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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,

RESPONDENTS ANSWER TO SECOND  
AMENDED COMPLAINT AND REQUEST  
FOR HEARING

Docket No. CWA-07-2019-0262

Comes now the Respondents Adamas Construction & Development Services, PLLC, (“Adamas”) and Nathan Pierce “Respondent/s”, Pro Se and representing themselves, for its answer to the Second Amended Complaint against the Respondents, by the United States Environmental Protection Agency Region 7 (“USPEA”), and request a dismissal or if not dismissed a hearing of this matter is requested:

**I. INTRODUCTION**

The respondents were served with an order of the court dated August 4<sup>th</sup>, 2022 to respond to the second amended complaint filed by the Complainant in this matter. The Respondents Answer to the 2<sup>nd</sup> Amending of the Complaint and hereby incorporates by reference all the original Answers and documents to the original Complaint, and all arguments, documents and prehearing exchanges in previous filings. The Respondents hereby denies all the allegations against them, requests this matter be dismissed or requests a hearing and responds to each allegation below:

**II. Allegations and Responses**

The following is the Respondents answer for each allegation, in the order they were presented, the allegations from the EPA are in italics (12pt) the answers and denials are in regular text (12PT);

*24. 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 of law.

*25. 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 that Adamas 'was' and is no longer a PLLC, however would like to point out neither of the Respondents are the administrators of the website and those service were in relation to the distribution of on-site water and waster water products manufactured by Bio-Microbics Inc, the page administrator.

*26. 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 respondents 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 a effort to further harm the Respondents. Based on information learned by the Respondents in this matter litigation against HIS and the EPA to include but not limited to Fraud on the part of James Courtney, George Cumming, Jim White and others is forthcoming.
- 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.

*27. 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 deny or disagree with this statement.

Reason: Adamas Construction and Development Services was involuntarily dissolved and is no longer in existence and therefore cannot be and does not meet the definition of "person". Adamas was involuntarily dissolved before the initial complaint in this matter was filed.

*28. 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.

*29. 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.

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

The respondent denies and disagrees with this statement. The Respondents we subcontractor to the NCUC and the NCUC had control over the activities of Adamas at all time relevant to this action. NCUC also told Adamas to follow the Direction of James Courtney project engineer for IHS.

*31. 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.

*32. 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.

*33. At all times relevant to this action, Respondents were the "operators" of the Lame Deer Publicly Owned Treatment Works (POTW), a "point source" as defined by 33 U.S.C. §502(14) and as referenced in 33 U.S.C. § 1318(a)(A).*

The respondent denies and disagrees with this statement.

Reasons:

- a. The Respondents were not the Operators of the Lame Deer (POTW), the respondents we at all times relevant to this action consultants and subcontractors to the system Operators the Northern Cheyenne Utility Commission "NCUC". This is evidenced by the EPA's own records CX 5 at 3, 5.

- b. NCUC the system Operator remained in control of the project at all times and monitored the project daily through Sheri Bement, General Manager, or Raymond Pine, Forman NCUC. RX 15 at 10.
- c. The Respondents did not enter into a contract with NCUC to be the system operator and was never named as the system operator. Although the Respondents sent a application to the State of Montana to become the “Contract system Operator” for the wastewater systems on the Northern Cheyenne Reservation, NCUC did not produce such a contract and the Respondents did not complete the application process, therefore the Respondents have never been named as the certified operator of the facility nor were they the operator for the system.
- d. The Respondent Nathan Pierce had a heart attack at the time of the project and was unwilling to enter into a contract to be the sewer operator as he was the one in control of Adamas and would be the person doing the work, as such it was impossible for Adamas to enter into such a contract without Nathan Pierce.
- e. The Lame Deer Sewer Lagoons does not meet the applicable (POTW) as defined by 33 U.S.C. §502(14) and as referenced in 33 U.S.C. § 1318(a)(A) to meet the reporting requirements under part 503. According to the EPA’s own documents, RX 16 at page 29, still active on their website <https://www.epa.gov/sites/default/files/2018-11/documents/land-application-sewage-sludge.pdf>, (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 EPALand Application Guide, page 29) operator to provide information needed to determine whether there has been a violation of the Act.

*34. The Lame Deer POTW discharges wastewater into Lame Deer Creek pursuant to an NPDES Permit.*

The Respondent does not Deny this although it is important to note the permit holder is the system operator NCUC and not the Respondents.

*35. At all times relevant to this action, Respondents were the “preparer[s] of sewage sludge” as that term is defined in 40 C.F.R. § 503.9(r).*



The Respondents Denys this claim for the following reasons:

- a. The Respondents 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. The Respondents, under the direct supervision, direction and with the knowledge and permission of the NCUC the prime contractor, filled its contractual duties to the NCUC.
- b. The Respondent did Dewater bio-Solids or sewer sludge from the facility, however this action of dewatering is defined by the Complainant/EPA's own documents as "treatment" of bio-solids or sewer sludge, documents still live on the internet, <https://www.epa.gov/sites/default/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf>, physically at page 12 Figure 1-2, and there are no Federal Regulations applicable, Pursuant 40 C.F.R. §503.9(z), "treatment of sewage sludge" is the preparation of sewage sludge for final use or disposal. The Respondents did not prepare sewer sludge they performed the actions defined by 40 C.F.R. §503.9(z) as treatment of sewer sludge also referred to as bio-solids. (See attached EPA guide)
- c. The complainant alleges no facts nor points to anything in the record to support its claim the Respondents were Preparers of sewer sludge other than to say the Respondents Pumped and dewatered bio-solids activities that are defined by 40 C.F.R. §503.9(z), as "treatment of sewage sludge" and outside the authority of the EPA and the Rules.

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

- a. The Respondents don't deny this statement and feels this statement demonstrates the Selective prosecution used by the Complainant against the Respondents in this matter.

*37. 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, at the direction of and with the knowledge and permission of the NCUC, hired or Subcontracted, Tom Robinson, the lessor of the land and brother-in-law of IHS field inspector George Cummings, to apply the sludge to his own property. (see attached Contract – Respondent 'A' attached to original Answer to the original Complaint in this matter) It is important to note George Cummins was also the field inspector named in the alleged complaint to the EPA that there was a violation to begin with.

*38. On or about the week of July 9, 2018, Respondents pumped and dewatered approximately 1,000,000 gallons of Class B sewage sludge from Cell #2 of the Lame Deer treatment lagoon.*

The respondent admits in part and denies in part this claim –

Reasons:

- a. The Complainant provides nothing to support its claim that the Bio-solids were Class B Sewage Sludge and fails to explain how the sludge is Class B, other than “we say it is”. In fact, the sewer sludge also known as bio-solids was EQ sludge or bio-solids and as such not subject to the part or rules. The Respondent informed the EPA of this many times and the EPA failed to listen or accept what the Respondents had to say or provide.

*39. 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 was not the person who applied any sewer sludge related to this or any other project. The Respondent, Adamas, at the direction of and with the knowledge and permission of the NCUC, Subcontracted, Tom Robinson, the lessor of the land owned by the Northern Cheyenne Tribe and brother in law of IHS field inspector George Cummings, to apply the sludge to his own property, see RX.
- b. The Sludge in question was EQ sludge and is not Class B Sludge, nor has the Complainant provided any evidence in the record that would support its claim it is Class B sludge.
- c.

*40. On or about August 28, 2018, Indian Health Service visited the land application property after receiving a complaint from the Leaseholder 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. See RX 15 page 11, “subcontractor further agrees to prep the field and till the sludge incorporating in into the soil within 6 hours. Must apply to 50 Acres at a maximum rate of 22,000 gallons per acres”.

*41. 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 Lessor** 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. See RX 15 page 11, “subcontractor further agrees to prep the field and till the sludge incorporating in into the soil within 6 hours. Must apply to 50 Acres at a maximum rate of 22,000 gallons per acres”.

42. *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 Leaseholder.*

The respondent denies this claim –

Reasons:

- a. The Land Owner of the property is the Northern Cheyenne Tribal Nation, the NCUC for and with the Respondents provided them the information on several occasions.
- b. The Respondent, Adamas, specifically states in its subcontract with, Tom Robinson, the **LAND LESSOR** and brother in law of IHS field inspector George Cummings, target application rates to apply the sludge to his own property. As the Land Lessor Tom Robinson was subcontracted to apply the sludge it was his responsibility to create his own application logs and share them with Adamas and he failed to do so, the violations are from Tom Robinsons actions and not the actions of Adamas or Nathan Pierce. Tom Robinson the land lessor was given a copy of the lab test and target application rates, at the signing of the contract, he was also aware the property he leases was a part of the IHS bid packet for the project and he reviewed the IHS bid packet before signing the subcontract agreement. See RX 15 page 11, “subcontractor further agrees to prep the field and till the sludge incorporating in into the soil within 6 hours. Must apply to 50 Acres at a maximum rate of 22,000 gallons per acres” this is the agronomic rate determined by IHS and specified in their Bid Packet.
- c. 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 attached to Respondents Original Answer)
- d. A dispute arose between the Respondents and IHS as to the concentration of the sludge and Adamas maintained that the Sludge was at a higher concentration than IHS was reporting to NCUC and that IHS using a sludge judge to test the concentration levels was not appropriate. Erin Kleffner from the EPA also confirmed in a email to James Courtney, IHS that in-fact using a sludge judge was not appropriate as in only measures as it only measures the freeboard, and over application is the fault of IHS or the US Government. See RX 10 Physically at page 1.

43. *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:

- a. The Respondents had no Obligation to respond under the section, however the Respondents did the responsible thing and provided the EPA with the names and parties who had the information requested and who were ultimately responsible to comply with the part. The Claimant fails to point to any evidence or allege any fact that would support the claim the respondents were obligated to provide such information. See RX 9
- b. The Respondents, 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.

*44. 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.

*45. 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 Respondents had no obligation to respond, and the Complainant has not alleged any fact or point to anything in the record that would require the Respondents to respond to such a request. However, the Respondents did respond in a timely manner and directed the EPA to the persons who had the information they were seeking and the Respondents roll in the project.
- b. The Respondents, with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LAND LESSOR** and brother in law of IHS field inspector George Cummings, to haul and apply the sludge to his own property. The Leaseholders 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.

*46. 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 Respondents, at the direction of and with the knowledge and permission of the NCUC the prime contractor, Subcontracted, Tom Robinson, the **LEASEHOLDER** and brother in law of IHS field inspector George Cummings, to apply the sludge to property he leases property. The Land lessor Tom Robinson 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, did not have the equipment and was not onsite when Tom Robinson did the work of applying sludge or bio-solids to his own leased property.
- b. The EPS's own Documents still active on their website titled, Plain English Guide to the EPA Part 503 Biosolids Rule., <https://www.epa.gov/sites/default/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf>, states at page 51, "If the landowner or leaseholder is also the land applier of the biosolids, that person must follow the applicable provisions of the Part 503 rule for land appliers as described in this chapter. If the land-applying operation is of sufficient size or concern to the permitting authority, the landowner or leaseholder applier might also be required to obtain a permit for the land application activities. Tom Robison is the Leaseholder of the property and he contracted to apply the sludge to his own property. This is also a clear indication the rules are intended for the person who actually does the work of applying sludge or bio-solids as it make a distinction about land owner or lease holders.

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

The Respondent Denies this claim –

Reasons:

- a. The Complainant provides nothing to support its claim that the Bio-solids were Class B Sewage Sludge and fails to explain how the sludge is Class B, other than “we say it is”. In fact, the sewer sludge also known as bio-solids was EQ sludge or bio-solids and as such not subject to the part or rules. The Respondent informed the EPA of this many times and the EPA failed to listen or accept what the Respondents had to say or provide.

*47. At all times relevant to this action, Respondents were persons who “prepared sewage sludge” pursuant to 40 C.F.R. § 503.7.*

The Respondent Denies this claim –

Reasons:

- a. The Respondents 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. The Respondents, under the direct supervision, direction and with the knowledge and permission of the NCUC the prime contractor, filled its contractual duties to the NCUC.
- b. The Respondent did Dewater bio-Solids or sewer sludge from the facility, however this action of dewatering is defined by the Complainant/EPA’s own documents as “treatment” of bio-solids or sewer sludge, documents still live on the internet, <https://www.epa.gov/sites/default/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf>, physically at page 12 Figure 1-2, and there are no Federal Regulations applicable, Pursuant 40 C.F.R. §503.9(z), “treatment of sewage sludge” is the preparation of sewage sludge for final use or disposal. The Respondents did not prepare sewer sludge the performed the actions defined by as treatment of sewer sludge also referred to as bio-solids. (See attached EPA guide)
- c. The complainant alleges no facts nor points to anything in the record to support its claim the Respondents were Preparers of sewer sludge other than to say the Respondents Pumped and dewatered bio-solids activities that are defined by 40 C.F.R. §503.9(z), as “treatment of sewage sludge” and outside the authority of the EPA and the Rules.

*49. 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 EPA 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 Respondents, 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.

*50. 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 EPA to evaluate Respondent's compliance or possible threats to human health and the environment.*

The respondent denies this claim –

Reasons:

- a. The Respondents, 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 Leaseholder 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 Leaseholder 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)

*51. 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 EPA.*

The respondent denies this claim –

Reasons:

- a. The EPA is requesting information regarding a role the respondent was not involved in, as Nathan Pierce and 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 NCUC or 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. Now only after being Denied on a Accelerated Determination of Liability does the Complainant wish to change their



argument and include other information not originally sought or asked for like information related to the preparation of sludge. The Complainant initially asked for information regarding the application of sludge and now they change their argument to say application and preparation of sludge, the court should reject this tactic from the Complainant and dismiss this matter.

**Findings of Violation**

Claim 1: Failure to Develop and Maintain Records

52. Paragraphs 1 through 51 are incorporated by reference herein.

53. Based on the information available to EP A, Respondents have failed to develop and maintain records required by 40 C.F.R. § 503.17.

The Respondent denies this finding of violation, as it is inaccurate, the NCUC by their own admission had the “ultimate responsibility” to comply with the part as the systems operator. The respondent was under no obligation to comply. Tom Robinson is also the land applier and the only person who could reasonably develop records recording his work of applying bio solids.

54. 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.

The Respondent denies this finding of violation, as it is inaccurate, the NCUC by their own admission and by law had the “ultimate responsibility” to comply with the part as the systems operator. The respondent was under no obligation to comply as they were not and are not the systems operator or owner. Tom Robinson is also the land applier and the only person who could reasonably develop records recording his work of applying bio solids.

For the above-mentioned reasons, Adamas Construction and Development and Nathan Pierce disputes or denies the allegations against them and the finding of violations and hereby request this matter be dismissed or 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 24th day of August, 2022.

*Nathan Pierce*

\_\_\_\_\_  
Respondent Nathan Pierce for himself and Adamas

Respectfully submitted this 24<sup>th</sup> day of August, 2022.

*Nathan Pierce*

\_\_\_\_\_  
Respondents Pro Se Nathan Pierce & Adamas



CERTIFICATE OF SERVICE

I hereby certify that on August, 24<sup>th</sup>, 2022, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>  x  </u>	Certified Mail
<u>  x  </u>	Overnight Delivery Service
_____	Fax
<u>  x  </u>	E-Mail

1. *Regional Hearing Clerk*  
*U. S. Environmental Protection Agency Region 7*  
*11201 Renner Boulevard*  
*Lenexa, Kansas 66219.*
2. Copy by Certified and Electronic Mail to:  
Christopher Muehlberger, Esq.  
Katherine Kacsur, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
Email: [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)  
Email: [kacsur.katherine@epa.gov](mailto:kacsur.katherine@epa.gov)  
Attorneys for Complainant

*Nathan Pierce*

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Nathan Pierce, for Respondents, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on August, 24<sup>th</sup>, 2022, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>  x  </u>	Certified Mail
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_____	Fax
<u>  x  </u>	E-Mail

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Katherine Kacsur, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
Email: [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)  
Email: [kacsur.katherine@epa.gov](mailto:kacsur.katherine@epa.gov)  
Attorneys for Complainant

*Nathan Pierce*

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Nathan Pierce, for Respondents, Pro Se