit is required prior to demolition due to the absence of ACM in the facility.

27. The City entered into a Consent Order and Agreement with the ACHD on April 18, 2017. The COA specifically states that “[a]ll municipal-funded demolitions require notification to the EPA and the ACHD.” (Consent Order and Agreement, 4/18/2017, p. 3).

28. Asbestos Abatement and Demolition/Renovation Notification Forms were not submitted to the ACHD prior to the demolition of the above properties in violation of Article XXI, § 2105.62.f.1.



29. On June 30, 2020, the ACHD ordered the City to submit an Asbestos Abatement and Demolition/Renovation Notification Form for each property listed above. Following the issuance of the order, the ACHD received a Notification Form for each of the properties which indicated that the structures did not require permits and were under 160 square feet of ACM.

30. The ACHD finds that the City, Schaaf Excavating Contractors, and General Contracting violated Article XXI, § 2105.62.f.1, by failing to submit an Asbestos Notification Form prior to demolition work starting on the above properties.

**VIOLATIONS OF ARTICLE XXI, § 2105.62.f.2**  
***(Failure to obtain an Asbestos Abatement Permit  
prior to demolition work starting)***

31. On October 15, 2019, Deller Professional Services was issued a permit (DP-2019-08083) by the City to demolish the residential structure located at 2928 Bedford Ave., Pittsburgh, PA 15219 for the City of Pittsburgh.

32. On January 7, 2020, Deller Professional Services was issued a permit (DP-2019-09150) by the City to demolish the residential structure located at 1021 Lawndale St., Pittsburgh, PA 15221 for the City of Pittsburgh.

33. The structures at 2928 Bedford Ave. and 1021 Lawndale St. were ordered for emergency demolition with ACM in place.

34. Article XXI, § 2105.62.f.2, requires an ACHD Asbestos Abatement Permit for any structure demolished as ACM in place.

35. Further, the City entered into a Consent Order and Agreement with ACHD on April 18, 2017, which specifically requires ordered demolitions of structures with ACM in place to apply for an ACHD Asbestos Abatement Permit. (Exhibit “A” to COA, at § B.I).

36. ACHD representatives confirmed the structures at 2928 Bedford Ave. and 1021 Lawndale St. have been demolished by Deller Professional Services. The ACHD did not receive an Asbestos Abatement Permit prior<sup>1</sup> to the demolitions of these properties as required by the COA and Article XXI, § 2105.62.f.2.

37. The ACHD finds that the City and Deller Professional Services violated Article XXI, § 2105.62.f.2, by failing to obtain an Asbestos Abatement Permit prior to the demolitions of 2928 Bedford Ave. and 1021 Lawndale St.

**VIOLATIONS OF ARTICLE XXI, § 2105.63.k.1**  
*(Reopening the work area to the public prior to the completion of a final clearance inspection)*

38. The ACHD received timely Asbestos Abatement Permit applications prior to the demolitions of the following properties:

<b>Address</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>
302 Sylvania Ave.	Deller Professional Services	General Contracting
3003 Zephyr Ave.	Deller Professional Services	General Contracting
517 Francis St.	Unis Demolition	Unis Demolition
2126 Elsie St.	Schaaf Excavating	General Contracting
923 Blackadore St.	Deller Professional Services	General Contracting
7030 Fielding Way	Deller Professional Services	General Contracting
427 Belonda St.	Deller Professional Services	General Contracting
418 Beltzhoover St.	Schaaf Excavating	General Contracting
416 Beltzhoover St.	Schaaf Excavating	General Contracting
342 Freeland St.	Schaaf Excavating	General Contracting
705 Taft Ave.	Schaaf Excavating	General Contracting
1310 California Ave.	Schaaf Excavating	General Contracting

<sup>1</sup> Following the issuance of an Order, the ACHD received an Asbestos Notification or Permit application for Asbestos Abatement and Demolition/Renovation Notification Form and Permit application for 2928 Bedford Ave. and 1021 Lawndale St. The applications confirm that the properties were demolished with ACM in place.

728 Wills St.	Deller Professional Services	General Contracting
3128 McClure Ave.	Schaaf Excavating	General Contracting
1100 E. Carson	Deller Professional Services	General Contracting
1537 New England Road	Jadell Minniefield Construction Services	General Contracting

39. Article XXI, § 2105.63.k.1, requires that no person shall remove containment barriers, fail to continue to maintain negative air pressure at a project work area, or reopen the work area to the public, or allow any such removal, failure, or reopening, until such time as the ACHD has accepted the results of a final clearance inspection or reinspection for such work area.

40. The ACHD did not receive a request for a final clearance inspection for the above listed structures in violation of Article XXI, § 2105.63.k.1.

41. The ACHD finds that the City, Schaaf Excavating Contractors, General Contracting, Unis Demolition, Jadell Minniefield Construction Services, and Deller Professional Services violated Article XXI, § 2105.63.k.1, by failing to request for a final clearance inspection for the above properties.

**VIOLATIONS OF ARTICLE XXI, 2105.60**  
*(Removal of ACM without asbestos abatement contractor license)*

42. On October 15, 2019, Deller Professional Services was issued a permit (DP-2019-08083) by the City to demolish the residential structure located at 2928 Bedford Ave., Pittsburgh, PA 15219.

43. On January 7, 2020, Deller Professional Services was issued a permit (DP-2019-09150) by the City to demolish the residential structure located at 1021 Lawndale St., Pittsburgh, PA 15221.

44. Deller Professional Services is not a licensed Asbestos Abatement Contractor.

45. On April 29, 2020, an ACHD Representative inspected the site and observed the completed demolition of the residential structures located at 2928 Bedford Ave. and 1021 Lawndale St. At the time of the inspection, the ACHD had received neither Notice nor a permit application for the removal of ACM for these properties.

46. On June 30, 2020, the ACHD issued an Enforcement Order against Deller Professional Services and the City ordering an Asbestos Abatement and Demolition/Renovation Notification Form be submitted along with the asbestos surveys performed at the 2928 Bedford Ave. and 1021 Lawndale St. properties.

47. On August 17, 2020, in response to the previous Enforcement Order, the ACHD received an Asbestos Abatement and Demolition/Renovation Notification Form and Permit application for each of the properties from General Contracting Corporation. The required asbestos surveys did not accompany these forms as both structures were required to be handled entirely as ACM waste. Along with sending the form and application, Brandon Cahall, a representative of General Contracting Corporation, stated in an email, "I confirmed with John Deller that we had no paperwork on these two projects at all . . . I listed no dates for the asbestos abatement as we were not onsite, but I did list my name as the abatement contractor for the purposes of filing these permit applications."

48. Article XXI, § 2105.60, requires that a licensed ACHD Asbestos Abatement Contractor be present on site during a demolition where the entire structure is deemed ACM in place.

49. As evidenced by the communications from Brandon Cahall, General Contracting acknowledges it was not onsite during the demolition 1021 Lawndale St. and 2928 Bedford Ave.

50. The ACHD finds that the City and Deller Professional Services violated Article XXI, § 2105.60, by failing to have a valid Asbestos Abatement Contractor License present during the demolitions of the 1021 Lawndale St. and 2928 Bedford Ave. properties.

**VIOLATIONS OF ARTICLE XXI, 2105.62.h.10.A**  
***(Failure to Follow Permit Conditions)***

51. On February 10, 2021, General Contracting was issued an Asbestos Abatement permit (PAA-214091) for an emergency demolition of 1100 East Carson St.

52. The Asbestos Permit states that “ALL MATERIAL BEING TREATED AS ACM.” The permit includes the following work practices: “No Asbestos Building Inspection – All material will be treated as ACM. A licensed asbestos abatement supervisor will be onsite during all demolition and loadout of the debris.”

53. On February 10, 2021, an ACHD Representative inspected the demolition at 1100 East Carson Street. There was no asbestos abatement supervisor onsite during the inspection. The ACHD Representatives called the asbestos abatement supervisor and waited for them on site. The asbestos abatement supervisor returned to the site without their required personal air monitoring device.

54. The failure to have a licensed asbestos abatement supervisor onsite during the demolition is a violation of the Asbestos Abatement Permit conditions and thus a violation of Article XXI, 2105.62.h.10.A, which states: “Failure to follow permit conditions. Information provided as part of permit application constitutes permit condition and must be complied with during abatement.”

55. The ACHD finds that the City and General Contracting violated Article XXI, § 2105.62.h.10.A, by failing to follow the conditions of the Asbestos Abatement Permit during the demolition of 1100 East Carson St.

**ORDER**

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

56. For the violations set forth in the preceding paragraphs, the City of Pittsburgh, is herein found to be jointly and severally liable along with its contractors Deller Professional Services, General Contracting, Jadell Minniefield Construction, and Schaaf Excavating Contractors and are hereby assessed a civil penalty of THIRTY-EIGHT THOUSAND AND FIVE HUNDRED (\$38,500). The civil penalty is as follows:

**A. Gravity Based Component**

**1. Failure to submit an Asbestos Notification Form prior to demolition or renovation work starting (§ 2105.62.f.1)**

<b>Address</b>	<b>Gravity Based Penalty</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>	<b>Total Gravity Penalty</b>
301 Chalfont	\$2,500			\$17,500
315 Orchard Pl.	\$2,500			
133 Meadow St.	\$2,500			
135 Meadow St.	\$2,500	Schaaf Excavating Contractors	General Contracting	
135 Stoebner Way	\$2,500			
6337 Meadow St.	\$2,500			
5139-5141 Chaplain Way	\$2,500			
<b>Gravity Component Subtotal</b>				

2. **Failure to obtain an Asbestos Abatement Permit prior to demolition work starting (§ 2105.62.f.2)**

Address	Gravity Based Penalty	Demolition Contractor	Asbestos Abatement Contractor	Total Gravity Penalty
2928 Bedford Ave.	\$2,500	Deller Professional Services		\$5,000
1021 Lawndale St.	\$2,500			
<b>Gravity Component Subtotal</b>				<b>\$5,000</b>

3. **Reopening the work area to the public prior to the completion of a final clearance inspection (§ 2105.63.k.1)**

Address	Gravity Based Penalty	Demolition Contractor	Asbestos Abatement Contractor	Total Gravity Penalty
302 Sylvania Ave.	\$2,500	Deller Professional Services	General Contracting	\$17,500
3003 Zephyr Ave.	\$2,500			
923 Blackadore St.	\$2,500			
7030 Fielding Way	\$2,500			
427 Belonda St.	\$2,500			
728 Wills St.	\$2,500			
1100 E. Carson	\$2,500			
517 Francis St.	\$2,500	Unis Demolition	Unis Demolition	\$2,500
2126 Elsie St.	\$2,500	Schaaf Excavating	General Contracting	\$17,500
418 Beltzhoover St.	\$2,500			
416 Beltzhoover St.	\$2,500			
342 Freeland St.	\$2,500			
705 Taft Ave.	\$2,500			
1310 California Ave.	\$2,500			
3128 McClure Ave.	\$2,500			
1537 New England Rd.	\$2,500	Jadell Minniefield Construction Services	General Contracting	\$2,500
<b>Gravity Component Subtotal</b>				<b>\$40,000</b>

**4. Removal of ACM without asbestos abatement contractor license (§ 2105.60)**

<b>Address</b>	<b>Gravity Based Penalty</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>	<b>Total Gravity Penalty</b>
2928 Bedford Ave.	\$2,500	Deller Professional Services		\$5,000
1021 Lawndale St.	\$2,500			
<b>Gravity Component Subtotal</b>				<b>\$5,000</b>

**5. Failure to Follow Permit Conditions (§ 2105.62.h.10.A)**

<b>Address</b>	<b>Gravity Based Penalty</b>	<b>Demolition Contractor</b>	<b>Asbestos Abatement Contractor</b>	<b>Total Gravity Penalty</b>
1100 East Carson St.	\$2,500		General Contracting	\$2,500
<b>Gravity Component Subtotal</b>				<b>\$2,500</b>

**B. Adjustment Factors**

**Size of Violator – Municipal Government (45% reduction)** (\$31,500)

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**TOTAL CIVIL PENALTY** **\$38,500**

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57. The City of Pittsburgh, Deller Professional Services, General Contracting, Jadell Minniefield Construction, Schaaf Excavating Contractors and Unis shall pay their respective portions of the civil penalty amount based on the violations identified above within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified check, or the like, made payable to the “Allegheny County Clean Air Fund”, and sent to Air Quality Program manager, Allegheny County Health Department, 301 39<sup>th</sup> Street, Bldg. #7, Pittsburgh, PA 15201.

58. The ACHD has determined the above civil penalty to be in accordance with Article XXI § 2109.06.b. reflecting relevant factors including, but not limited to: the nature, severity and frequency of the alleged violations; the maximum amount of civil and criminal penalties authorized by law; the willfulness of such violations; the impact of such violations on the public and the environment; the actions taken by the City of Pittsburgh and Deller Professional Services,



General Contracting, Jadell Minniefield Construction, Schaaf Excavating Contractors and Unis to minimize such violations and to prevent future violations; and the City of Pittsburgh and Deller Professional Services, General Contracting, Jadell Minniefield Construction, Schaaf Excavating Contractors and Unis' compliance history.

59. The gravity based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity based component may be adjusted for factors and circumstances unique to the violator.

60. The above civil penalty is adjusted to reflect the size of the violator and municipal government.

61. 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.

62. Pursuant to Article XI, § 1104.A ("Hearings and Appeals"), of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.


63. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay unless the Director of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

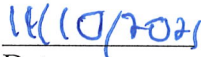
64. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount of the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review

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 10<sup>th</sup> day of November, 2021, in Allegheny County, Pennsylvania.

For:

  
\_\_\_\_\_  
Dean DeLuca  
Air Quality Program Manager

  
\_\_\_\_\_  
Date