

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the matter of:	:	Violation #180101
	:	
James Sorbara and Christine Sorbara	:	Violations of Article XXI (“Air
420 Parker Drive	:	Pollution Control”) at property
Pittsburgh, PA 15216-1326	:	
	:	500 Pine Hollow Road
	:	Coraopolis, PA 15108

NOTICE OF APPEAL OF ADMINISTRATIVE ORDER
DATED FEBRUARY 23, 2018

James and Christine Sorbara (hereinafter “Sorbara”) file this Appeal from an Administrative Order dated the 23rd day of February 2018 issued by the Allegheny County Health Department (hereinafter “ACHD”).

FINDINGS RESPONSE

Sorbara admits Paragraphs 1, 2, 3, 4, 5 and 6 of the Findings set forth in the Administrative Order.

Sorbara denies each and every other Finding in Paragraph numbers 7 through 13 and sets forth herein under STATEMENT OF FACTS, the events and facts relevant to the events involved in this matter.

STATEMENT OF FACTS BY SORBARA

1. Representatives met with Sorbara's on-site contractor, Robert Smith, at the location of the retail space on Friday, August 11, 2017 and not August 10, 2017 because Smith was not available on August 10, 2017.

2. The retail space had been unoccupied by any tenant or open to the public for a period in excess of 12 months due to the prior tenant (Rite Aid Pharmacy) having vacated the premises. During August of 2017, the retail space was in the process of being refurbished for occupancy by a new tenant; i.e. Dollar General.

3. Prior to the retail space being vacated by Rite Aid, it had been continuously occupied for in excess of 20 years and had been refurbished at various times, including the floors, by the tenants then occupying the retail space. Sorbara and its contractor had a good faith belief that any asbestos containing items would have been substantially removed during the prior refurbishing activity by the tenants.

4. On August 11, 2017 after being provided entry by Smith, Sorbara believes that representatives from ACHD took certain samples from the retail space.

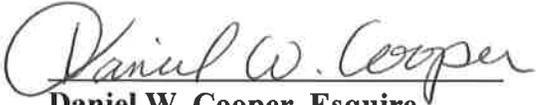
5. On August 16, 2017 Sorbara's contractor, Robert Smith, contacted K & J Demolition Company to arrange for testing of material from the retail space and the eventual removal of any asbestos containing items. K & J took samples for testing on or about August 17, 2017. From August 9, 2017 until ACHD issued a removal permit, no work was conducted in the retail space and no members of the public had any access to the space. The only access was limited to entry by representatives of ACHD on August 11, 2017 for the taking of samples and to K & J representatives on or about August 17, 2017 for the taking of samples.
6. Sorbara and Smith believe, based on communications with K & J, that K & J made timely submission of the samples for testing and submitted the test results and a permit application to ACHD.
7. For reasons unknown to Sorbara and Smith, ACHD refused to accept the test results submitted by K & J and did not grant a permit based on the application submitted by K & J.
8. On or about October 12, 2017 and due to the actions set forth in Paragraph 7 above, Sorbara engaged the services of Associated Thermal Services (ATS) to perform the same work for which Sorbara had engaged K & J Demolition Company.

9. Neither Sorbara nor its contractor Smith was requested by ATS to provide entry into the retail space for the collection of any “samples”. Therefore, Sorbara and Smith believes and aver that ATS was permitted by ACHD to submit the same test results from the same samples taken by K & J Demolition to obtain the eventual asbestos removal permit.

CONCLUSION

As a result of the Statement of Facts set herein, Sorbara respectfully asserts that the Order of the ACHD as set forth in Paragraphs 14 through 20 and the assessment of the civil penalty of \$31,000.00 bear no reasonable relationship to the actual facts in this matter. Sorbara and its contractor, Robert Smith, acted, at all times material, in good faith and with due diligence with regard to any Orders issued by the ACHD as set forth in the Statement of Facts contained in this Appeal. Sorbara requests that the civil penalty of \$31,000.00 be withdrawn.

**Respectfully submitted,
COOPER & LEPORE**

By:  3/20/18
Daniel W. Cooper, Esquire
Attorney for Sorbara
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VERIFICATION

We verify that the statements contained in the foregoing are true and correct to the best of our knowledge, information or belief. We understand that these statements are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.



JAMES SORBARA



CHRISTINE SORBARA



ROBERT SMITH

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**DIRECTOR'S
OFFICE**

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*Daniel W. Cooper
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March 20, 2018

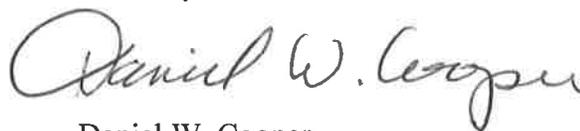
Office of the Director
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 Fourth Avenue
Pittsburgh, PA 15219

Re: James and Christine Sorbara
Administrative Order Appeal
#180101

Dear Sir/Madam:

Enclosed is a Notice of Appeal in the above case. A check in the amount of \$31,950.00 , to be escrowed during the appeal process, is also enclosed.

Sincerely,



Daniel W. Cooper

DWC/jm

Enclosures

cc: James Sorbara