

From: ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC
To: [HertzWu, Sara](#)
Cc: [Christopher Gallus](#); [Kleffner, Erin](#)
Subject: Re: ADAMAS Reply Lame Deer Lagoon CjG
Date: Tuesday, July 02, 2019 11:09:37 PM
Attachments: [B16-N39 Pre-Construction Meeting Minutes for Sludge Removal 5-17-18.pdf](#)
[B18072386.pdf](#)
[Gmail - Update LD lagoon project tests.pdf](#)
[Gmail - Update LD lagoon project president - Killsback.pdf](#)

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,

On Fri, Jun 21, 2019 at 12:57 PM HertzWu, Sara <HertzWu.Sara@epa.gov> wrote:

Chris and Nathan: Thank you for your response. The deadline for providing a response to the 308 information request letter is July 2, 2019. If you need another copy of the letter, please let me know.

Regards,

Sara Hertz Wu

Assistant Regional Counsel

EPA Region VII

11201 Renner Boulevard

Lenexa, Kansas 66219

Phone: (913)551-7316

Email: hertzwu.sara@epa.gov

Fax: (913) 551-7925

From: Christopher Gallus <chrisgalluslaw@gmail.com>

Sent: Friday, June 21, 2019 12:15 PM

To: ADAMAS CONSTRUCTION And DEVELOPMENT SERVICES PLLC
<adamas.mt.406@gmail.com>; HertzWu, Sara <HertzWu.Sara@epa.gov>

Subject: Re: ADAMAS Reply Lame Deer Lagoon CjG

Sara,

Thank you for the communication. You are specifically authorized by me to communicate with my client Nathan Pierce, or his spouse Michelle, on this matter. As I do continue to represent him I do ask that I be copied and have an opportunity to provide counsel where circumstances permit or necessitate, but Mr. Pierce is a sophisticated client with respect to these matters and direct communication will facilitate having this matter expedited.

Nathan, please provide the documents to Sara and sign any appropriate certifications or authorization. I'm happy to continue to help, but realize cost considerations are a factor. If you have questions please contact me. If you have a conference or meeting involving legal documents or discussions please feel free to include me.

Thank you, both, Chris

On Fri, Jun 21, 2019 at 10:13 AM HertzWu, Sara <HertzWu.Sara@epa.gov> wrote:

Chris: Thank you for providing that response. However, the documents requested in the CWA Section 308 letter still need to be provided to EPA. EPA is unable to prove the veracity of the claims you are making regarding the waste without the appropriate documentation. If your client does not have those documents, that response must be provided as well, along with a certification as stated in the 308 letter. Failing to respond to the information request is a separate violation of the Clean Water Act.

Further, the reporting requirements under 40 CFR Part 503 apply to any person who prepares sewage sludge that is applied to the land, to any person who applies sewage sludge to the land, to sewage sludge applied to the land, and to the land on which sewage sludge is applied. See 503.10(a). Therefore, your client should have the required records available to provide to EPA.

Your client also contacted me directly. Because he is represented by counsel, I did not return his call. Unless specifically authorized by you, I will only communicate with him through his counsel. If you are no longer his counsel, please advise.

EPA requests that compliance with the CWA Section 308 letter within 10 days. The original letter was sent 10 months ago and we have yet to receive a response. Your client either possesses the documents or he does not. Either way, a response is required.

If you wish to set up a call to discuss, please let me know.

Regards,

Sara Hertz Wu

Assistant Regional Counsel

EPA Region VII

11201 Renner Boulevard

Lenexa, Kansas 66219

Phone: (913)551-7316

Email: hertzwu.sara@epa.gov

Fax: (913) 551-7925

From: Christopher Gallus <chrisjgalluslaw@gmail.com>
Sent: Friday, June 14, 2019 4:48 PM
To: Kleffner, Erin <kleffner.erin@epa.gov>
Subject: ADAMAS Reply Lame Deer Lagoon CjG

Erin,

I apologize, but this is the only manner in which I can provide a response today. When I return to my office I will scan the letter, but the content is the exact same as is being provided here. Thanks, CjG

Chris J. Gallus, Attorney at Law

Law, Elections & Gov't Relations

1423 East Otter Road

Helena, Montana 59602

Ph. 406.459.8676

chrisjgalluslaw@gmail.com

June 14, 2019

Erin Kleffner, Compliance Officer

U.S. EPA Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

RE: Lame Deer Lagoon Desludging and Land Application

Northern Cheyenne Reservation

Dear Ms. Kleffner:

I appreciated receiving your letter of June 11, 2019 regarding my client ADAMAS Construction. We accept your offer to conduct prefilings negotiations and we are providing you the requested information.

Mr. Pierce has previously responded to EPA Region 8 officials. As you will read, it is the position of ADAMAS that the size of the entity involved excluded 503 regulation, as is being asserted. ADAMAS maintains that it complied with EPA regulations and did not violate any provisions of law. To the extent the EPA determines a violation occurred, as explained, it is not a violation by ADAMAS, for reasons provided herein.

Please find a summary of our position prepared by Mr. Peirce. I will instruct him to complete and send his signed Statement of Certification, if you determine one is required. Mr. Pierce is currently traveling and has limited access to technology. We are happy to discuss this matter at your convenience.

You should be aware that ADAMAS filed a notice to file tort claims against IHS agents connected with this particular project because these agents engaged in retaliatory acts against ADAMAS and Mr. Peirce. Mr. Pierce has also requested Congressional assistance to resolve matters pertaining to the Lame Deer Lagoon Project, and U.S. Senator Steve Daines is assisting Nathan and I in that regard.

That information provided, we understand your agency is separate and apart from IHS and we certainly intend to participate and comply with any of your applicable regulations. As such, we provide the following information and summary pertaining to your request:

SUMMARY:

The land the sludge was applied to was identified in IHS Bid packet BI16N39 and is owned by the Northern Cheyenne Nation and is leased by the Northern Cheyenne Tribal Land Authority to Tom Robinson the leasehold tenant. IHS also gave an estimate of the application rate of the sludge to the land and this information was relayed to Tom before

application. It is important to note that Tom Robinson is the Brother-in-Law of IHS construction inspector George Cummings. (Bid Packet, available upon request)

IHS construction inspector George Cummings was on site when sludge was being applied and can confirm details of how and when it was applied and the manner his brother-in-law, Tom Robinson, complied with the 503 regulations. Tom Robinson was the person or persons who applied the sludge to the land using his own equipment and his is the Leasehold tenant of the property.

The sludge was tested by IHS and the Lab Analytical Report was included in the bid packet. According to the Lab Analytical Report the Sludge, the sewage sludge from the Lame Deer Lagoons meets the most stringent limits for all three of the sewage sludge quality parameters and is referred to as Exceptional Quality (EQ) sewage sludge. (See attached Bid Packet and Lab Analytical Report)

According to the 'EPA Land Application of Sewage Sludge - A Guide for Land Appliers on the Requirements of the Federal Standards for the Use or Disposal of Sewage Sludge, 40 CFR Part 503', "EQ sludge is considered comparable to standard fertilizer products. Therefore, land appliers of EQ sewage sludge have no requirements to meet under the Rule." This would seem to be a clear indication that my client has no requirements to meet from the EPA and does not need to meet any requirements for payment of the application portion of the contract. (See attached EPA Land Application Guide, Page 5)

According to 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 pre-treatment 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.

Neither my client nor the Lame Deer Lagoons qualify as a POTW and are therefore exempt from reporting under the rule. As such my client should not need to meet any additional requirements for payment of the application portion of the contract. (See EPA Land Application Guide, page 29)

Despite having no requirements to meet under the Rule, my client did relay to Tom Robinson that he should comply with, Vector Attraction Reduction Option 10 (40 CFR 503.33) "Sewage sludge applied to the land shall be incorporated into the soil within 6 hours after application to the land. - When sewage sludge that is incorporated into the soil is Class A for pathogens, the sewage sludge shall be applied to the land within 8 hours after being discharged from the pathogen treatment process." George Cummings IHS Construction inspector also witnessed and ensured this vector attraction reduction option was used.

I appreciate your consideration and your attention to this important matter. Please feel free to call me at your convenience.

Sincerely,

/s/ Chris J. Gallus

Chris J. Gallus

Attorney for ADAMAS Construction

Sent from my iPhone

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--

Nathan Pierce - Owner/General Manager

ADAMAS Construction & Development Services PLLC

PH: 1-406-697-3022

EMAIL: ADAMAS.MT.406@GMAIL.COM

www.biomicrobicsmontana.com

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Indian Health Service

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:**



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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



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

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



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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

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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.



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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								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.



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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				Run: ICPMS207-B_180730B			07/30/18 22:39	
Arsenic		20.0	mg/kg-dry	4.2					10	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 22:43	
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.



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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.



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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									
Mercury		0.00200	mg/kg	1.0	100	90	110			08/02/18 14:42
Method: SW7471B Batch: 123944										
Lab ID: MB-123944	Method Blank									
Mercury		ND	mg/kg	0.005				Run: HGCV202-B_180802A		08/02/18 14:47
Lab ID: LCS3-123944	Laboratory Control Sample									
Mercury		0.219	mg/kg	1.0	110	80	120	Run: HGCV202-B_180802A		08/02/18 14:49
Lab ID: B18072618-001ADIL	Serial Dilution									
Mercury		0.0759	mg/kg-dry	1.0				Run: HGCV202-B_180802A		08/02/18 14:59
Lab ID: B18072618-001AMS3	Sample Matrix Spike									
Mercury		0.297	mg/kg-dry	1.0	106	80	120	Run: HGCV202-B_180802A		08/02/18 15:01
Lab ID: B18072618-001AMSD	Sample Matrix Spike Duplicate									
Mercury		0.300	mg/kg-dry	1.0	106	80	120	Run: HGCV202-B_180802A		08/02/18 15:03

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



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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: 1239D5									
Lab ID: LCS-R304729	Laboratory Control Sample								
pH, sat. paste	7.00	s.u.	0.10	93	90	110			07/31/18 08:17
Lab ID: B18072386-001A DUP	Sample Duplicate								
pH, sat. paste	7.40	s.u.	0.10				1.4	10	07/31/18 08:17
Run: MISC-SOIL_180731A									

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



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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	Laboratory Control Sample				Run: FIA205-B_180801A		08/01/18 08:31		
Phosphorus, Olsen	46	mg/kg	1.0	104	70	130			
Lab ID: B18072386-001ADUP	Sample Duplicate				Run: FIA205-B_180801A		08/01/18 08:38		
Phosphorus, Olsen	7.3	mg/kg	1.0				4.5	30	
Lab ID: B18072386-001AMS	Sample Matrix Spike				Run: FIA205-B_180801A		08/01/18 08:40		
Phosphorus, Olsen	19	mg/kg	1.0	109	70	130			

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



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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.



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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.



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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								
Nitrate as N, KCL Extract	10.7	mg/kg	1.0	98	70	130			08/01/18 09:49
Lab ID: B18072386-002ADUP	Sample Duplicate								
Nitrate as N, KCL Extract	ND	mg/kg-dry	25						08/01/18 09:59
Lab ID: B18072386-002AMS	Sample Matrix Spike								
Nitrate as N, KCL Extract	289	mg/kg-dry	26	109	70	130			08/01/18 10:00

Qualifiers:

RL - Analyte reporting limit.

ND - Not detected at the reporting limit.



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Work Order Receipt Checklist

Adamas Construction

B18072386

Login completed by: Tabitha Edwards

Date Received: 7/26/2018

Reviewed by: BL2000\iraschim

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.

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-PivotCollection 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-FieldCollection 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-FieldCollection 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: Lama 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

Thu, Jun 28, 2018 at 7:59

<adamas.mt.406@gmail.com>

AM

To: voaxaa@hotmail.com

President Killsback,

It has come to our attention that your office has not been given timely updates on the progress of the projects that involve the Northern Cheyenne Utilities Commission and our company ADAMAS Construction.

Please find the email sent Tuesday June 26th to Mrs. Sheri Bement and the staff of IHS. I will also forward other updates sent and included your office on all update to ensure timely communication.

I also respectfully request a meeting between you and myself, so the we can discuss the situation between our company and NCUC.

Best regards,

Nathan Pierce
Adamas Construction and Development Services PLLC

----- Forwarded message -----

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

Date: Tue, Jun 26, 2018, 8:59 AM

Subject: Update LD lagoon project

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[Quoted text hidden]

4 attachments



20180625_111556.jpg
4849K



20180625_111628.jpg
2821K

20180625_111736.jpg
4581K

7/2/2019

Gmail - Update LD lagoon project



20180625_134126.jpg
6340K



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 43 inches, 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]