

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

City of Pittsburgh  
c/o Mark Mariani  
414 Grant St. Room 200  
Pittsburgh, PA 15219

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

Violation No. ASB-20-0603

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

135 Meadow St.  
133 Meadow St.  
6337 Meadow St.  
135 Stoebner Way  
301 Chalfont St.  
315 Orchard Pl.  
5141 Chaplain Way  
Pittsburgh, PA

**ENFORCEMENT ORDER**

**NOW**, this 4<sup>th</sup> 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..

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

5. On July 12, 2019, Schaaf Excavating Contractors was issued a permit (DP-2019-02540) by the City of Pittsburgh to demolish the residential structure located at 315 Orchard Pl., Pittsburgh, PA 15206.

6. On August 20, 2019, Schaaf Excavating Contractors was issued a permit (DP-2019-04853) by the City of Pittsburgh to demolish the residential structure located at 301 Chalfont St., Pittsburgh, PA 15210.

7. On September 4, 2019, Schaaf Excavating Contractors was issued four permits (DP-2019-05397, DP-2019-05396, DP-2019-05395, DP-2019-05569) by the City of Pittsburgh to demolish the residential structures located at 135 Meadow St., Pittsburgh, PA 15206, 133 Meadow St., Pittsburgh, PA 15206, 6337 Meadow St., Pittsburgh, PA 15206, and 135 Stoebner Way, Pittsburgh, PA 15206, respectively.

8. On November 18, 2019, Schaaf Excavating Contractors was issued a permit (DP-2019-09092) by the City of Pittsburgh to demolish a residential structure located at 5141 Chaplain Way, Pittsburgh, PA 15207.

9. In the Description of Work from these City Funded Demolitions, it lists, “ACHD asbestos application is required. Asbestos survey included.”

10. On May 7, 2020, an ACHD Representative observed the completed demolition of the residential structures located at 133 Meadow St., 135 Meadow St., 6337 Meadow St., 135 Stoebner Way, 301 Chalfont St., 315 Orchard Pl., and 5141 Chaplain Way.

11. 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.

12. 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).

13. 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).

14. ACHD has no record of an Asbestos Abatement and Demolition/Renovation Notification Form being submitted for demolition of the 133 Meadow St., 135 Meadow St., 6337 Meadow St., 135 Stoebner Way, 301 Chalfont St., 315 Orchard Pl., and 5141 Chaplain Way.

15. The ACHD has determined that the City 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:

16. Within seven (7) days of the date of this Order, the City 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 133 Meadow St., 135 Meadow St., 6337 Meadow St., 135 Stoebner Way, 301 Chalfont St., 315 Orchard Pl., and 5141 Chaplain Way properties.

17. 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.

18. 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.

19. **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

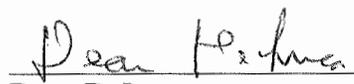
copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

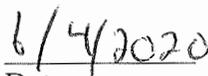
20. Please be advised that this administrative order is not necessarily the final ACHD enforcement action for this matter. The ACHD may issue a separate enforcement order which may result in a civil penalty.

21. 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.

22. 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 4<sup>th</sup> day of June, 2020, in Allegheny County, Pennsylvania.

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

  
\_\_\_\_\_  
Date