

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

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

Violation No. 20-ASB-0401

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

1717 Colwell Street
Pittsburgh, PA 15219

ENFORCEMENT ORDER

NOW, this 17th day of April, 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. 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.

4. On December 12, 2019, Unis was issued a permit by the City of Pittsburgh (Permit No: DP-2019-11126) to conduct a city funded demolition of a residential structure located at 1717 Colwell Street, Pittsburgh, PA 15219 (Parcel ID: 0011-E-00298-0000-00) for the Urban Redevelopment Authority of Pittsburgh. Under the City of Pittsburgh permit, “[a]ll materials to be considered [asbestos containing material]” and Unis was to “[r]emove all garbage and debris, vegetation, fencing, concrete slab, and steps.”

5. On January 22, 2020, Unis was issued an asbestos abatement permit by the ACHD (Permit No: PAA-204046) to conduct a demolition of the 1717 Colwell Street building. Under the ACHD permit, Unis was to demolish the building horizontally by removing small sections of the structure with grapple and lowering to the ground, then loaded into tarped trucks. Water was to be used to prevent fugitive emissions. All material was to be treated as asbestos containing material (ACM).

6. On February 4, 2020, a complaint was submitted to ACHD with pictures showing piles of brick still present from the demolition at 1717 Colwell Street.

7. On February 4, 2020, two ACHD representatives inspected the property located at 1717 Colwell Street in response to the complaint and confirmed the residential structure had been demolished and observed Unis employees smoothing the fill at the site that contained soil and red brick. The employees stated that the brick was utilized for fill on site.

8. Article XXI, § 2101.11.a, of the ACHD regulations states that it is a “violation of this Article to **fail to comply with**, or to cause or assist in the violation of, any requirement of this Article, or any order or **permit issued** pursuant to authority granted by this Article.”

9. Article XXI, § 2105.63.1, requires that all ACM be placed in leaktight containers and transported and disposed at an approved landfill.

10. Unis violated the conditions of the asbestos abatement permit issued by ACHD by failing to remove and to properly dispose of all asbestos containing demolition debris at an approved landfill. Unis used asbestos containing demolition debris to fill the basement void at the demolition site which constitutes violations of Article XXI § 2101.11.a and Article XXI § 2105.63.1 which read as follows:

11. Article XXI § 2105.60, provides, in pertinent part, as follows:

It shall be a violation of this Article to fail to comply with, or to cause or assist in the violation of, any requirement of this Article, or any order or permit issued pursuant to authority granted by this Article. No person shall willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such a manner that emissions from such source exceed the amounts permitted by this Article or by any order or permit issued pursuant to this Article or may reasonably be anticipated to endanger the public health, safety, or welfare.

12. Article XXI § 2105.60, provides, in pertinent part, as follows:

In addition to the accreditation and permit requirements under §§2105.61 and 2105.62, respectively, of this Article, no person shall remove, encase, or encapsulate, or allow the removal, encasement, or encapsulation of, ACM in any facility subject to §2105.62 of this Article unless the person engaged in the removal, encasement, or encapsulation has been issued and currently holds a valid Annual Asbestos Abatement Contractor License issued by the Department under this Section.

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:

13. **Within thirty (30) days of the date of this Order, Joan Unis and Ralph E. Unis d/b/a Unis Demolition Company shall excavate, remove, transport and dispose at an approved landfill all fill material as asbestos containing material (ACM) in accordance with the conditions of the City of Pittsburgh permit (Permit No.: PAA20-4046) and Article XXI, § 2105.63.I.** This includes the removal of all garbage and debris, vegetation, fencing, concrete slab and steps. Clean fill shall be used to fill the void created by the removal of the asbestos containing material. Copies of documentation of transportation and disposal of ACM at an approved landfill shall be submitted to the ACHD within five (5) business days of the disposal of the ACM.

14. 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.

15. 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. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

16. 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.

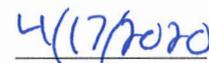
17. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and Unis Demolition Company, Joan Unis and Ralph E. Unis, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

DONE and **ENTERED** this 17th day of April, 2020, in Allegheny County, Pennsylvania.

For:



Dean DeLuca
Air Quality Program Manager



Date