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Citizen Suit Enforcement/Clean Water Act: Conservation Law Foundation Notice of Intent to Sue Willowbend Country Club, et al. (Mass.) for Alleged Violations

08/12/2020

The Conservation Law Foundation (“CLF”) sent an August 5th Notice of Intent to Sue (“NOI”) to Willowbend Country Club Inc. and other entities (collectively “Willowbend”) for alleged violations of the Clean Water Act.

Willowbend is stated to own and/or operate the Willowbend Community Complex (“Complex”) in Mashpee, Massachusetts.

Willowbend is stated to consist of an 805-bedroom community with function rooms, a tennis club, clubhouses and office space. Sewage from the Complex is stated to be conveyed to the Willowbend facility (“Facility”). The Facility owns a wastewater system that is stated to include:

- An influent flow of 132,500 gallons per day
- Groundwater discharge permit limited flow to 113,000 gallons per day

The NOI states that sewage passes through a rotating biological contactor process (partially reducing nitrogen levels from raw sewage) and discharges from the Facility to soil via three disposal beds utilizing chambers providing an infiltration area.

CLF alleges that effluent leaving the Facility pours through sandy soil below and around the beds to reach groundwater. The groundwater is stated to transport the effluent into surface waters of the Popponesset Bay system. It is further claimed that the majority of nitrogen from the Facility’s effluent reaches the surface waters.

The NOI describes alleged impacts on the Bay from such discharges.

The discharges from the Willowbend Facility are alleged to violate the Clean Water Act. The Facility is stated to constitute a point source as defined by the Clean Water Act and that the wastewater discharged into the previously referenced waterbody is functionally equivalent to a direct discharge.

The NOI states that upon information and belief:

... pollutants transfer from the Facility to these surface waters within a matter of days. The Facility’s pollutant discharges to the bays are continuous and ongoing.

As a result, the discharge is alleged to be in violation of the Clean Water Act because of the absence of a NPDES permit.

A copy of the NOI can be found [here](#).