



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

9/24/2019

Pullman SST, Inc.  
10150 Old Columbia Road  
Columbia, MD 21046

RE: Director's Final Findings & Orders  
NPDES  
Franklin County  
8EU00163

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

Kevin J. Fowler, Supervisor  
Permit Processing Unit  
Division of Surface Water

KJF/dks

Enclosure

**CERTIFIED MAIL**

cc: L. Reeder, DSW  
R. Demuth, DSW  
L. Kaldy, DSW  
B. Palmer, DSW  
M. Cooper, CDO/DSW  
J. Martin, DSW  
Fiscal  
M. McCarron, PIC  
H. Griesmer, PIC  
J. Lee, PIC  
B. Fischbein, Legal  
J. Dragovich, DEFA  
Journal Room  
File



garage located at 1 Riverside Plaza, Columbus, Ohio. Pullman subcontracted with Respondent Rampart Hydro Services, LP ("Rampart") for hydrodemolition of existing concrete within the structure. Respondents claim that under this subcontract, Pullman was responsible for obtaining permits.

2. Pullman is a Delaware corporation with its corporate headquarters located at 10150 Old Columbia Road, Columbia, Maryland 21046. Its parent company is Structural Technologies, LLC, formerly known as Structural Group, Inc.
3. Rampart is a limited partnership based in Coraopolis, Pennsylvania. Its general partner is Rampart Hydro Services, Inc., and its limited partner is Newbold Holdings, Inc. Effective January 1, 2018, the stock of both partners was purchased by Structural Group, Inc. The address of both partners is 10150 Old Columbia Road, Columbia, Maryland 21046.
4. According to the websites for both Pullman and Rampart: "Hydrodemolition uses high-velocity water jets to remove deteriorated, delaminated, or contaminated concrete from reinforced concrete structures such as bridges, dams and parking garages."
5. Pursuant to Rampart's Wastewater Treatment Plan, prior to hydrodemolition activities, a system to treat the process wastewater generated by the hydrodemolition process would be installed by Rampart and consist of the following: a 20-cubic yard roll-off, lined with plastic and containing a 180-micron filter bag to filter the wastewater; an 18,000-21,000 gallon weir tank for settling of the remaining sediment; a pH balancing system consisting of carbon dioxide gas tank(s), pressure regulation, and 100 feet of flexing hose for mixing; and a pump and 200 feet of hose to pump treated water into a sanitary sewer manhole. A diagram of the wastewater treatment system shows the wastewater going to the sanitary sewer system after treatment by settling and pH adjustment.
6. Neither Pullman nor Rampart applied for or obtained a permit to install ("PTI") from Ohio EPA prior to installing the wastewater treatment system in violation of ORC § 6111.45 and Ohio Administrative Code ("OAC") 3745-42-02.
7. On October 16, 2018, the City of Columbus called Ohio EPA's Spill Hotline to notify Ohio EPA of a whitish discharge with a pH of 11.6 from a storm sewer outfall into the Scioto River. Ohio EPA's Emergency Response ("ER") responded and found that the discharge was coming from the hydrodemolition project in the AEP parking garage on Riverside Plaza.

8. Instead of discharging the treated wastewater from the hydrodemolition project to the sanitary sewer, Respondents had connected the discharge hose to the City of Columbus' municipal separate storm sewer system ("MS4") and were actively pumping treated wastewater to the storm sewer during the night when the hydrodemolition work was occurring. On the morning of October 16, 2018, Respondents had left the hose connected to the storm sewer and, according to Pullman, the tank began auto siphoning untreated or partially treated process wastewater into the storm sewer and then to the Scioto River.
9. The Scioto River constitutes "waters of the state" as defined in ORC § 6111.01(H).
10. The wastewater from the hydrodemolition process constitutes "industrial waste" or "other waste" as defined in ORC § 6111.01(C) and (D). Placement of industrial waste or other waste into waters of the state constitutes "pollution" as defined in ORC § 6111.01(A).
11. Upon observing the discharge to the storm sewer on October 16, 2018, the City of Columbus' Storm Water Regulatory Management Section told Respondents to stop the discharge to the storm sewer and to contact Columbus' Industrial Wastewater Pretreatment office to obtain a permit to discharge to the sanitary sewer. Pullman did that on October 17, 2018 and filled out and submitted a discharge permit application the same day. The City of Columbus issued a thirty-day permit to Pullman on October 18, 2018. A request for an extension of the permit term was later granted until December 18, 2018.
12. AEP informed Ohio EPA that it held a meeting with Pullman and Rampart prior to work beginning to discuss the permits required by the City of Columbus for the project. Despite this discussion and the fact that Rampart's Wastewater Treatment Plan stated that the wastewater would go to the sanitary sewer, Pullman and Rampart claim that they reviewed the City of Columbus Public Utilities' webpage, but admit that they failed to contact the City of Columbus to determine whether permits in addition to street occupancy and hydrant usage, such as a discharge permit, were required, and failed to apply for a permit to discharge to the sanitary sewer until October 17, 2018, the day after they were discovered discharging to the storm sewer. Pullman, however, did apply to Columbus for and was granted Fire Hydrant Permits and a Street Occupancy Permit prior to commencing the hydrodemolition project.
13. The sanitary sewer inlet is a manhole. The storm sewer inlet is a grate in the street. They are not adjacent to each other.

14. Cleanup of the storm sewer and the Scioto River was completed on October 18, 2018 by a contractor hired by Pullman.
15. Notices of Violation were issued to Pullman and Rampart by Ohio EPA ER on October 19, 2018. Ohio EPA sent an inspection letter to AEP on November 2, 2018 describing the unauthorized discharge incident.
16. On November 15, 2018, Pullman sent a Remedial Action Plan ("RAP") to the City of Columbus as required by the City Code. In the RAP, Pullman stated that hydrodemolition work started October 8, 2018, with four shifts of hydrodemolition work performed through October 15, 2018. A "Water treatment log" previously provided by Pullman or Rampart showed four dates that wastewater was discharged to the storm sewer: October 11, 12, 13, and 15, 2018. Wastewater from the hydrodemolition work on October 8, 2018 was also discharged to the storm sewer. Pullman and Rampart maintain that no process water was discharged on October 9 and 10, 2018.
17. Pullman also stated in the RAP that hydrodemolition operations were completed within five days of resuming work under the new permit (Hydro Demolition Discharge Permit for discharge to the sanitary sewer). The permit was effective October 18, 2018. A Hydro Demolition Wastewater Leak Monitoring Log, attached to the RAP, showed that hydrodemolition work occurred on October 18, 19, and 20, 2018. Presumably, therefore, the hydrodemolition work was completed by approximately October 23, 2018.
18. Pullman estimated the discharge to the storm sewer to have been approximately 6,300 gallons per night. However, Rampart stated in its final discharge report that hydrodemolition took place between October 8 and 18, 2018, and that discharge volume for October 11, 12, 13, 15, 18, and 21 was 76,120 gallons. The final report did not mention the discharge of wastewater on October 16, 2018.
19. ORC § 6111.45 prohibits installation of works for the treatment or disposal of industrial waste until plans for the disposal of the waste have been submitted to and approved by the Director of the Ohio EPA. OAC 3745-42-02(A)(1) prohibits installation of a new disposal system without first obtaining an individual PTI or a general PTI or plan approval. The wastewater treatment system installed by Rampart was a "disposal system" and a "treatment works" as defined in ORC § 6111.01(G) and (F).
20. ORC § 6111.04(A) prohibits any person from causing pollution or causing to be

placed any sewage, industrial waste, or other wastes in a location where they cause pollution of waters of the state except in accordance with a valid unexpired permit.

21. In accordance with OAC 3745-33-02(A), no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit.
22. In accordance with OAC 3745-38-02(A), no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without either applying for and obtaining an Ohio NPDES permit in accordance with OAC Chapter 3745-33 or obtaining authorization to discharge under a general NPDES permit in accordance with OAC Chapter 3745-38.
23. Neither Pullman nor Rampart hold nor applied for a permit from Ohio EPA authorizing a discharge of process wastewater from hydrodemolition to waters of the state.
24. Respondents discharged process wastewater through the MS4 to waters of the state on at least six days without a permit from Ohio EPA in violation of OAC 3745-33-02(A), OAC 3745-38-02(A), and ORC § 6111.04 and 6111.07, including actively pumping the wastewater to the storm sewer on at least October 8, 11, 12, 13 and 15, 2018, and allowing untreated or partially treated wastewater to auto siphon to the storm sewer on at least October 16, 2018.
25. OAC 3745-1-04 provides in part that the following general water quality criteria shall apply to all surface waters of the state including mixing zones: To every extent possible as determined by the Director, these waters shall be: (A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life; (C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance; and (D) Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone.
26. The unpermitted discharge of process wastewater to waters of the state through the MS4 totaled between 37,800 and 73,170 gallons. Pullman and Rampart claim it was approximately 49,416 gallons over the six days. The untreated or partially treated wastewater may have contained concrete cuttings, had a pH of at least

11.6 and possibly as high as 12.62 and was potentially harmful to aquatic life in the Scioto River. The discharge violated OAC 3745-1-04(A), (C), and (D), the water quality standard for pH of 6.5-9.0 in OAC 3745-1-35, and ORC §§ 6111.04 and 6111.07.

27. R.C. § 6111.07(A) prohibits any person from violating or failing to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violating any order, rule, or term or condition of a permit issued or adopted by the Director of Environmental Protection pursuant to those sections. Each day of violation is a separate offense.
28. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and their relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of R.C. Chapter 6111.

#### **V. ORDERS**

1. Respondents shall not install a treatment or disposal system for industrial waste or other waste without a permit to install from Ohio EPA.
2. Respondents shall not pump or discharge any other waste or industrial waste into waters of the state except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit.
3. Respondents shall pay the amount of twenty-five thousand dollars (\$25,000.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. The penalty shall be paid by tendering an official check made payable to "Treasurer, State of Ohio" within thirty (30) days of the effective date of these Orders. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondents, at the following address:

Ohio Environmental Protection Agency  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X. of these Orders.

#### **VI. TERMINATION**

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by responsible officials of Respondents. For purposes of these Orders, a responsible official is as defined in Ohio Administrative Code Rule 3745-33-03(F).

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring in relation to the discharge.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the discharge or Respondents.



### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Surface Water  
Attn: DSW Enforcement Unit Supervisor  
50 West Town Street, Suite 700  
[P.O. Box 1049]  
Columbus, Ohio 43215 [43216-1049]

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Surface Water  
Attn: Enforcement Manager  
50 West Town Street, Suite 700  
[P.O. Box 1049]  
Columbus, Ohio 43215 [43216-1049]

[For mailings use the post office box number and zip code in brackets]

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondents all reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

**XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

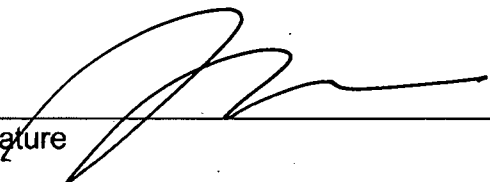
**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Laurie A. Stevenson  
Director

9/20/19  
\_\_\_\_\_  
Date

Pullman SST, Inc.  
Rampart Hydro Services, LP  
Director's Final Findings and Orders  
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**IT IS SO AGREED:**  
**Pullman SST, Inc.**

  
\_\_\_\_\_  
Signature

9-5-19  
\_\_\_\_\_  
Date

J. PETE WALLACE  
\_\_\_\_\_  
Printed or Typed Name

Senior Branch Director  
\_\_\_\_\_  
Title

**IT IS SO AGREED:**  
**Rampart Hydro Services, LP**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title