

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

BRP4 LLC
234 REICHOLD RD.
WEXFORD, PA 15090

LEVEL LINE BUILDING COMPANY,
LLC
101 OLD BARN RD.
PITTSBURGH, PA 15239

Violation No. ASB-20-0201

Proceedings Pursuant to Article XXI (“Air
Pollution Control”) at property:

3412 WILLIAM PENN HWY
PITTSBURGH, PA 15235

ENFORCEMENT ORDER

NOW, this 12th day of February, 2020, the Allegheny County Health Department (hereinafter “ACHD”) 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. §§ 7401-7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 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 Chapters 505, 507, and 535) (hereinafter “Article XXI”).

2. BRP4 LLC (hereinafter “BRP4”) is a limited liability company organized under the laws of the Commonwealth of Pennsylvania with a registered business address of 234 Reichold, Wexford, PA 15090.

3. Level Line Building Company, LLC (hereinafter “Level Line Building”) is a limited liability company organized under the laws of the Commonwealth of Pennsylvania with a business address of 101 Old Barn Road, Pittsburgh, Pennsylvania, 15239.

4. On April 15, 2019, an Allegheny County Health Department (“ACHD”) Representative observed a completed demolition of a commercial building located at 3412 William Penn Highway, Pittsburgh, PA 15235. BRP4 is the owner of the 3412 William Penn Highway property (Parcel No.: 0542-E-00095-0000-00). The ACHD determined that a commercial demolition permit was issued by Wilkins Township for the 3412 William Penn Highway property (Permit No. 3062 – C5).

5. 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. Article XXI § 2105.62.b.

6. 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).

7. 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).

8. ACHD has no record of an Asbestos Abatement and Demolition/Renovation Notification Form being submitted for demolition of the 3412 William Penn Highway property.

9. The ACHD has determined that BRP4 is in violation of Article XXI § 2105.62, 40 C.F.R. § 61.145(b), 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 or renovation 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:

10. Within seven (7) days of the date of this Order, BRP4, LLC shall submit to ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey performed at the 3412 William Penn Highway property.

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.**

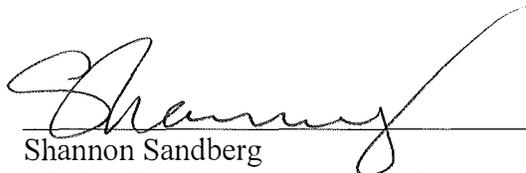
In the absence of a timely appeal, the terms of this Order shall become final. A copy of Article

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.

DONE and **ENTERED** this 12th day of February, 2020, in Allegheny County, Pennsylvania.

For:



Shannon Sandberg
Air Quality Enforcement Chief

2/12/2020
Date