

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 7  
 11201 RENNER BOULEVARD  
 LENEXA, KANSAS 66219  
 BEFORE THE ADMINISTRATOR

IN THE MATTER OF	)	
	)	
ADAMAS CONSTRUCTION AND DEVELOPMENT SERVICES, PLLC	)	RESPONDENTS
	)	SUPPLEMENTAL PREHEARING EXHIBITS
	)	
AND	)	
	)	
NATHAN PIERCE,	)	
	)	
Respondents	)	Docket No. CWA-07-2019-0262
	)	
Proceedings under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g)	)	

**RESPONDENT’S INITIAL PREHEARING EXCHANGE**

COMES NOW, the (“Respondents”) NATHAN PIERCE and ADAMAS CONSTRUCTION AND DEVELOPMENT SERVICES PLLC, PRO-SE, pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45, and Administrative Law Judge Christine Donelian Coughlin’s Order of May 23, 2022, submits this Initial Prehearing Exchange.

**1. EXHIBITS**

For purposes of the list of documents below, “Respondent’s Exhibit” is abbreviated as “RX\_.” Copies of documents and exhibits which Respondent intends to introduce into evidence at the hearing are herein submitted electronically using the OALJ E-filing system.

RX #	Description
25	Gmail From Sheri Bement (NCUC) to James Courtney (IHS) indicating she would comply with “the requirements of, U.S. Environmental Protection Agency (EPA) Part 503 Complaint 40 U.S.C. 503et. seq., Montana Department of Environmental Quality (DEQ) including DEQ Circular 2, Chapter 80-89, and will demonstrate compliance with applicable laws, rules and regulations to include but not limited to the Montana Water Quality Act non-degradation and Hazardous Waste Disposal requirements, Title 75, Chapter 5, MCA and the Federal Water Pollution Control act, 33 U.S.C.1251 et.

	seq.”
26	Gmail From Dion Killsback NCUC Attorney demonstrating NCUC retained complete control and supervision of the project and their request that Nathan Pierce and Adamas provide “the documentation to support your work should also be completed; 3) NCUC and IHS will review the work completed and supporting documentation.”
27	Email From Dion KillsBack stating “ADAMAS Construction contract for sludge removal and application with the NCUC has been terminated. ADAMAS Construction is no longer a contractor/consultant for the NCUC. ADAMAS Construction, its employees and subcontractors are not permitted to be on NCUC properties and are not permitted to be conducting any work.
28	Letter from Bryce Redgrave to Montana Sen Steve Daines stating that “The Indian Health Service (IHS) entered into a project agreement with the Northern Cheyenne Utility Commission (NCUC) to complete the lagoon renovation project. The project agreement was executed by the IHS and NCUC with an effective date of May 11, 2018. NCUC then entered into a separate contract with ADAMAS on May 15, 2018 to perform much of the required work. It is important to note that there is not a contract between the IHS and ADAMAS”.

RESPECTFULLY RESUBMITTED this 24<sup>th</sup> day of June 2022.

*Nathan Pierce*

Nathan Pierce  
Respondent  
16550 Cottontail Trail  
Shepherd, MT 59079

CERTIFICATE OF SERVICE

I certify that the foregoing Respondents Supplemental Prehearing Exhibits, Docket No. CWA-07- 2019-0262, has been submitted to Judge Coughlin electronically using the OALJ E-Filing System.

Copy by 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  
Email: kacsur.katherine@epa.gov  
Attorneys for Complainant

Date: Monday, June 24, 2022

*Nathan Pierce*  
/s Nathan Pierce

Nathan Pierce

Respondent