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Citizen Suit Action/Clean Water Act: Conservation Law Foundation Lawsuit Addressing Littleton, Massachusetts, Pepsi-Product Manufacturing/Bottling Company

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The Conservation Law Foundation (“CLF”) sent an April 10th letter to Patriot Beverages, LLC and CPF, Inc. (collectively, “Pepsi Beverages”) styled:

Notice of Violations and Intent to File Suit Under the Clean Water Act (“Notice”)

The Notice states that Pepsi Beverages manufactures and bottles Pepsi products at a facility (“Facility”) in Littleton, Massachusetts.

The Notice states that the Facility discharges effluent pursuant to a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit issued to Patriot Beverages by the United States Environmental Protection Agency.

Such discharge from a specified outfall is stated to include:

- Reverse osmosis (“RO”) system reject water
- RO backwash water
- Contact cooling water
- Non-contact cooling water
- Beverage product wastewater
- Stormwater

The discharge is stated to be into Reedy Meadow Brook that drains into Mill Pond.

The Facility is also stated to accept and store wastewater from three offsite facilities. An additional outfall is stated to discharge stormwater during wet weather.

NPDES permit effluent limit violations are alleged to have occurred regarding:

- Phosphorus
- Total suspended solids
- pH range
- Biochemical oxygen demand
- Temperature
- Aluminum

Additional alleged violations include:

- Discharge of effluent violating state water quality standards
- Violation of the NPDES permit's narrative effluent limits
- Failure to minimize the discharge of pollutants in stormwater to Reedy Meadow and Mill Pond
- Failure to take and document corrective action after violations of stormwater effluent limits
- Failure to comply with the permit's monitoring and reporting requirements

CLF states that the letter constitutes notice of its intention to file suit in the United States District Court for the District of Massachusetts seeking appropriate equitable relief, civil penalties, and other relief no earlier than 60 days from the postmarked date of the Notice letter. However, CLF states that during the 60-day notice period the organization is willing to discuss effective remedies for the alleged violations to avoid further litigation.

A copy of the Notice can be downloaded [here](#).