From: Kleffner, Erin
To: HertzWu, Sara
Subject: FW: Lame Deer Sludge Removal - ADAMAS Construction
Date: Tuesday, May 14, 2019 9:45:39 AM

From: Kleffner, Erin
Sent: Monday, April 08, 2019 12:41 PM
To: Courtney, James (IHS/BIL) <James.Courtney@ihs.gov>
Subject: RE: Lame Deer Sludge Removal - ADAMAS Construction

Mr. Courtney—

After our conversation and in reviewing your email, here's what I have to offer as feedback:

- Mr. Pierce does not have specific annual reporting requirements to the EPA (this may vary depending on state specific regulations) as a handler only, but he does still have records requirements and must still follow Part 503 regulations. He would have received lab results from Lame Deer WWTP detailing any information necessary to comply with regulations such as pathogen, metals, and total nitrogen data. He is also required to provide notice and necessary information to the owner of the land on which the biosolids are applied. He must also certify use of any management practices, site restrictions, vector attraction reduction, and cumulative pollutant loading rate (if necessary). Being an applier only (and not a preparer) does not absolve him of responsibility in terms of Part 503 regulations requirements. §503.1(2)(b)(1), §503.10(a), §503.12(e)(1), etc.
- Part 503 does not cover transport of biosolids and the Region 7 Biosolids Center of Excellence has never taken a case for the transport of biosolids.
- Mr. Pierce as an applier should not be changing the quality of the biosolids. A sludge judge should not be used to determine the total solids content of biosolids as sludge judges are used to determine the amount of freeboard left in the lagoon or grease trap. Total solids would be used to calculate the agronomic rate necessary to apply; however, it is only a small part of the necessary information needed to calculate the proper agronomic rate for the site. The total nitrogen content of the biosolids is the main factor in determining agronomic rate along with the nitrogen content of the soil and the crop that is to be grown on the land. The lab that the biosolids were tested through will have listed or be able to tell you which test method they used to determine total solids content. This will likely be an EPA approved test method (any accredited lab will be part of the EPA's annual DMR-QA which validates the quality of lab results). If Mr. Pierce has any proof for his claim, I would recommend asking to see it as I highly doubt it is from the EPA. Any of his information should be supported by lab results which should be readily available to him.

If you have any further questions, please feel free to contact me.

Thanks,

Erin Kleffner
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd. Lenexa, KS 66219
913-551-7921

From: Courtney, James (IHS/BIL) <James.Courtney@ihs.gov>
Sent: Monday, April 08, 2019 11:15 AM
To: Kleffner, Erin <kleffner.erin@epa.gov>
Subject: FW: Lame Deer Sludge Removal - ADAMAS Construction
Importance: High

Hello Erin,

We spoke earlier today regarding the sludge application by ADAMAS Construction. Below is the email that I sent to Akash Johnson. Thank you.

James Courtney, E.I.T.
LT, USPHS
Environmental Engineer
Billings Area, Indian Health Service
2900 4th Ave., Billings, MT 59101
|P 406.247.7094 | C 406.696.7284 | James.Courtney@IHS.gov

From: Courtney, James (IHS/BIL)
Sent: Monday, April 8, 2019 9:27 AM
To: 'Johnson, Akash' <johnson.akash@epa.gov>
Subject: Lame Deer Sludge Removal - ADAMAS Construction
Importance: High

Hello Akash,

In the meeting with ADAMAS Construction last Friday, a packet supplied by the company contained the attached page regarding 503 compliance. What is the validity of the claim Nathan Pierce makes in the statement?

ADAMAS Construction is attempting to obtain a settlement for the sludge removal work from IHS. Our office is hesitant to pay for work that appears to have violated CWA regulations. No payments have been made for the transport and application of the sludge. We are interested in EPA's opinion on whether the transport of the sludge before the application is viewed as part of the activity violating 503 regulations.

Nathan Pierce has also formed the opinion, supposedly based on EPA documentation, that total solids tests on sludge are not an accurate way to assess sludge becoming concentrated. In addition, he believes that collecting the samples from tanks containing sludge with a Sludge Judge is an inaccurate method. He believes these assumptions support his claim that the sludge held in his tanks by the ponds contained an equivalent to 10 times what was actually observed. No logs or lab tests have been provided to IHS to support his claim to date. Is there a subject matter expert at the EPA that is able to speak to this?

Thank you,

James Courtney, E.I.T.
LT, USPHS
Environmental Engineer
Billings Area, Indian Health Service
2900 4th Ave., Billings, MT 59101
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It appears from the EPA 503 regulations NCUC and their subcontractors are exempt from EPA permit/reporting requirements.

2.8 Reporting (40 CFR 503.18) The reporting requirements under Part 503 apply to major municipal NPDES permittees and Class I Sludge Management Facilities. Major municipal NPDES permittees are publicly owned treatment works (POTWs) with a design flow rate equal to or greater than 1 million gallons per day and POTWs with a service population of 10,000 people or more. Class I sludge management facilities are usually POTWs that are required to have an approved pretreatment program under 40 CFR 403.8(a), including any POTW located in a State that has elected to assume local pretreatment program responsibilities under 40 CFR 403.10(e). In addition, the EPA Regional Administrator may use his or her discretion to designate other treatment works treating domestic sewage (TWTDS) as Class I sludge management facilities. Land appliers are not TWTDS unless designated as such by the EPA Regional Administrator. In order to have reporting requirements under Part 503, a land applier must be designated both a TWTDS and a Class I sludge management facility.