



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Sent via email & certified Mail (dated as indicated on electronic signature)

ORDER FOR COMPLIANCE

M. Bradsher Co., Inc.
Malcolm Bradsher
181 Exeter Road
Epping, NH 03042

RE: In the Matter of M. Bradsher Co., Inc. NHR05J01U
Order for Compliance under Section 309 of the Clean Water Act (33 U.S.C. § 1319),
Docket No. CWA-AO-R01-FY25-42

Dear Permittee Contact:

This Order results from the failure of M. Bradsher Co., Inc., NPDES ID NHR05J01U, to meet its reporting obligations under its NPDES permit. Your permit was authorized under the Multi-Sector General Permit. Facilities subject to its monitoring requirements are required to submit their sampling results to EPA electronically using EPA's NetDMR system no later than 30 days after receiving their complete laboratory results. Facilities which do not have a discharge or who are unable to obtain a sample during the monitoring period must similarly use NetDMR to submit their Discharge Monitoring Reports ("DMRs") with the appropriate "no data indicator" or "NODI" code to EPA no later than 30 days after the end of the monitoring reporting period.

Your facility known as M. Bradsher Co., Inc. – Farmington Sand & Gravel Pit, located at 541 Farmington Road, Farmington NH 03835, has not submitted all DMRs that are due under the permit. The failure to submit DMRs, as required by your NPDES permit, prevents EPA and the public from knowing if permit-authorized discharges are meeting permit requirements established to ensure water quality in receiving waters is not unduly impacted by pollutants. Specifically, M. Bradsher Co., Inc. has failed to submit the following DMRs:

Table with 6 columns: Permit Name, NPDES ID, Monitoring Period End Date, Monitoring Period Start Date, Perm Feature ID, Limit Set Designator. It lists 12 rows of monitoring periods for M. Bradsher Co., Inc. with dates ranging from 06/30/2022 to 12/31/2024.

Under Section 309(a)(3) of the Clean Water Act ("Act"), the Administrator of the U.S. Environmental Protection Agency ("EPA"), has the authority to issue orders requiring persons to comply with Sections 301 and 308 of the Act and any permit condition or limitation implementing any NPDES permit. This authority has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 1. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order below provides a schedule for compliance determined to be reasonable.

ORDER

M. Bradsher Co., Inc. is hereby ordered, pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a), to submit all missing DMRs, as required by the MSGP, as follows:

1. Within fourteen (14) days of receipt of this Order, M. Bradsher Co., Inc. must complete and submit all overdue DMRs since the date the facility was authorized/obtained coverage. DMRs must be submitted to EPA using NetDMR for all relevant monitoring periods for which the facility was covered. NetDMR must also be used to report any failure to monitor during the regular reporting period using one of the available "no data indicator" codes (see Attachment).

2. M. Bradsher Co., Inc. shall send an email to NetDMR_R1@epa.gov and to dever.mary@epa.gov, to notify EPA when all the missing monitoring results have been submitted.

3. M. Bradsher Co., Inc. shall continue to complete and submit all DMRs by their required due dates under their permit.

This Order does not constitute a waiver or a modification of the terms and conditions of the permit. The permit remains in full force and effect. EPA reserves the right to seek any remedies available under Section 309 of the Act, 33 U.S.C. § 1319 for any violation cited in this Order. The Facility may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. This Order shall become effective upon receipt by the Facility.

You may contact NetDMR_R1@epa.gov if you need help establishing an account in NetDMR or with submitting monitoring results through NetDMR. If you have any questions regarding this Order, please contact Mary Dever-Putnam of my staff at 617-918-1717, or your attorney may contact Joshua Secunda, Senior Enforcement Counsel, at 617-918-1736.

Sincerely,

JAMES CHOW
Digitally signed by JAMES
CHOW
Date: 2025.03.19 14:52:18
-04'00'

James Chow, Director
Enforcement and Compliance Assurance Division

Electronic copy/copies

Mary Dever-Putnam, EPA
Joshua Secunda, EPA
Jeff Kopf, EPA
Alex Rosenberg, EPA
Teresa Ptak, NH DES

Attachment

EPA No Data Indicator Codes

Enclosures

| NO DISCHARGE INDICATOR (NODI) CODES | |
|-------------------------------------|--|
| Code | Description |
| 2 | Operation Shutdown |
| 3 | Special Report Attached |
| 7 | No Influent |
| 9 | Conditional Monitoring - Not Required This Period |
| A | General Permit Exemption |
| B | Below Detection Limit/No Detection |
| C | No Discharge |
| E | Analysis Not Conducted/No Sample |
| F | Insufficient Flow for Sampling |
| I | Land Applied |
| N | Not Constructed |
| P | Lab Error or Invalid Test |
| Q | Not Quantifiable |
| R | Administratively Resolved |
| T | Environmental Conditions – Monitoring Not Possible |
| W | Dry Lysimeter/Well |
| X | Parameter/Value Not Reported |