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Attorney for the Plaintiff

**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR**

ADAMAS CONSTRUCTION &
DEVELOPMENT SERVICES, PLLP,

AND

NATHAN PIERCE,

RESPONDENTS,

ANSWER AND REQUEST
FOR HEARING

Docket No. CWA-07-2019-0262

Comes now the Respondent Adamas Construction & Development Services, PLLC, (“Adamas”), by and through their attorney, Chris J Gallus, for its answer to the Complaint against the Respondent, by the United States Environmental Protection Agency Region 7 (“USPEA”), and request for a hearing of this matter:

I. INTRODUCTION

The respondent became aware of this complaint only after being served via US postal service certified mail on Tuesday, October, 1st .

The respondent hereby denies all the allegations against them, requests a hearing and responds to each allegation below:

II. Allegations and Responses

The following is the respondent answer for each allegation, in the order they were presented, the allegations from the EPA are in italics (11pt) the answers and denials are in regular text (14PT);

21. *Section 405 of the CWA and the biosolids regulations created a self-implementing and self-monitoring program intended to ensure that sewage sludge is disposed in a manner that protects human health and the environment.*

The respondent does not disagree with this statement.

22. *Respondent Adamas is a professional limited liability that was registered in the state of Montana. Respondent Adamas' website states that it provides start to finish onsite water management services.*

The respondent does not disagree with this statement.

23. *Although the currently available information states that Respondent Adamas involuntarily dissolved on September 1, 2018, Respondent Adamas' website is still active. <http://www.biomicrobicsmontana.com/projects/> (accessed August 2019). Further, Respondent Adamas, or Nathan Pierce on Adamas' behalf, is a party in active litigation with Indian Health Services.*

The respondent
denies this claim –

Reasons:

- a. The respondent is not now, nor has it been in active litigation with IHS and denies this allegation. The Respondent filed an administrative TORT complaint against Jim White and members of the Billings area IHS office and believe this complaint is being brought by members of IHS, using false information in an effort to further harm the respondent.
- b. The respondent is not responsible nor are they the administrator of the website in question and as noted by the EPA the business was involuntarily dissolved.

- b. The respondent is not responsible nor are they the administrator of the website in question and as noted by the EPA the business was involuntarily dissolved.

24. *Respondent Adamas is a "person" within the meaning of Section 502(5) of the CWA, 33 V.S.C. § 1362(5) and 40 C.F.R. § 503.9(q).*

The respondent does not disagree with this statement.

25. *Respondent Nathan Pierce is a private individual who is the sole member' of Adamas.*

The respondent denies this allegation.

Reasons: Adamas Construction's members were Michelle and Nathan Pierce. Michelle Pierce was present at all preconstruction meetings, contract signing and communicated with members of HIS, NCUC, Northern Cheyenne Tribe, and USEPA region 8 Staff.

26. *Respondent Nathan Pierce is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 503.9(q).*

The respondent does not disagree with this statement.

27. *Respondent Nathan Pierce controlled the activities of Adamas at all times relevant to this action.*

The respondent does not disagree with this statement.

28. *At all times relevant to this action, Respondent Mr. Pierce held himself out to the EPA and Indian Health Service as the primary contact of Adamas for environmental compliance.*

The respondent does not disagree with this statement.

29. *At all times relevant to this action, Mr. Pierce managed, directed, or made decisions about environmental compliance for Adamas.*

The respondent does not disagree with this statement.

30. *At all times relevant to this action, Respondent Adamas was a subcontractor of the Northern Cheyenne Utilities Commission (NCUC).*

The respondent does not disagree with this statement.

31. *Respondent Adamas and NCUC entered into a contract for Respondent to land apply sewage sludge generated by NCUC.*

The respondent denies this claim –

Reasons:

- a. The respondent entered into a contract for the respondent to act as a project manager and technical consultant to the NCUC, only, with the responsibility to help or assist NCUC with the project, including hiring additional subcontractors.
- b. The Respondent, Adamas, with the knowledge and permission of the NCUC, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. (see attached Contract – Respondent ‘A’)

32. *On or about August 22,2018, Respondent Adamas applied sewage approximately 1,000,000 gallons of Class B sewage sludge from Cell #2 of the Lame Deer treatment lagoon to land application property in or near Lame Deer, Montana.*

The respondent denies this claim –

Reasons:

- a. The respondent not the apply any sewer sludge related to this or any other project. The Respondent, Adamas, with the knowledge and permission of the NCUC, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property.

33. *On or about August 28,2018, Indian Health Service visited the land application property after receiving a complaint from the landowner regarding the application.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. If the land owner was complaining about improper application it was due to the Land owners own action and not the action of Adamas or Nathan Pierce.

34. *On August 29,2018 Indian Health Service observed, as noted in its site report, that the sludge was not appropriately spread during land application.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. If there was improper application of the sludge it was due to the Land owners own actions and not the actions of Adamas or Nathan Pierce.

35. *On August 28,2018, Indian Health Service observed, as noted in its site report, that the Respondent refused to provide target application rates for the sludge, laboratory tests, and application logs to the landowner.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, specifically states in its subcontract with, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, target application rates to apply the sludge to his own property. As the Land owner was subcontracted to apply the sludge it was his responsibility to create his own application logs and share them with Adamas, the violations are from Tom Robinsons actions and not the actions of Adamas or Nathan Pierce. Tom Robinson the landowner was given a copy of the lab test and target application rates, at the signing of the contract he was also aware of the bid packet and reviewed the IHS bid packet before signing the subcontract agreement. The IHS bid packet had copies of lab testing, target application rates and, the land of Tom Robinson was identified in the IHS bid packet as the land to apply the sludge to. (See attached Contract)

36. *On September 25,2018, EPA issued Respondent Adamas a CWA Section 308,33 U.S.C. § 1318, information request for information related to the August 22, 2018, land application of sewage sludge. On October 17,2018, Respondent Adamas requested an extension to respond and was granted a 30-day extension on October 29,2018. On March 7, 2019, EPA sent a letter to Respondent requesting a response to the information request and notifying Respondent of the violations associated with improper land application of sewage sludge and failure to respond to the information request and a potential enforcement action associated with those violations.*

The respondent denies this claim –

Reasons:

The Respondent, Adamas, with the knowledge and permission of the NCUC the

prime contractor, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Land owners was the applicator per EPA regulations and both he and NCUC as the primary contractor are responsible for providing this information, and it is not the responsibility of Adamas or Nathan Pierce to provide application information as they did not apply any sludge.

37. *On June 11, 2019, after Respondents failed or refused to respond to the EPA's September 28, 2018 information request, EPA again issued the March 7, 2019 EPA correspondence to Respondents by electronic mail through the listed counsel.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Land owners was the applicator per EPA regulations and both he and NCUC as the primary contractor are responsible for providing this information, and it is not the responsibility of Adamas or Nathan Pierce to provide information as they did not apply any sludge.

38. *Respondent provided an incomplete response to the June 11, 2019, Section 308 information request on July 2, 2019. The Respondent failed or refused to provide a response that contained the following information Respondent is required to develop and maintain by 40 C.F.R. § 503.17(5)(ii):*

- a. *The street address or legal description of the location;*
- b. *The date(s) upon which the location was used for the land application of biosolids;*
- c. *The number of acres upon which biosolids were land applied;*
- d. *The number of loads applied;*
- e. *A description of how the site restrictions of 40 C.F.R. § 503.32(b)(5) were met; and The annual application rate of biosolids as calculated.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LANDOWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Landowners was the applicator per EPA regulations and both he and NCUC as the primary contractor are responsible for providing this information, and it is not the responsibility of Adamas or Nathan Pierce to provide information as they did not apply any sludge.

39. *At all times relevant to this action, Respondents were persons who "applied sewage sludge" pursuant to 40 C.F.R. § 503.10(a).*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LANDOWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Landowners was the applicator per EPA regulations and both he and NCUC as the primary contractor are responsible for providing this information, and it is not the responsibility of Adamas or Nathan Pierce to provide information as they did not apply any sludge.

40. *Based on the information provided in response to the Section 308 information request, the sewage sludge applied was Class B sewage sludge.*

41. *40 C.F.R. § 503.17 requires Respondent to keep certain records. The documentation requirements of 40 C.F.R. § 503.17 (5) allow the EP A to evaluate compliance. The intent of the statute and the regulations is thwarted when a land applier fails or refuses to develop and maintain documentation necessary to ensure proper land application and evaluation of compliance.*

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Land owners was the applicator per EPA regulations and both he and NCUC as the primary contractor are responsible for providing this information, and it is not the responsibility of Adamas or Nathan Pierce to provide information as they did not apply any sludge.

42. *In this instance, the EPA believes it is highly likely the Respondent failed to apply the Lame Deer Treatment Plant sewage sludge at agronomic rates and in a manner that protects human health and the environment. However, the Respondent's failure to develop and maintain required documentation and/or refusal to fully comply with EPA's information requests make it impossible for*

EP A to evaluate Respondent's compliance or possible threats to human health and the environment.

The respondent denies this claim –

Reasons:

- a. The Respondent, Adamas, specifically states in its subcontract with, Tom Robinson, the **LAND OWNER** and brother in law of IHS field inspector George Cummings, “the sludge must be applied at an agronomic rate and provides the maximum target application rates, in gallon per acres, to apply the sludge to his own property. As the Landowner was subcontracted to apply the sludge it was his responsibility to follow all applicable law the violations are from Tom Robinsons actions and not the actions of Adamas or Nathan Pierce. Tom Robinson the landowner was given a copy of the lab test and target application rates, at the signing of the contract he was also aware of the bid packet and reviewed the IHS bid packet before signing the subcontract agreement. The IHS bid packet had copies of lab testing, target application rates and, the land of Tom Robinson was identified in the IHS bid packet as the land to apply the sludge to. (See attached Contract)

43. *To date, despite repeated requests pursuant to Section 308 of the CWA, Respondent has not provided records it is required to develop and maintain to EP A.*

The respondent denies this claim –

Reasons:

- a. The EPA is requesting information regarding a role the respondent was not involved in, as Adamas at all times relevant to this action, Respondents were NOT persons who "applied sewage sludge" pursuant to 40 C.F.R. § 503.10(a), the violations are from Tom Robinsons actions and not the actions of Adamas or Nathan Pierce. The fact that Adamas was not the applicator pursuant to 40 C.F.R. § 503.10(a) has been communicated to EPA several times.

Findings of Violation

Claim 1: Failure to Develop and Maintain Records

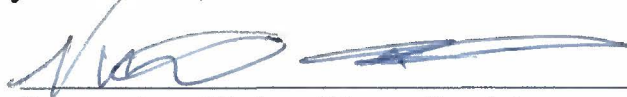
44. *Paragraphs 1 through 43 are incorporated by reference herein.*
46. *Based on the information available to EP A, Respondents have failed to develop and maintain records required by 40 C.F.R. § 503.17.*
46. *Respondents' failure to develop and maintain these records is a violation of Section 405 of the CWA, 33 U.S.C. § 1345, and implementing regulations at 40 C.F.R. Part 503.*

Adamas denies or disputes these findings of violations.

violations and hereby request a hearing on this matter.

I, NATHAN PIERCE, DO HEARBY CERTIFY OR SWEAR THAT THE ABOVE-MENTIONED FACTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLAGE

DATED this 9th day of October, 2019.



Respondent Nathan Pierce for Adamas

Respectfully submitted this 9th day of October, 2019.

/s/ Chris J. Gallus

Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October, 10th, 2019, a copy of the foregoing document was served on the following persons by the following means:

- Hand Delivery
- Certified Mail
- Overnight Delivery Service
- Fax
- E-Mail

1.

*Regional Hearing Clerk
U. S. Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.*

/s/ Chris J. Gallus
Attorneys for the Plaintiff

Subcontractor Agreement

THIS AGREEMENT, made this 8th day of August A.D. 2018 by and between **ADAMAS CONSTRUCTION AND DEVELOPMENT SERVICES PLLC** hereinafter called the Contractor, and **Tom Robinson** hereinafter called the Subcontractor.

For the consideration hereinafter named, the said Subcontractor covenants and agrees with said Contractor, as follows:

FIRST. The Subcontractor agrees to furnish all material and perform all work necessary to complete the: Receive and apply bio-solid sludge from the frac tanks located at the Lame Deer Lagoons in Lame Deer Montana at an agronomic rate and haul it to the barley field with Pivot line owned or leased by Tom Robinson, in compliance with US 40 EPA 503 regulations. Subcontractor further agrees to prep the field and till the sludge incorporating it into the soil within 6 hour. Must apply to 50 acres at a max application rate of 22,000 gallons per acres.

SECOND. The Subcontractor agrees to promptly begin said work as soon as notified by said Contractors. Estimated begin date is 8/8/18. Subcontractor will furnish Contractor with logs for each day of application.

THIRD. The Subcontractor shall take out and pay for Workmen's Compensation and Public Liability Insurance, also Property Damage and all other necessary insurance, as required by the Owner, Contractor or by the State in which the work is performed.

FOURTH. The Subcontractor shall pay all Sales Taxes, Old Age Benefit and Unemployment Compensation Taxes upon the material and labor furnished under this contract, as required by the United States Government and the State in which the labor is performed.

FIFTH. No extra work or changes under this contract will be recognized or paid for, unless agreed to in writing before the work is done or the changes made.

SIXTH. This contract shall not be assigned by the Subcontractor.

IN CONSIDERATION WHEREOF, the said Contractor agrees that he will pay to the said Subcontractor, the sum of Fifteen Thousand Dollars (\$15,000.00) for application of the sludge removed from the Lame Deer Lagoon and hauled to Tom Robinsons field and applied at an even rate, said amount to be paid as follows: Contractor shall pay to the said Subcontractor within 7 business days after the Subcontractor shall have completed his work to the full satisfaction of the said contract or Owner and has submitted final invoice to contractor.

The Contractor and Subcontractor for themselves, their successors, executors, administrators and assigns, hereby agree to the full performance of the covenants of this agreement.

IN WITNESS WHEREOF, they have executed this agreement the day and date written above.

Witnesses:

Tom Robinson Construction Inc
Subcontractor

Tom Robinson
By

Robinson Construction & Development Services LLC
Contractor

[Signature]
By

NCUC Proposal

Lame Deer Sewer Lagoon Sludge Removal

1. The Northern Cheyenne Utility Commission (NCUC) will be the prime contractor on this project and will comply with the provisions of the MOA BI-16-N39 and the provisions of the bid packet.
2. NCUC will sub-contract Adamas Construction and Development Services PLLC (ADAMAS) as the Project Manager and Technical consultant.
3. Adamas will subcontract Chad with Pioneer Technical services for Technical and engineering support and Big Horn Sand and Gravel for sludge transportation.
4. NCUC and ADAMAS or their subcontractors will provide all equipment and personnel to include but not limited to; Flump Dredge Barge, Vac/pump Trucks, Tankers, Godwin 6" Pump, Hydraulic 6" Trash Pump, Hoses, Safety Equipment. (If selected: polymer injection equipment, Eco or Geo Tubes, 90,000 sq ft. poly Liner)
5. IHS will provide NCUC, ADAMAS, with all available GIS, CAD, Topographic, and other data before project begins. IHS will also provide engineering support for the project.

Sludge Removal Minimum Dewatering

ITEM DISCRPTION	Unit	Unit Price	qty	total
Mobilization/Demobilization	ls	51,000.00	1	51,000.00
Sludge Removal	Gal	\$.091	1,000,000	\$91,000.00
Bio-solid Sludge Transportation	Gal	\$.068	1,000,000	\$68,000.00
Sludge Application	Gal	\$.029	1,000,000	\$29,000.00
TOTAL				\$239,000.00

Sludge Removal w/Dewatering *no polymer*

ITEM DISCRPTION	Unit	Unit Price	qty	total
Mobilization/Demobilization	ls	51,000.00	1	51,000.00

Sludge Removal w/ Dewatering	Gal	\$.81	1,000,000	\$81,000.00
Bio-solid Sludge Transportation	Gal	\$.065	1,000,000	\$65,000.00
Sludge Application	Gal	\$.029	1,000,000	\$29,000.00
TOTAL				\$226,000.00

Sludge Removal w/Dewatering **Polymer Added**

ITEM DISCRIPTION	Unit	Unit Price	qty	total
Mobilization/Demobilization	ls	51,000.00	1	51,000.00
Sludge Removal w/ Dewatering	Gal	\$.18	1,000,000	\$180,000.00
Bio-solid Sludge Transportation	Gal	\$.065	1,000,000	\$65,000.00
Sludge Application	Gal	\$.029	1,000,000	\$29,000.00
TOTAL				\$325,000.00

10:00 Monday

00500 - AGREEMENT BETWEEN NCUC AND SFC

This Agreement, dated, May 11, 2018, between The NCUC, and SFC, in consideration of the mutual covenants set forth, agree as follows:

ARTICLE 1: WORK

1.1 NCUC shall complete all work as specified or indicated in the fixed price Documents. The work is generally described as removal and land application of bio-solids from the Lame Deer wastewater treatment facility to identified agricultural lands. An agreement must be in place before application may begin. It is the responsibility of NCUC to negotiate the application of the bio-solids with the land owner, and to apply the bio-solids in a method that is approved by Northern Cheyenne Environmental Protection Department (NCEPD), Tribal laws and regulations, and EPA requirements.

ARTICLE 2: THE PROJECT

2.1 The project for which the work under the fixed price documents may be whole or only a part is generally described as follows: IHS Project BI16N39 – Lame Deer Lagoon Renovation. Cell 2 sludge removal.

ARTICLE 3: ENGINEER

3.1 The project has been designed by: Billings Area Indian Health Service (“SFC Engineer”) who is to act as SFC’s representative, assume all duties and responsibilities and have the rights and authority assigned to SFC Engineer in the fixed price documents in connection with completion of the work in accordance with the fixed price documents.

ARTICLE 4: FIXED PRICE TIME

4.1 Time of the essence. All the time limits for milestones, if any, substantial completion, and readiness for final payment as stated in the fixed price documents are of the essence of the fixed price agreement.

4.2 Days to achieve substantial completion: The work will be substantially complete within 14 consecutive calendar after the date when the fixed price time commences to run as provided in Article 24 of the General Conditions.

4.3 SFC and NCUC recognize that time is of the essence for this agreement and work is to be completed as described in 4.02.

ARTICLE 5: FIXED PRICE

5.1 SFC shall pay NCUC for completion of the work in accordance with the fixed price documents an amount equal to the sum of the established unit price for each separately identified item of unit price work times the quantity of that item that is constructed and accepted. Unit prices are those listed in the fixed price proposal form. Estimated quantities used for fixed price proposal purposes are not guaranteed. Payment will be for actual quantities as determined by the SFC Engineer in accordance with Article 35 of the General Conditions.

ARTICLE 6: PAYMENT PROCEDURES

6.1 Payment procedures shall be in accordance with the General Conditions.

ARTICLE 7: NCUC’S REPRESENTATION

7.1 NCUC has fulfilled all representations as listed in Section 0300, Article 3. 1 A through J inclusive.

ARTICLE 8: FIXED PRICE DOCUMENTS:

8.1 Contents

A. The Fixed price documents consists of all pages of the following:

1. This Agreement.
2. Fixed Price Proposal.
3. General Conditions.
4. Supplementary Conditions.
5. Labor Provisions.
6. General Provisions listed in the Table of Contents.
7. Technical Provisions listed in the table of contents.
9. Drawings consisting of one sheet.
10. Addenda (numbers _____ to _____).
11. Exhibits to this agreement:
 - a. NCUC’s Fixed Price Proposal.
 - b. Documentation submitted by NCUC prior to proposal agreement, and approval by SFC and NCUC.
12. The following, which may be executed and delivered on or after Effective Date Agreement, are not attached:
 - a. Written Amendments.
 - b. Work Change Directives.
 - c. Change Orders
 - d. Field Orders

B. The documents listed in paragraph 8.1.A. are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Agreement Documents other than those listed above in this Article 8.

D. The Agreement Documents may be amended to provide for additions, deletions, and revisions in the work or to modify the terms and conditions thereof by a change in proposal and work. The requirements of agreement documents may be supplemented, and minor variations and deviations in the work may be authorized by a Field Order, Engineer’s approval of a Shop Drawing, and/or Engineer’s written interpretation or clarification only after SFC Director’s approval.

ARTICLE 9: MISCELLANEOUS:

9.1 Terms: Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated

00301 – FIXED PRICE PROPOSAL FORM

Item	Description	Quantity	Units	Unit Price	Item Price
1.	Mobilization	1	ls	51,000.00	51,000.00
2.	Sludge Removal	1,000,000	gal	\$0.091	91,000.00
3.	Sludge Transport	1,000,000	gal	\$0.068	68,000.00
4.	Sludge Application	1,000,000	gal	\$0.029	29,000.00
Total Fixed Price Proposal:					239,000.00

[Signature]
 President, Northern Cheyenne Tribe

05.11.2018
 Date

Sheri Bement
 Director, NCUC

5/11/18
 Date

James White
 Director, SFC

5/11/18
 Date

Note: Quantities are estimated. Payment will be based on actual quantities installed. Payment beyond Estimated quantities are not guaranteed. Approval is required before NCUC will Exceed 1,000,000 gallons of sludge removal, transport, or application. All fixed price proposals will be automatically rounded up to the nearest \$100 dollars.

in the General Conditions.

IN WITNESS WHEREOF, SFC and NCUC have signed 2 copies of Agreement. One counterparts have been delivered to SFC, and one to NCUC. All portions of the fixed price documents have been signed or identified by SFC and NCUC.

This Agreement will be effective on 5/11/18 (which is the effective date of the Agreement).

NCUC: Sheri Bernert

SFC: James White

By: Sheri Bernert
Signature of Authorized Representative

By: James White
Signature of Authorized Representative

Address for giving notices:

Address for giving notices:

Norman Creechville
P.O. Box 747 Game Deer MT
59043
Phone: (406) 477-6118
Fax: (406) 477-6779
E-mail: ncuc@rangeweb.net

Indian Health Service
2900 4th Ave Billings MT 59101
Phone: 406.247.7096
Fax: _____
E-mail: jim.white@ihs.gov

Name: Sheri Bernert
Title: General Manager
Address: P.O. Box 747

Name: Jim White
Title: SFC Director
Address: 2900 4th Ave

Billings, MT 59101
Phone: 406-477-6118 Fax: (406) 477-6779
E-mail: ncuc@rangeweb.net

Billings, MT 59101
Phone: 406-247-7096 Fax: _____
E-mail: jim.white@ihs.gov

END OF SECTION



Date: May 18, 2018
From: James Courtney, EIT
Subject: Pre-Construction Meeting Minutes
Project: BI 16-N39: Lame Deer Lagoon Sludge Removal
To: Record

Billings Area
Indian Health Service
2900 4th Avenue North
P.O. Box 36600
Billings, MT 59107

A Pre-Construction meeting for the above referenced project was held on Thursday May 17th, 2018 from 1300 to 1500 hours at the Billings Area IHS SFC conference room in Billings, MT. The meeting also addressed the pre-construction of the Northern Cheyenne Scattered Housing work. Quentin Allen led the portion of the meeting covering the pre-construction for the Scattered Housing work.

The following were in attendance:

James Courtney, IHS, Project Engineer
Jim White, IHS SFC Director
Quentin Allen, IHS Engineer
Jason Schneider, IHS Engineer
George Cummins, IHS Construction Inspector
Sheri Bement, Northern Cheyenne Utilities Commission (NCUC) General Manager
Dion Killsback, NCUC Attorney
Nathan Pierce, Subcontractor to NCUC / ADAMAS PLLC
Michelle Pierce, Affiliate of ADAMAS PLLC

In addition to the attached Pre-Construction Meeting Agenda, the following items were discussed:

- I stated that because the project is funded by the EPA, the IHS is restricted for how the funds may be spent.
- I reiterated that NCUC is responsible for the sludge removal work and that IHS's relationship isn't with ADAMAS PLLC for this project.
- Nathan Pierce asked about what the process would be if additional sludge would be required to be removed. I responded that the agreement requires a notification from NCUC when 90% of the sludge is removed and that the possibility of additional sludge being removed could be addressed at that time.
- I stated that soil testing should be considered if the sludge will be applied to land that hasn't been tested in accordance with the EPA 503 requirements and that NCUC is ultimately responsible for following the requirements.
- I stated that Sheri, Nathan, and I visited the site on 5/16/18 and that the sludge removal plan appeared to be appropriate.
- At the conclusion of addressing the items in the agenda, there were no questions.

If there are any questions or additional comments, please contact me at (406) 247-7094.

Attachments: Pre-Construction Meeting Agenda

James Courtney, EIT

CC: Jim White, PE, Billings Area IHS, SFC Director
Project File: BI 16-N39

Lame Deer Lagoon Sludge Removal

IHS Project: BI 16-N39

PRE-CONSTRUCTION MEETING AGENDA

May 17, 2018

INTRODUCTIONS:

CONTACTS:

Project Engineer / Manager:

James Courtney, EIT
Billings Area Indian Health Service
2900 4th Ave. N.
Billings, MT 59101
James.Courtney@IHS.gov
(406) 247-7094

IHS SFC Director:

Jim White
Billings Area Indian Health Service
2900 4th Ave. North
Billings, MT 59101
Jim.White@IHS.gov
(406) 247-7096

IHS Engineer:

Quentin Allen, PE
Billings Area Indian Health Service
2900 4th Ave. N.
Billings, MT 59101
Quentin.Allen@IHS.gov
(406) 247-7092

Northern Cheyenne TERO Office:

(406) 477-6287

Construction Inspector:

George Cummins
Lame Deer Service Unit
Indian Health Service
George.Cummins@IHS.gov
(406) 477-4420

NCUC General Manager:

Sheri Bement
Northern Cheyenne Utilities Commission
Bement.Sheri@gmail.com
(406) 208-8647

Subcontractor:

Nathan Pierce
ADAMAS PLLC
16550 Cottontail Trail
Shepherd, MT, 59079
adamas.mt.406@gmail.com
(406) 697-3022

PROJECT OVERVIEW:

- Project funded by EPA
- The Fixed Price Agreement is between the Northern Cheyenne Tribe and the Indian Health Service.
- Project Duration: 60 Days
- Date of Substantial Completion: 14 consecutive calendar days after notice to proceed

PROJECT SCOPE

- Removal, transport, and application of 1,000,000 gal of sludge from Cell #2 of the Lame Deer lagoon

REVIEW OF PROJECT CONTRACT DOCUMENTS:

- NCUC and any of NCUC's Subcontractors doing work on this project are required to obtain applicable registration with the Northern Cheyenne Tribal Employment Rights Office ("TERO").
- Storage areas. Must be obtained and paid for by NCUC. Areas shall be authorized or approved by SFC.
- Safety: NCUC will be required to assign a "competent person" to ensure that construction is performed in accordance with ALL OSHA safety requirements. Contractor shall have an accident prevention and safety program.
- Work Days and Hours: Construction work will not be permitted on Saturdays, Sundays, nor on Federal, State, or Tribal holidays, unless approved in writing by Engineer. Notice shall be written at least three days in advance.

TECHNICAL PROVISIONS:

- The Construction General Permit (CGP) and the Storm Water Pollution Prevention Plan (SWPPP) is incidental to the project and is to be provided as a submittal to the engineer.
REFERENCE: <http://water.epa.gov/polwaste/npdes/index.cfm>
- Cleanup of the site and final grading is incidental to the contract.

PLANS:

- Existing Utilities: contractor is responsible for locating all existing utilities prior to any excavation.
- Cleanup of the site and final grading is incidental to the contract.

CONTRACTOR QUESTIONS:**SITE VISIT:**



ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC
<adamas.mt.406@gmail.com>

Fwd: ADAMAS Reply Lame Deer Lagoon CjG

ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC

Tue, Jul 2, 2019 at 10:08

<adamas.mt.406@gmail.com>

PM

To: "HertzWu, Sara" <HertzWu.Sara@epa.gov>

Cc: Christopher Gallus <chrisjgalluslaw@gmail.com>, "Kleffner, Erin" <kleffner.erin@epa.gov>

Hi Sara,

Here is our response.

Our company was as given the directive from NCUC GM Sheri Bement and Northern Cheyenne tribal president Jace Killsback to proceed with sludge removal and application and; a.) NCUC would take the sludge samples or would be responsible for sludge samples, there are several witnesses to this b.) the land the sludge was being applied to belonged to the Tribe a sovereign nation according to Killsback and Bement and was only leased, therefore exempt, Vernon Smalls from NC land Authority and Wayne from northern Cheyenne Environment Department can be called as witness to this c.) the attached pre-construction meeting minutes show clearly that IHS informed NCUC they were responsible for all work and they specifically state at bullet point #4 "NCUC is ultimately responsible for following 503 regulation or requirements d.) despite this breach of duty by NCUC, we attempted to make a good faith effort to comply with the requirements after learning of NCUC's failure to comply, see attached lab results e.) the land the sludge was applied to was tested and identified by IHS in the bid packet and fixed price agreement and the soil testing was the only test identified by IHS, despite this we took samples f.) the attached email shows we communicated to NCUC and IHS our request that NCUC comply with the requirements, it also show we gave updates on amounts of sludge removed and informed IHS of lab tests despite their claims otherwise g.) see attached email where we reached out to tribal president Killsback to inform him of issue with NCUC.

Please be informed that we have filed an Administrative Tort Claim with DPHHS, submitted under the Federal Tort Claims Act (FTCA) against members of IHS. We believe there may be issue of these individuals using the USEPA as a way to cause harm to our business. AS such, we request the following information;

1. How and when did you or the USEPA Region 7 office become aware of the involvement of ADAMAS with this project.
2. Have you or anyone from your office been contacted or are you in contact with members or employees of the Indian Health Services regarding this project. (If so, who)

Best regards,

[Quoted text hidden]

--

Nathan Pierce - Owner/General Manager

ADAMAS Construction & Development Services PLLC

PH: 1-406-697-3022

EMAIL: ADAMAS.MT.406@GMAIL.COM

www.biomicrobicsmontana.com

CONTRACTOR REGISTRATION# 228703

~ Building the Future with the Enviroment in Mind ~

~ GENERAL CONTRACTOR - COMMERCIAL - INDUSTRIAL - RESIDENTIAL - MUNICIPAL ~

4 attachments

 **B16-N39 Pre-Construction Meeting Minutes for Sludge Removal 5-17-18.pdf**
519K

 **B18072386.pdf**
481K

 **Gmail - Update LD lagoon project tests.pdf**
82K

10/10/2019

Gmail - Fwd: ADAMAS Reply Lame Deer Lagoon CjG



Gmail - Update LD lagoon project president - Killsback.pdf

156K



ANALYTICAL SUMMARY REPORT

August 02, 2018

Adamas Construction
16550 Cottontail Trail
Shepherd, MT 59079-3008

Work Order: B18072386

Project Name: Lame Deer Lagoon Sludge Remove

Energy Laboratories Inc Billings MT received the following 2 samples for Adamas Construction on 7/26/2018 for analysis.

Lab ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
B18072386-001	Soil Sample	07/26/18 11:32	07/26/18	Soil	Moisture Nitrate as N, KCL Extract pH, Saturated Paste Phosphorus-Olsen Saturated Paste Extraction ASA
B18072386-002	Sludge Sample	07/26/18 14:45	07/26/18	Sludge	Metals by ICP/ICPMS, Total or Soluble Bacteria, Fecal Coliform - MPN Mercury in Solid By CVAA Moisture Ammonia as N, KCL Extract Nitrate as N, KCL Extract Total Kjeldahl Nitrogen Percent Moisture Total Metals Digestion by SW3050B Mercury Digestion by SW7471B Solids Content

The analyses presented in this report were performed by Energy Laboratories, Inc., 1120 S 27th St., Billings, MT 59101, unless otherwise noted. Any exceptions or problems with the analyses are noted in the Laboratory Analytical Report, the QA/QC Summary Report, or the Case Narrative.

The results as reported relate only to the item(s) submitted for testing.

If you have any questions regarding these test results, please call.

Report Approved By:


Technical Data Reviewer

Digitally signed by
Jillian B. Miller
Date: 2018.08.02 17:14:23 -06:00



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Adamas Construction
Project: Lame Deer Lagoon Sludge Remove
Lab ID: B18072386-001
Client Sample ID: Soil Sample

Report Date: 08/02/18
Collection Date: 07/26/18 11:32
Date Received: 07/26/18
Matrix: Soil

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL CHARACTERISTICS							
Moisture (As Received)	10.4	wt%		0.2		D2974	07/30/18 07:41 / srm
SATURATED PASTE EXTRACT							
pH, sat. paste	7.3	s.u.		0.1		ASA10-3	07/31/18 08:17 / srm
CHEMICAL CHARACTERISTICS							
Phosphorus, Olsen	8	mg/kg		1		ASA24-5	08/01/18 08:36 / srm
Nitrate as N, KCL Extract	6	mg/kg		1		ASA33-8	08/01/18 09:52 / srm

Report Definitions: RL - Analyte reporting limit.
QCL - Quality control limit.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Adamas Construction
Project: Lame Deer Lagoon Sludge Remove
Lab ID: B18072386-002
Client Sample ID: Sludge Sample

Report Date: 08/02/18
Collection Date: 07/26/18 14:45
Date Received: 07/26/18
Matrix: Sludge

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
MICROBIOLOGICAL							
Bacteria, Fecal Coliform, as Received	1100	mpn/g		2		A9221 E	07/26/18 16:54 / jh
Bacteria, Fecal Coliform, Dry Basis	28000	mpn/g		2		A9221 E	07/26/18 16:54 / jh
PHYSICAL CHARACTERISTICS							
Moisture	96.0	wt%		0.20		A2540 G	07/31/18 11:24 / ptz
Solids, Total	3.96	wt%		0.01		A2540 G	07/31/18 11:24 / ptz
CHEMICAL CHARACTERISTICS							
Ammonia as N, KCL Extract	1950	mg/kg-dry		200		ASA33-7	08/01/18 09:56 / srm
Nitrate as N, KCL Extract	ND	mg/kg-dry		30		ASA33-8	08/01/18 09:58 / srm
Total Kjeldahl Nitrogen	19800	mg/kg-dry		300		ASA31-3	08/01/18 14:04 / srm
METALS, TOTAL - EPA SW846							
Arsenic	ND	mg/kg-dry		6		SW6020	07/30/18 22:31 / car
Cadmium	1.4	mg/kg-dry		0.5		SW6020	07/30/18 22:31 / car
Chromium	25	mg/kg-dry		20		SW6020	07/30/18 22:31 / car
Copper	334	mg/kg-dry		3		SW6020	07/30/18 22:31 / car
Lead	29	mg/kg-dry		4		SW6020	07/30/18 22:31 / car
Mercury	7.2	mg/kg-dry		0.2		SW7471B	08/02/18 15:37 / jag
Molybdenum	16.1	mg/kg-dry		0.5		SW6020	07/30/18 22:31 / car
Nickel	18	mg/kg-dry		3		SW6020	07/30/18 22:31 / car
Selenium	13	mg/kg-dry		10		SW6020	07/30/18 22:31 / car
Zinc	592	mg/kg-dry		6		SW6020	07/30/18 22:31 / car

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/02/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: A2540 G										Batch: R304812
Lab ID: B18071962-001A DUP		Sample Duplicate					Run: BAL HZW1_180731C			07/31/18 11:24
Moisture		2.62	wt%		0.20					
Lab ID: B18071962-001A DUP		Sample Duplicate					Run: BAL HZW1_180731C			07/31/18 11:24
Solids, Total		97.4	wt%		0.01			0.2	10	
Lab ID: B18072636-001A DUP		Sample Duplicate					Run: BAL HZW1_180731C			07/31/18 11:24
Solids, Total		86.2	wt%		0.01			0.1	10	
Lab ID: MBLK_MOISTHZW18		Method Blank					Run: BAL HZW1_180731C			07/31/18 11:24
Solids, Total		0.02	wt%		0.01					

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/02/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual	
Method: SW6020										Analytical Run: ICPMS207-B_180730B	
Lab ID: ICSA	9	Interference Check Sample A								07/30/18 17:55	
Arsenic		-0.000109	mg/L	0.0010							
Cadmium		0.0000586	mg/L	0.0010							
Chromium		0.00102	mg/L	0.0010							
Copper		0.000137	mg/L	0.0010							
Lead		0.0000250	mg/L	0.0010							
Molybdenum		0.778	mg/L	0.0010	97	80	120				
Nickel		0.0000331	mg/L	0.0010							
Selenium		0.000294	mg/L	0.0010							
Zinc		0.000294	mg/L	0.0027							
Lab ID: ICSAB	9	Interference Check Sample AB								07/30/18 17:59	
Arsenic		0.00990	mg/L	0.0010	99	70	130				
Cadmium		0.00979	mg/L	0.0010	98	70	130				
Chromium		0.0203	mg/L	0.0010	102	70	130				
Copper		0.0193	mg/L	0.0010	96	70	130				
Lead		0.000224	mg/L	0.0010							
Molybdenum		0.803	mg/L	0.0010	100	70	130				
Nickel		0.0200	mg/L	0.0010	100	70	130				
Selenium		0.0101	mg/L	0.0010	101	70	130				
Zinc		0.0105	mg/L	0.0027	105	70	130				
Lab ID: QCS	9	Initial Calibration Verification Standard								07/30/18 17:17	
Arsenic		0.0510	mg/L	0.0010	102	90	110				
Cadmium		0.0253	mg/L	0.0010	101	90	110				
Chromium		0.0500	mg/L	0.0010	100	90	110				
Copper		0.0513	mg/L	0.0010	103	90	110				
Lead		0.0502	mg/L	0.0010	100	90	110				
Molybdenum		0.0494	mg/L	0.0010	99	90	110				
Nickel		0.0509	mg/L	0.0010	102	90	110				
Selenium		0.0494	mg/L	0.0010	99	90	110				
Zinc		0.0512	mg/L	0.0027	102	90	110				
Method: SW6020										Batch: 123858	
Lab ID: MB-123858	9	Method Blank								Run: ICPMS207-B_180730B	07/30/18 21:31
Arsenic		ND	mg/kg	0.3							
Cadmium		ND	mg/kg	0.01							
Chromium		ND	mg/kg	0.10							
Copper		ND	mg/kg	0.2							
Lead		ND	mg/kg	0.2							
Molybdenum		0.05	mg/kg	0.02							
Nickel		ND	mg/kg	0.2							
Selenium		ND	mg/kg	0.5							
Zinc		0.3	mg/kg	0.3							

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/02/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: SW6020										
Batch: 123858										
Lab ID:	B18071109-023ADIL	9	Serial Dilution							
Arsenic		20.0	mg/kg-dry	4.2						N
Cadmium		1.93	mg/kg-dry	1.0				3.1	10	
Chromium		4290	mg/kg-dry	1.3				13	10	R
Copper		89.5	mg/kg-dry	2.4				9.2	10	
Lead		1130	mg/kg-dry	2.9				0.5	10	
Molybdenum		10.9	mg/kg-dry	1.0				2.5	10	
Nickel		30.9	mg/kg-dry	2.1				7.4	10	
Selenium		29.4	mg/kg-dry	6.7					10	N
Zinc		199	mg/kg-dry	4.1				12	10	R
Lab ID: B18071109-023APDS1 9 Post Digestion/Distillation Spike										
Run: ICPMS207-B_180730B 07/30/18 22:39										
Arsenic		24.1	mg/kg-dry	1.0	82	75	125			
Cadmium		8.16	mg/kg-dry	1.0	93	75	125			
Chromium		3880	mg/kg-dry	1.0		75	125			A
Copper		82.9	mg/kg-dry	1.0		75	125			A
Lead		1120	mg/kg-dry	1.0		75	125			A
Molybdenum		17.7	mg/kg-dry	1.0	96	75	125			
Nickel		33.4	mg/kg-dry	1.0		75	125			A
Selenium		32.1	mg/kg-dry	1.4		75	125			A
Zinc		172	mg/kg-dry	1.0		75	125			A
Lab ID: B18071109-023AMS3 9 Sample Matrix Spike										
Run: ICPMS207-B_180730B 07/30/18 22:47										
Arsenic		141	mg/kg-dry	4.0	97	75	125			
Cadmium		59.2	mg/kg-dry	1.0	92	75	125			
Chromium		4190	mg/kg-dry	1.2		75	125			A
Copper		203	mg/kg-dry	2.3	97	75	125			
Lead		1220	mg/kg-dry	2.8		75	125			A
Molybdenum		123	mg/kg-dry	1.0	89	75	125			
Nickel		150	mg/kg-dry	2.0	97	75	125			
Selenium		147	mg/kg-dry	6.4	96	75	125			
Zinc		295	mg/kg-dry	3.9	94	75	125			
Lab ID: B18071109-023AMSD 9 Sample Matrix Spike Duplicate										
Run: ICPMS207-B_180730B 07/30/18 22:51										
Arsenic		149	mg/kg-dry	4.0	104	75	125	5.7	20	
Cadmium		63.7	mg/kg-dry	1.0	99	75	125	7.3	20	
Chromium		4390	mg/kg-dry	1.2		75	125	4.6	20	A
Copper		216	mg/kg-dry	2.3	107	75	125	6.0	20	
Lead		1280	mg/kg-dry	2.8		75	125	4.7	20	A
Molybdenum		132	mg/kg-dry	1.0	96	75	125	6.9	20	
Nickel		157	mg/kg-dry	2.0	102	75	125	4.2	20	
Selenium		154	mg/kg-dry	6.4	101	75	125	4.5	20	
Zinc		312	mg/kg-dry	3.9	108	75	125	5.6	20	
Lab ID: SRM3-123858 9 Standard Reference Material										
Run: ICPMS207-B_180730B 07/30/18 22:55										
Arsenic		184	mg/kg	1.6	94	71	120			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.

A - The analyte level was greater than four times the spike level. In accordance with the method % recovery is not calculated.

N - The analyte concentration was not sufficiently high to calculate a RPD for the serial dilution test.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/02/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: SW6020										Batch: 123858
Lab ID: SRM3-123858	9	Standard Reference Material								Run: ICPMS207-B_180730B 07/30/18 22:55
Cadmium		104	mg/kg	1.0	105	73.2	120			
Chromium		115	mg/kg	1.0	98	73	120			
Copper		139	mg/kg	1.0	101	76	120			
Lead		109	mg/kg	1.1	103	74	120			
Molybdenum		119	mg/kg	1.0	94	66	120			
Nickel		88.7	mg/kg	1.0	103	72	120			
Selenium		207	mg/kg	2.5	101	71	120			
Zinc		264	mg/kg	1.5	114	65	120			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/02/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Count	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: SW7471B								Analytical Run: HGCV202-B_180802A		
Lab ID: ICV	Initial Calibration Verification Standard									08/02/18 14:42
Mercury		0.00200	mg/kg	1.0	100	90	110			
Method: SW7471B								Batch: 123944		
Lab ID: MB-123944	Method Blank							Run: HGCV202-B_180802A		08/02/18 14:47
Mercury		ND	mg/kg	0.005						
Lab ID: LCS3-123944	Laboratory Control Sample							Run: HGCV202-B_180802A		08/02/18 14:49
Mercury		0.219	mg/kg	1.0	110	80	120			
Lab ID: B18072618-001ADIL	Serial Dilution							Run: HGCV202-B_180802A		08/02/18 14:59
Mercury		0.0759	mg/kg-dry	1.0						10
Lab ID: B18072618-001AMS3	Sample Matrix Spike							Run: HGCV202-B_180802A		08/02/18 15:01
Mercury		0.297	mg/kg-dry	1.0	106	80	120			
Lab ID: B18072618-001AMSD	Sample Matrix Spike Duplicate							Run: HGCV202-B_180802A		08/02/18 15:03
Mercury		0.300	mg/kg-dry	1.0	106	80	120			20

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/01/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: ASA10-3									Batch: 123905
Lab ID: LCS-R304729	Laboratory Control Sample								Run: MISC-SOIL_180731A 07/31/18 08:17
pH, sat. paste	7.00	s.u.	0.10	93	90	110			
Lab ID: B18072386-001A DUP	Sample Duplicate								Run: MISC-SOIL_180731A 07/31/18 08:17
pH, sat. paste	7.40	s.u.	0.10				1.4	10	

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/01/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: ASA24-5							Batch: OM_8-1-2018_08-28-40AM		
Lab ID: LCS Phosphorus, Olsen	Laboratory Control Sample 46 mg/kg		1.0	104	70	130			08/01/18 08:31
Lab ID: B18072386-001ADUP Phosphorus, Olsen	Sample Duplicate 7.3 mg/kg		1.0				4.5	30	08/01/18 08:38
Lab ID: B18072386-001AMS Phosphorus, Olsen	Sample Matrix Spike 19 mg/kg		1.0	109	70	130			08/01/18 08:40

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/01/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: ASA31-3									Batch: R304872
Lab ID: B18072386-002A DUP	Sample Duplicate								Run: MISC-SOIL_180801A 08/01/18 14:04
Total Kjeldahl Nitrogen	21200	mg/kg-dry	250				6.9	30	
Lab ID: LCS-1808011404	Laboratory Control Sample								Run: MISC-SOIL_180801A 08/01/18 14:04
Total Kjeldahl Nitrogen	504	mg/kg	10	86	50	150			
Lab ID: B18072386-002A MS	Sample Matrix Spike								Run: MISC-SOIL_180801A 08/01/18 14:07
Total Kjeldahl Nitrogen	90500	mg/kg-dry	250	70	70	130			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/01/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: ASA33-7							Batch: OM_8-1-2018_09-47-55AM		
Lab ID: LCS	Laboratory Control Sample				Run: FIA205-B_180801A			08/01/18 09:49	
Ammonia as N, KCL Extract	16.8	mg/kg	1.0	83	70	130			
Lab ID: B18072386-002ADUP	Sample Duplicate				Run: FIA205-B_180801A			08/01/18 09:56	
Ammonia as N, KCL Extract	2000	mg/kg-dry	150				2.3	30	
Lab ID: B18072386-002AMS	Sample Matrix Spike				Run: FIA205-B_180801A			08/01/18 09:57	
Ammonia as N, KCL Extract	3500	mg/kg-dry	160	97	70	130			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



QA/QC Summary Report

Prepared by Billings, MT Branch

Client: Adamas Construction

Report Date: 08/01/18

Project: Lame Deer Lagoon Sludge Remove

Work Order: B18072386

Analyte	Result	Units	RL	%REC	Low Limit	High Limit	RPD	RPDLimit	Qual
Method: ASA33-8							Batch: OM_8-1-2018_09-47-55AM		
Lab ID: LCS	Laboratory Control Sample					Run: FIA205-B_180801A	08/01/18 09:49		
Nitrate as N, KCL Extract	10.7	mg/kg	1.0	98	70	130			
Lab ID: B18072386-002ADUP	Sample Duplicate					Run: FIA205-B_180801A	08/01/18 09:59		
Nitrate as N, KCL Extract	ND	mg/kg-dry	25				30		
Lab ID: B18072386-002AMS	Sample Matrix Spike					Run: FIA205-B_180801A	08/01/18 10:00		
Nitrate as N, KCL Extract	289	mg/kg-dry	26	109	70	130			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



Work Order Receipt Checklist

Adamas Construction

B18072386

Login completed by: Tabitha Edwards

Date Received: 7/26/2018

Reviewed by: BL2000\raschim

Received by: snk

Reviewed Date: 7/31/2018

Carrier name: Hand Del

Shipping container/cooler in good condition?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Not Present <input type="checkbox"/>
Custody seals intact on all shipping container(s)/cooler(s)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Present <input checked="" type="checkbox"/>
Custody seals intact on all sample bottles?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Present <input checked="" type="checkbox"/>
Chain of custody present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Chain of custody signed when relinquished and received?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Chain of custody agrees with sample labels?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Samples in proper container/bottle?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sample containers intact?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sufficient sample volume for indicated test?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
All samples received within holding time? (Exclude analyses that are considered field parameters such as pH, DO, Res Cl, Sulfite, Ferrous Iron, etc.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Temp Blank received in all shipping container(s)/cooler(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Not Applicable <input type="checkbox"/>
Container/Temp Blank temperature:	°C On Ice		
Water - VOA vials have zero headspace?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	No VOA vials submitted <input checked="" type="checkbox"/>
Water - pH acceptable upon receipt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Applicable <input checked="" type="checkbox"/>

Standard Reporting Procedures:

Lab measurement of analytes considered field parameters that require analysis within 15 minutes of sampling such as pH, Dissolved Oxygen and Residual Chlorine, are qualified as being analyzed outside of recommended holding time.

Solid/soil samples are reported on a wet weight basis (as received) unless specifically indicated. If moisture corrected, data units are typically noted as –dry. For agricultural and mining soil parameters/characteristics, all samples are dried and ground prior to sample analysis.

Contact and Corrective Action Comments:

The temperature of the sample(s) for shipping container 1 was 30.8°C and the Temperature Blank temperature for shipping container 2 was 1.0°C.



Trust our People. Trust our Data.

Chain of Custody & Analytical Request Record

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Account Information (Billing information)

Company/Name <u>Adamas Construction</u>		
Contact <u>Nathan Pierce</u>		
Phone <u>406-697-3022</u>		
Mailing Address		
City, State, Zip		
Email <u>Adamas.MT.406@gmail.com</u>		
Receive Invoice <input type="checkbox"/> Hard Copy <input checked="" type="checkbox"/> Email	Receive Report <input type="checkbox"/> Hard Copy <input checked="" type="checkbox"/> Email	
Purchase Order	Quote	Bottle Order

Report Information (If different than Account Information)

Company/Name <u>Adamas Construction</u>		
Contact <u>Nathan Pierce</u>		
Phone <u>406-697-3022</u>		
Mailing Address		
City, State, Zip		
Email <u>Adamas.MT.406@gmail.com</u>		
Receive Report <input type="checkbox"/> Hard Copy <input checked="" type="checkbox"/> Email		
Special Report/Formats: <input type="checkbox"/> LEVEL IV <input type="checkbox"/> NELAC <input type="checkbox"/> EDD/EDT (contact laboratory) <input type="checkbox"/> Other		

Comments

Project Information

Project Name, PWSID, Permit, etc. <u>Lone Deer Lagoon Sludge Removal</u>	
Sampler Name <u>LD Sludge Removal</u>	Sampler Phone <u>406-697-3022</u>
Sample Origin State <u>MT</u>	EPA/State Compliance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
MINING CLIENTS, please indicate sample type. *if ore has been processed or refined, call before sending. <input type="checkbox"/> Byproduct 11 (e)2 material <input type="checkbox"/> Unprocessed ore (NOT ground or refined)*	

Matrix Codes
A - Air
W - Water
S - Soils/ Solids
V - Vegetation
B - Bioassay
O - Other
DW - Drinking Water

Analysis Requested

All turnaround times are standard unless marked as RUSH.
Energy Laboratories MUST be contacted prior to RUSH sample submittal for charges and scheduling - See Instructions Page

Sample Identification (Name, Location, Interval, etc.)	Collection		Number of Containers	Matrix (See Codes Above)	Analysis Requested	See Attached	RUSH TAT	ELIAS ID Laboratory Use Only
	Date	Time						
1 Soil Sample	7/26/18	11:32am				X	X	B18072386-001
2 Sludge Sample	7/26/18	2:45pm				X	X	002
3								
4								
5								
6								
7								
8								
9								
10								

Custody Record MUST be signed	Relinquished by (print) <u>Nathan Pierce</u>	Date/Time <u>7/26 16:47</u>	Signature 	Received by (print)	Date/Time	Signature
	Relinquished by (print)	Date/Time	Signature	Received by Laboratory (print)	Date/Time <u>7-26-18 1647</u>	Signature

LABORATORY USE ONLY												
Shipped By	Cooler ID(s)	Custody Seals Y N C B				Intact Y N	Receipt Temp °C	Temp Blank Y N	On Ice Y N	Payment Type CC Cash Check	Amount \$	Receipt Number (cash/check only)

In certain circumstances, samples submitted to Energy Laboratories, Inc. may be subcontracted to other certified laboratories in order to complete the analysis requested. This serves as notice of this possibility. All subcontracted data will be clearly notated on your analytical report. ELI-COC-12/16 v.1

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LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Indian Health Service
Project: Lame Deer Lagoon

Report Date: 06/16/17

Lab ID: B17060708-001
Client Sample ID: 1-Pivot

Collection Date: 06/06/17 14:00
Date Received: 06/07/17
Matrix: Soil

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL CHARACTERISTICS							
Moisture (As Received)	12.1	wt%		0.2		D2974	06/12/17 00:00 / srm
SATURATED PASTE EXTRACT							
pH, sat. paste	8.2	s.u.		0.1		ASA10-3	06/16/17 13:13 / srm
CHEMICAL CHARACTERISTICS							
Phosphorus, Olsen	2	mg/kg		1		ASA24-5	06/16/17 11:04 / srm
Nitrate as N, KCL Extract	9	mg/kg		1		ASA33-8	06/15/17 13:36 / srm

Lab ID: B17060708-002
Client Sample ID: 2-Field

Collection Date: 06/06/17 14:20
Date Received: 06/07/17
Matrix: Soil

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL CHARACTERISTICS							
Moisture (As Received)	9.2	wt%		0.2		D2974	06/12/17 00:00 / srm
SATURATED PASTE EXTRACT							
pH, sat. paste	8.3	s.u.		0.1		ASA10-3	06/16/17 13:13 / srm
CHEMICAL CHARACTERISTICS							
Phosphorus, Olsen	2	mg/kg		1		ASA24-5	06/16/17 11:06 / srm
Nitrate as N, KCL Extract	ND	mg/kg		1		ASA33-8	06/15/17 13:37 / srm

Lab ID: B17060708-003
Client Sample ID: 3-Field

Collection Date: 06/06/17 14:30
Date Received: 06/07/17
Matrix: Soil

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL CHARACTERISTICS							
Moisture (As Received)	13.6	wt%		0.2		D2974	06/12/17 00:00 / srm
SATURATED PASTE EXTRACT							
pH, sat. paste	8.4	s.u.		0.1		ASA10-3	06/16/17 13:13 / srm
CHEMICAL CHARACTERISTICS							
Phosphorus, Olsen	4	mg/kg		1		ASA24-5	06/16/17 11:08 / srm
Nitrate as N, KCL Extract	5	mg/kg		1		ASA33-8	06/15/17 13:37 / srm

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Indian Health Service
Project: Lame Deer Lagoon
Lab ID: B17060160-008
Client Sample ID: 503-1

Report Date: 06/13/17
Collection Date: 06/01/17 15:00
Date Received: 06/01/17
Matrix: Sludge

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
MICROBIOLOGICAL							
Bacteria, Fecal Coliform, as Received	260	mpn/g		2		A9221 E	06/02/17 09:58 / fap
Bacteria, Fecal Coliform, Dry Basis	4244	mpn/g		2		A9221 E	06/02/17 09:58 / fap
PHYSICAL CHARACTERISTICS							
Moisture	93.9	wt%		0.20		A2540 G	06/02/17 11:35 / dah
Solids, Total	6.13	wt%		0.01		A2540 G	06/02/17 11:35 / dah
CHEMICAL CHARACTERISTICS							
Ammonia as N, KCL Extract	1410	mg/kg-dry		20		ASA33-7	06/07/17 11:57 / srm
Nitrate as N, KCL Extract	ND	mg/kg-dry		20		ASA33-8	06/07/17 11:57 / srm
Total Kjeldahl Nitrogen	21000	mg/kg-dry		200		ASA31-3	06/07/17 13:52 / srm
METALS, TOTAL - EPA SW846							
Arsenic	5.0	mg/kg-dry		0.5		SW6020	06/12/17 01:36 / jpv
Cadmium	2.4	mg/kg-dry		0.5		SW6020	06/12/17 01:36 / jpv
Chromium	23	mg/kg-dry		1		SW6020	06/12/17 01:36 / jpv
Copper	325	mg/kg-dry		2		SW6020	06/12/17 01:36 / jpv
Lead	19	mg/kg-dry		2		SW6020	06/12/17 01:36 / jpv
Mercury	1.0	mg/kg-dry		0.2		SW7471B	06/09/17 11:21 / jh
Molybdenum	14.5	mg/kg-dry		0.5		SW6020	06/12/17 01:36 / jpv
Nickel	18	mg/kg-dry		1		SW6020	06/12/17 01:36 / jpv
Selenium	13.2	mg/kg-dry		0.6		SW6020	06/12/17 01:36 / jpv
Zinc	545	mg/kg-dry		4		SW6020	06/12/17 01:36 / jpv

Report Definitions: RL - Analyte reporting limit.
 QCL - Quality control limit.

MCL - Maximum contaminant level.
 ND - Not detected at the reporting limit.



ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC
<adamas.mt.406@gmail.com>

Update LD lagoon project

ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC

Fri, Jul 13, 2018 at 7:42

<adamas.mt.406@gmail.com>

AM

To: "Courtney, James (IHS/BIL)" <James.Courtney@ihs.gov>

Cc: "Allen, Quentin B (IHS/BIL)" <Quentin.Allen@ihs.gov>, "White, Jim (IHS/BIL)" <Jim.White@ihs.gov>

James,

Thank you for the update. We did not go to the jobsite Tuesday as we had an issue with our work truck. (See attached Photo)

We pumped and dewatered a significant amount of sludge on Wednesday. Our average cutter head depth across half the pond started out at 43inches, we are now at an average of 67 inches below the surface of the water.

We also took a nitrate sample from the application site and delivered it to Energy Lab in Billings. The samples were taken from 5 different areas of the land site, with GPS coordinates recorded for each sample location.

We spoke Sheri that day and requested that she file a eNOI with the EPA NPDES system, to update the permit to allow land application.

Thursday, due to our work truck being damaged beyond reasonable repair, we were required to go to the bank, apply for funding and purchase a new work truck.

We will be on site today pumping sludge. We should be ready to begin hauling and application next week.

Best regards,

Nathan Pierce

[Quoted text hidden]