



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

MAR 04 2019

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6122 4473

Mr. Nathan Pierce  
Adamas Construction and Development Services, PLLC  
16550 Cottontail Trail  
Shepard, Montana 59079

Re: Biosolids Land Application  
Offer to Conduct Prefiling Negotiations

Dear Mr. Pierce:

The Clean Water Act was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. This letter concerns noncompliance with CWA regulations, specifically the Standards for the Use or Disposal of Sewage Sludge found at 40 C.F.R. Part 503 and failure to provide information pursuant to a CWA Section 308(a) Request for Information.

An inspection conducted by Indian Health Services identified that your company land applied sewage sludge exceeding application rates on or around August 22, 2018. Additionally, your company failed to provide target application rates, laboratory tests, and application logs to the property owner and continued to land apply sewage sludge after the property owner withdrew consent. These violations are violations of 40 C.F.R. Part 503 and Section 405 of the CWA.

On September 25, 2018, the U.S. Environmental Protection Agency Region 7, issued Adamas Construction and Development Services, PLLC a letter requesting information concerning the above-referenced regulations. The EPA is authorized to seek, and Adamas is required to provide, such information pursuant to Section 308 of the CWA. Failure to respond to a CWA Section 308 request for information is a violation of the CWA. To date, the EPA has not received a response.

Civil Penalty

Under Section 309 of the CWA, the EPA is authorized to seek penalties and mitigation for violations of Sections 308 and 405 of the CWA. To determine the appropriate penalty amount, the EPA considers various factors, such as the nature, extent, and gravity of the violation; any prior history of violations; the economic benefit gained; and the degree of culpability. Based on these factors, the EPA has determined a civil penalty is appropriate in this case. Before assessing a penalty, however, we request a meeting to discuss any measures your company has taken to comply with the CWA and for you to provide any information that may warrant a reduction in penalty.

### Opportunity for Pre-filing Negotiations

By this letter, you are offered an opportunity to negotiate a resolution of this matter prior to the EPA's filing of a formal administrative complaint. The EPA will consider any additional information that you believe is relevant to the violations described above, and any actions that you have taken to correct the alleged violations.

The EPA's preference is to resolve this matter by entering into a Consent Agreement. The settlement of this matter through the payment of a civil penalty must be memorialized in a Consent Agreement and Final Order within sixty (60) days following your receipt of this letter. If you are interested in participating in pre-filing negotiations, please contact Chris Muehlberger, the attorney assigned to this matter, or Erin Kleffner, the compliance officer assigned to this matter, **within 10 calendar days** following your receipt of this letter. Their contact information is provided below.

### Ability to Pay

The EPA always considers a company's financial ability to pay a civil penalty. To substantiate an inability to pay claim you will need to provide the EPA with appropriate financial documentation to substantiate the claim, which includes federal income tax returns, audited financial statements, and a completed agency financial ability to pay form, which can be provided to you upon request.

Your prompt attention to this matter is greatly appreciated. If Adamas Construction and Development Services, PLLC is interested in engaging in pre-filing discussions to attempt to reach a prompt settlement of this matter, please contact Chris Muehlberger or Erin Kleffner **within ten (10) days of your receipt of this letter**. If we do not hear from you within ten (10) days, we will assume you are not interested in pursuing resolution of this matter before we file a complaint. In that event, the EPA may initiate a penalty action..

### EPA's Contact Information

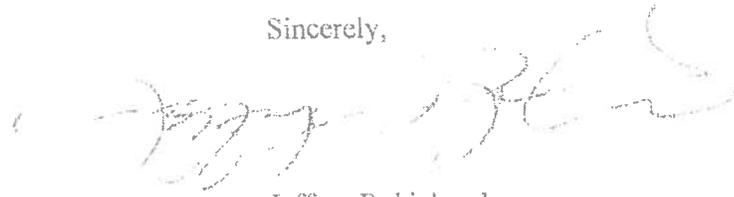
Chris Muehlberger  
Office of Regional Counsel  
U.S. Environmental Protection Agency Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
(913) 551-7623  
muehlberger.christopher@epa.gov

or

Erin Kleffner  
Water Enforcement Branch  
U.S. Environmental Protection Agency Region 7  
11201 Renner Blvd  
Lenexa, Kansas 66219  
(913) 551-7921  
kleffner.erin@epa.gov

We appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery Robichaud". The signature is written in a cursive style with a large, sweeping initial "J".

Jeffery Robichaud  
Director  
Water, Wetlands and Pesticides Division

cc: Colleen Rathbone, Region 8  
Stephanic DeJong, Region 8