

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

PTV 1071 LLC  
400 Penn Center Blvd.  
Bldg. 4, Suite 1000  
Pittsburgh, PA 15601

Lutterman Excavating, LLC  
1813 State Route 819  
Greensburg, PA 15601

Violation No. ASB-20-0605

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

2417 Brownsville Rd.  
Pittsburgh, PA 15210

**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. PTV 1071 LLC (hereinafter “PTV 1071”) is a Pennsylvania limited liability company with a registered business address of 400 Penn Center Blvd. Building 4, Suite 1000, Pittsburgh, PA 15235.

4. Lutterman Excavating, LLC (hereinafter “Lutterman Excavating”) is a Pennsylvania limited liability company with a registered business address of 1813 State Route 819, Greensburg, PA 15601.

5. On January 30, 2020, Lutterman Excavating was issued a permit (DP-2019-09178) by the City of Pittsburgh to demolish the commercial structure located at 2417 Brownsville Rd., Pittsburgh, PA 15210 (Parcel ID: 0094-J-00196-0000-00) for PTV 1071. PTV 1071 is the owner of the 2417 Brownsville Rd. property.

6. On April 14, 2020, an ACHD Representative observed the completed demolition of the commercial structure located at 2417 Brownsville Rd., Pittsburgh, PA 15210. No building material was present, and the lot was flattened out. There was still a chain link fence surrounding the property.

7. The ACHD and 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).

8. 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).

9. As of the date of this order, ACHD has no record of an Asbestos Abatement and Demolition/Renovation Notification Form and asbestos survey being submitted of the 2417 Brownsville Rd. property.

10. The ACHD has determined that PTV 1071 LLC and Lutterman Excavating are jointly 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 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:

11. Within seven (7) days of the date of this Order, PTV 1071 LLC and Lutterman Excavating shall submit to ACHD an Asbestos Abatement and Demolition/Renovation Notification Form along with the asbestos survey performed at the 2417 Brownsville Rd. property.

12. 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.

13. 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.

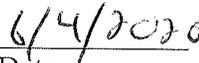
14. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay. In the absence of a timely appeal, the terms of this Order shall become final. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

15. 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.

16. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and PTV 1071 and Lutterman Excavating, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

17. **DONE** and **ENTERED** this 4<sup>th</sup> day of June, 2020, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

  
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Date