



For a thriving New England

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June 21, 2018

BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark J. Novota, Managing Partner
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James McClennen, Owner
Stephania McClennen, Owner
Wequassett Resort and Golf Club
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Brad Dore, Director of Engineering
Wequassett Resort and Golf Club
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Christopher Vigneau, Engineer
Weston & Sampson
5 Centennial Dr.
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Dear Messrs. McClennen, Novota, Dore, Vigneau, and Mrs. McClennen:

I write on behalf of the Conservation Law Foundation and its members ("CLF").

Wequassett Inn LLP owns the Wequassett Resort and Golf Club ("the Resort") located on Pleasant Bay at 2173 Route 28 in Harwich, Massachusetts. Weston & Sampson operates the sewage disposal system for the Wequassett Resort and Golf Club ("Wequassett Resort"). Based on available information, CLF believes Wequassett Inn LLP, the Wequassett Resort, and Weston & Sampson (collectively, "the Companies") (a) have violated, are violating, and will continue to

violate the federal Clean Water Act ("CWA"), 33 U.S.C. § 1251 et seq. by discharging pollutants from the Wequassett Resort's sewage disposal system into Round Cove and Pleasant Bay, waters of the United States, without authorization from any National Pollutant Discharge Elimination System ("NPDES") permit.

The Companies are discharging pollutants from an approximately 60-foot long and 20-foot wide soil absorption system disposal field ("Disposal Field") into Round Cove and Pleasant Bay without a NPDES permit. The Disposal Field is made up of large trenches, containing perforated pipes and gravel covered by a layer of soil. The Disposal Field collects sewage from the Wequassett Resort's sewage disposal system and conveys the sewage and the pollutants in it through groundwater to Round Cove and Pleasant Bay. The Disposal Field has the capacity to discharge 45,000 gallons per day of sewage into the sandy soils and shallow groundwater below. The Disposal Field is located within the Pleasant Bay watershed, approximately 250 feet from Round Cove's shore and 700 feet from Pleasant Bay's shore. Round Cove is a sub-embayment of Pleasant Bay.

A NPDES permit for this discharge to Round Cove and Pleasant Bay is required under Section 402 of the CWA, 33 U.S.C. § 1342, because the Disposal Field is a "point source" (as defined in 33 U.S.C. § 1362(14)) that is adding pollutants to navigable waterways. The discharge from the Disposal Field contains (i) sewage; (ii) contaminated groundwater; and (iii) nitrogen from sanitary waste. According to the Cape Cod Commission and the Massachusetts Department of Environmental Protection, Round Cove and Pleasant Bay exceed their critical thresholds for nitrogen, resulting in impaired water quality.

The Disposal Field is hydrologically connected, via groundwater, to Round Cove and Pleasant Bay. Pollutants discharged from the Disposal Field through the ground are discharged directly to Round Cove and Pleasant Bay via these hydrologic connections. Groundwater flow beneath and surrounding the Disposal Field is towards Round Cove and Pleasant Bay, and the geologic material the groundwater flows through is sandy, glacial outwash. Round Cove is a small inlet that flows directly into Pleasant Bay. According to the results of groundwater flow modeling conducted by the USGS, groundwater elevations beneath the Disposal Field are less than 10 feet above sea level, and all groundwater beneath the Disposal Field will reach surface water in under 200 days (less than 7 months). In addition, elevations are highest – approximately 40 feet above sea level – north and west of the Disposal Field, with the lower elevations located by the shoreline to the east and south.

The above-described pollutant discharges to Round Cove and Pleasant Bay are continuous and ongoing. The Disposal Field has discharged pollutants to both waterbodies without NPDES permit authorization on each day of the five years preceding the date of this notice and will continue to do so each day in the future. Each of these unauthorized discharges constitutes a violation of the CWA.

Additional information, including information in the Companies' possession, may reveal further details about the CWA violations described above. This letter covers all such violations. This letter is being provided pursuant to Section 505(b) of the CWA, 33 U.S.C. § 1365(b).

CLF would welcome the opportunity to discuss this matter with you. If you are interested in discussing the matter, or if you believe any of the above information is incorrect, if you take steps to permanently correct the CWA violations, if you believe you are currently in compliance with the CWA, or if you have any questions concerning this notice, please contact me as soon as possible at (617) 850-1765 or at the address listed above. If you would like to meet in person to discuss this matter, I am available to meet at a mutually agreeable time and place.

Sincerely,



Heather A. Govern, Esq.
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(617) 850-1765

Additional Legal Counsel Sending This Letter

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