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LAW OFFICES
Patrick M. Livingston
220 Grant Building
Fifth Floor
Pittsburgh, Pennsylvania 15219
(412) 281-9971

A. Kayleigh Shebs, Esq.
Of Counsel

May 15, 2020

BY FIRST CLASS MAIL

Allegheny County Health Department
Office of the Director
542 Fourth Avenue
Pittsburgh, Pennsylvania 15219

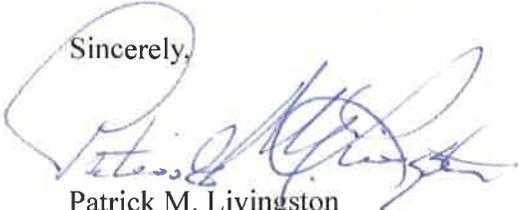
Re: In the Matter of Joan Unis and Ralph E. Unis, d/b/a Unis Demolition Company
Violation No. 20-ASB-0401

Dear Sir or Madam:

I represent Unis Demolition Company, referenced above, in connection with the above-captioned administrative order entered April 17, 2020. Please find enclosed an entry of appearance and a notice of appeal from the April order. A stay of the order is not being sought at this time, pursuant to conversations between Jeff Bailey and myself.

Please feel free to call if you have any questions, and please return a time-stamped copy of my appearance in the enclosed self-addressed stamped envelope, so that my file reflects timely filing of the notice. Thank you.

Sincerely,


Patrick M. Livingston

c: Jeffrey R. Bailey, Esq.
Allegheny County Health Department

**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

NOTICE OF APPEAL

COMES NOW, Joan Unis, d/b/a Unis Demolition Company, 1306 Maratta Road, Aliquippa, Pennsylvania 15001, by and through her agent, Ralph E. Unis (collectively “Appellants” or “Unis Demolition), and attorney, Patrick M. Livingston, counsel for Appellants, and pursuant to Article XI, Rule 1104 of the Allegheny County Health Department Rules and Regulations, files the within notice of appeal from the administrative order captioned above, entered April 17, 2020, in support of which it is averred that:

1. Unis Demolition has a direct interest in the Department’s administrative order, captioned above, and is aggrieved by said order, insofar as the order applies to and is binding upon Unis Demolition Company, Joan Unis, Ralph E. Unis and their officers, directors, agents, contractors, servants, employees, successors and assigns, ¶17. The order requires Unis Demolition to take immediate action to excavate, remove, transport and dispose of at an approved landfill all asbestos containing material, as specified in the April 17, 2020 order, ¶13, and exposes Appellants to penalties upon failure to comply, ¶14.

2. The grounds for appeal are as follows:

(a) Unis Demolition met and complied with any duty to follow all applicable federal, state and local asbestos regulations and to reduce the potential for fiber release from asbestos-containing materials, including the duty to remove encase or encapsulate these materials from the Colwell Street property;

(b) Unis Demolition adhered to the specifications of the permit by removing small sections of the building with grapple and lowering same to the ground, loading the material onto tarped trucks. Water was used to prevent fugitive emissions.

(c) In particular, the evidence was insufficient to establish that 1717 Colwell Street is a "facility" to which the federal NESHAP regulations for demolition activities (or the County Ordinances incorporating them) apply. See 40 CFR 61.141 (definition of "demolition" extends to removing any structural load bearing member of a "facility" and related handling operations of a "facility"; definition of "facility" excludes "residential buildings having four or fewer dwelling units"); County Ordinances, Article XXI, §§2101.20, 2105.62a.

(d) The Colwell Street property was not an institutional, commercial, public, or industrial structure, installation or building, nor was it a residential structure, installation or building of more than four (4) dwelling units, id. The Allegheny County Real Estate describes and depicts the property as an end-unit row house with five rooms, two of which were bedrooms, and one bathroom. See Exhibit "A", attached.

(e) Because 1717 Colwell was a residential structure that did not contain more than four dwelling units, its demolition was exempt under applicable NESHAP regulations and county ordinances from abatement rules requiring it to remove, encase or encapsulate any asbestos-containing materials, §2105.62a;

(f) the evidence was insufficient to support a finding that the demolition of 1717 Colwell Street yielded materials containing 1% or more asbestos, by weight or area, and, as such were not "asbestos containing materials" as defined in Article XXI, §2101.20.

(g) Unis does not waive claims of exemption or other claims under the terms of Title 40 C.F.R. by acting pursuant to the city or county permits, or by acting to abate any issues identified in the above-captioned administrative order, and all such claims are hereby preserved.

WHEREFORE, for these reasons, appellants respectfully request that the administrative order entered on April 17 be stricken and that the mandate directed at Unis Demolition be lifted.

Respectfully submitted,



Patrick M. Livingston

Pa. I.D. No. 44137

220 Grant Street
Fifth Floor
Pittsburgh, Pennsylvania 15219
(412) 281-9971
mick@pmlivingston.com

Attorney for Appellants
Joan Unis, Ralph E. Unis
d/b/a Unis Demolition Company



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Parcel ID: 0011-E-0029B-0000-00
 Property Address: 1717 COLWELL ST
 PITTSBURGH, PA 15219

Municipality: 103 3rd Ward - PITTSBURGH
 Owner Name: URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH

School District:	Pittsburgh	Neighborhood Code:	10301
Tax Code:	Exempt	Owner Code:	Corporation
Class:	Residential	Recording Date:	2/14/2012
Use Code:	ROWHOUSE	Sale Date:	2/14/2012
Homesite:	No	Sale Price:	\$1
Farmstead:	No	Deed Book:	14811
Clean And Green:	No	Deed Page:	451
Other Abatement:	No	Lot Area:	703 SQFT

Sale Code: Multi-Parcel Sale

2020 Full Base Year Market Value		2020 County Assessed Value	
Land Value	\$14,400	Land Value	\$14,400
Building Value	\$2,900	Building Value	\$2,900
Total Value	\$17,300	Total Value	\$17,300

2019 Full Base Year Market Value		2019 County Assessed Value	
Land Value	\$14,400	Land Value	\$14,400
Building Value	\$2,900	Building Value	\$2,900
Total Value	\$17,300	Total Value	\$17,300

Address Information

Owner Mailing: 200 ROSS ST FL 10
 PITTSBURGH, PA 15219-2014

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Parcel ID : 0011-E-00298-0000-00
 Property Address : 1717 COLWELL ST
 PITTSBURGH, PA 15219

Municipality : 103 3rd Ward - PITTSBURGH
 Owner Name : URBAN REDEVELOPMENT AUTH OF
 PITTSBURGH

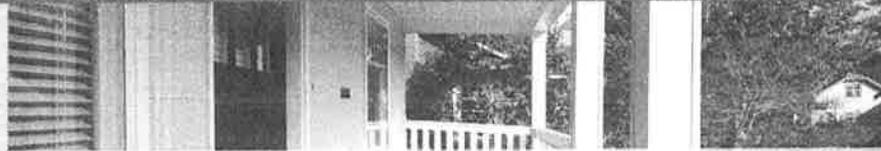
Residential Building Information

Use Code :	ROWHOUSE	Total Rooms :	5	Basement :	Full
Style :	ROW END	Bedrooms :	2	Grade :	D
Stories :	2	Full Baths :	1	Condition :	UNSOUND
Year Built :	1890	Half Baths :	0	Fireplace(s) :	0
Exterior Finish :	Brick	Heating/Cooling :	Central Heat	Basement Garage :	0
Roof Type :	ROLL			Living Area :	952 SqFt

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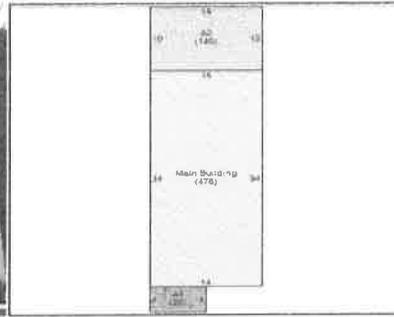
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Parcel ID: 0011-E-00298-0000-00
 Property Address: 1717 COLWELL ST
 PITTSBURGH, PA 15219

Municipality: 103 3rd Ward - PITTSBURGH
 Owner Name: URBAN REDEVELOPMENT AUTH OF
 PITTSBURGH



Main Building		476 Sq. Ft.
A1	Stoop Masonry	28 Sq. Ft.
A2	Patio Concrete	140 Sq. Ft.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appeal was served this ^{15th} day of May, 2020,
by first-class mail, postage pre-paid, ~~by electronic mail, and by first-class mail~~ upon the following:

Jeffrey R. Bailey, Esq.
Allegheny County Health Department
301 39th Street
Building No. 7
Pittsburgh, Pennsylvania 15201


Patrick M. Livingston

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

Joan Unis and Ralph E. Unis
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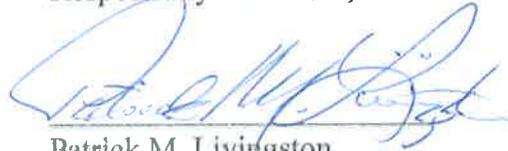
1717 Colwell Street
Pittsburgh, PA 15219

ENTRY OF APPEARANCE

TO THE DIRECTOR, ALLEGHENY COUNTY HEALTH DEPARTMENT:

Kindly enter my appearance as counsel for appellants in the above-captioned matter.

Respectfully submitted,



Patrick M. Livingston
Pa. I.D. No. 44137

220 Grant Street
Fifth Floor
Pittsburgh, Pennsylvania 15219
(412) 281-9971
mick@pmlivingston.com

Attorney for Appellants
Joan Unis, Ralph E. Unis
d/b/a Unis Demolition Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Entry of Appearance was served this 15th day of May, 2020, by first-class mail, postage pre-paid, ~~by electronic mail and by fax transmission~~ upon the following:

Jeffrey R. Bailey, Esq.
Allegheny County Health Department
301 39th Street
Building No. 7
Pittsburgh, Pennsylvania 15201


Patrick M. Livingston