



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 7**  
 11201 Renner Boulevard  
 Lenexa, Kansas 66219

MAY 30 2019

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

Article No.: 7014 1200 0000 6123 4816

Mr. Christopher J. Gallus  
 Attorney at Law  
 1423 Otter Road  
 Helena, Montana 59602

RE: Lame Deer Lagoon Desludging and Land Application  
 Northern Cheyenne Reservation, Montana

Dear Mr. Gallus:

The Region 7 Biosolids Center has reviewed the information provided by EPA Region 8 and Indian Health Services to determine Mr. Nathan Pierce of Adamas Construction and Development Services's compliance with 40 CFR Part 503 regulations. As such, you will find an offer to conduct prefilng negotiations and a request for information enclosed. The request for information was previously sent September 25, 2018 and no response has been received to date. **Please respond within 10 calendar days following your receipt of this letter.**

If there are any questions regarding this matter, please contact me at (913) 551-7921 or [kleffner.erin@epa.gov](mailto:kleffner.erin@epa.gov)

Sincerely,

Erin Kleffner  
 Compliance C  
 Water Enforc

Enclosures

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

7014 1200 0000 6123 4816

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Mr. Christopher J. Gallus  
 Attorney At Law  
 1423 Otter Road  
 Helena, MT 59602

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1. Article Addressed to:

Mr. Christopher J. Gallus  
Attorney At Law  
1423 Otter Road  
Helena, MT 59602

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A. Signature  Agent  
 *Ch. J. Gallus*  Addressee

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

SEP 25 2018

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

Article No.: 7014 1200 000 6123 0122

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

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

Dear Mr. Pierce:

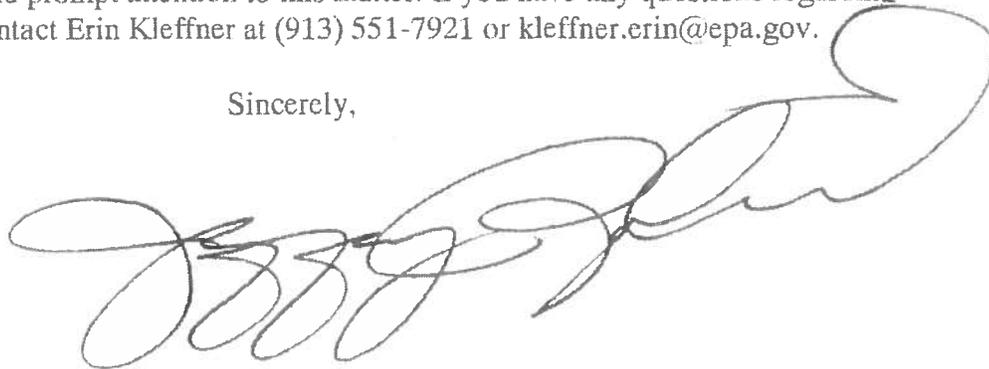
The U.S. Environmental Protection Agency is issuing this Request for Information to Adamas Construction and Development, PLLC, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a). The request seeks information regarding the Company's compliance with the requirements of Section 405 of the CWA, 33 U.S.C. § 1345, and 40 C.F.R. Part 503, *Standards for Use and Disposal of Sewage Sludge*.

Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 et seq., including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires Adamas Construction, to provide the information requested in ENCLOSURE A within **thirty (30) days**. **Please read the instructions and definitions included in ENCLOSURE A carefully before preparing your responses to this Request for Information.**

This Request for information is being sent by the EPA's Biosolids Center located in EPA Region 7, Lenexa, Kansas. As the enclosure instructions indicate, the response to this Request for Information is to be sent to the EPA Region 7.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Erin Kleffner at (913) 551-7921 or [kleffner.erin@epa.gov](mailto:kleffner.erin@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery Robichaud". The signature is fluid and cursive, with a large loop at the end.

Jeffery Robichaud  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Colleen Rathbone, Stephanie DeJong (Region 8)

## ENCLOSURE A

### REQUEST FOR INFORMATION AND INSTRUCTIONS

#### RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

The U.S. Environmental Protection Agency (EPA) requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

#### **I. Instructions**

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA, including, but not limited to seeking, maintaining or complying with an applicable NPDES permit.

#### Contact Information.

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address and email and/or phone number.
3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

#### Responses Format.

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

#### Complete Responses and New or Corrected Information.

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
7. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within fourteen (14) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within fourteen (14) calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Accurate and Truthful Information Required.

8. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

Certification.

9. The Statement of Certification found in ENCLOSURE B should be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement should be made by a person authorized to sign reports pursuant to 40 CFR § 122.22(a) and (b). For your convenience, the text of these provisions is included on ENCLOSURE B.

Confidential Business Information.

10. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information (CBI) claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.
  - a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
    - i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
    - ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 CFR § 2.203(a).
    - iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.
  - b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as *trade secret, proprietary, confidential business information, CBI or proprietary business information*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.
  - c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.
  - d. Please refer to 40 CFR § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

11. All responses to this Request for Information must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery and must be submitted to:

**U.S. Environmental Protection Agency  
ATTN: Biosolids Center, Erin Kleffner  
Water, Wetlands and Pesticides Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Kleffner.erin@epa.gov**

## **II. Definitions**

All terms used in this Request for Information that are not defined below shall be defined as they are defined at Section 502 of the CWA, 33 U.S.C. § 1362, and 40 CFR §§ 122.2, 503.9, 503.11, 503.21, 503.31 and 503.41. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Request for Information:

1. "Record" is defined as any recording of information, including, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.
2. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
3. "Biosolids" is defined as sewage sludge generated during the treatment of domestic sewage in a treatment works.
4. "Facility" is defined as Adamas Construction and Development Services, PLLC, including associated equipment and land used for the treatment, processing or disposal of Biosolids.
5. "Sewage sludge" is defined at 40 CFR § 503.9 and includes domestic sewage and a material derived from sewage sludge.

## **III. Requested Information**

**Within thirty (30) days of receipt of this Request for Information**, provide the following information:

1. Please identify the person to contact regarding your submission, including title, address and email and/or phone number.
2. Your responses to this Request for Information are to be provided by a knowledgeable and qualified professional. For each response required below, provide the name, title and credentials of the person(s) providing information in response to this Request for Information.

*Please provide the following information for 2018:*

3. For all sewage sludge-related materials land applied during calendar year 2018, provide all records pertaining to whether the materials met the ceiling concentrations for bulk sewage sludge found in 40 CFR § 503.13, Table 1. The records should include copies of the following:
  - a. All analytical laboratory results for metals testing (Arsenic, Cadmium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Zinc) including dates and methods of sampling, test methods, chain of custody, and holding times.
  - b. For all instances in 2018 when ceiling limits for metals were exceeded, provide the following information:
    - i. Total volume of sewage sludge related materials produced or processed in which the ceiling limits for metals were exceeded;
    - ii. Dates, volumes and identification of sites on which such sewage sludge related materials were land applied; and
    - iii. Dates, volumes and identification of municipal landfills to which such sewage sludge related materials were sent for disposal.
4. For all sewage sludge-related materials produced or processed at your Facility, provide all records pertaining to whether the materials met the Class A or B pathogen classification for sewage sludge found in 40 C.F.R. § 503. The records should include copies of the following, whether maintained by your facility or by a third-party Handler or Preparer:
  - a. Specific records identifying whether the pathogen process requirements were met in accordance with 40 C.F.R. § 503.32; and
  - b. All analytical laboratory results for pathogen testing (fecal coliform, salmonella, helminth ova, enteric viruses) including test methods, chain of custody, and holding times.
5. For all sewage sludge-related materials produced or processed at your Facility, provide all records pertaining to whether the materials met the vector attraction reduction (VAR) requirements in accordance with 40 C.F.R. § 503.33.
6. For all instances in 2018 when either Pathogen Reduction or Vector Attraction Reduction limits were not met in sewage sludge-related materials produced or processed at your Facility, the following information is required:
  - a. Provide a description of how the sewage sludge was reprocessed or handled; and
  - b. Provide all additional test results on the reprocessed sewage sludge, including test methods, chain of custody, and holding times.
7. For each land application of biosolids by Adamas Construction and Development Services, since January 1, 2018, provide the information listed below.
  - a. The street address or legal description of the location;
  - b. The date(s) upon which the location was used for 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
  - f. The annual application rate of biosolids as calculated.

## ENCLOSURE B

### STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

#### **40 CFR § 122.22 Signatories to permit applications and reports.**

(a) *Applications.* All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

(3) The written authorization is submitted to the Director.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Nathan Pierce.  
Adkins Construction and Development Services LLC  
1550 Cotton Tail Trail  
Shepherd, MT. 59079

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
Nathan Pierce 10/1/08

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail®  Priority Mail Express™  
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4. Restricted Delivery? (Extra Fee)  Yes

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