



For a thriving New England

CLF Massachusetts 62 Summer Street
Boston MA 02110
P: 617.350.0990
F: 617.350.4030
www.clf.org

June 21, 2018

BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James Apteker, CEO
Longwood Venues and Destinations, Inc.
20 Chapel St.
Brookline, MA 02446
Cert. Mail #: 7017 0660 0000 1090 8612

Demetrios Dasco
Wychmere Harbor Real Estate, LLC
35 Fay Street Suite 107B
Boston, MA 02118
Cert. Mail #: 7017 0660 0000 1090 9169

Michael Sharlet, General Manager
Wychmere Beach Club
23 Snow Inn Road
Harwich Port, MA 02646
Cert. Mail #: 7017 0660 0000 1090 9176

Dear Messrs. Dasco, Apteker, and Sharlet:

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

Wychmere Harbor Real Estate, LLC owns, and Longwood Venues and Destinations, Inc. operates the Wychmere Beach Club on Wychmere Harbor, located at 23 Snow Inn Road in Harwich, Massachusetts. Based on available information, CLF believes Wychmere Harbor Real Estate, LLC and Longwood Venues and Destinations, Inc. (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 Wychmere Beach Club into Wychmere Harbor, a water of the United States, without authorization from any National Pollutant Discharge Elimination System ("NPDES") permit.

The Companies are discharging pollutants from an approximately 180-foot long and 90-foot wide "Leach Field" (also known as "Leach Pits") into Wychmere Harbor without a NPDES permit. The Leach Field is made up of large trenches, containing perforated pipes

and gravel covered by a layer of soil. The Leach Field collects sewage from the Wychmere Beach Club and its wastewater treatment plant and conveys the sewage and the pollutants in it through groundwater to Wychmere Harbor. The Leach Field has the capacity to discharge more than 80,000 gallons per day of sewage into the sandy soils and shallow groundwater below. The Leach Field is located within the watershed for Wychmere Harbor, approximately 180 feet from the Harbor's shore, and less than 160 feet from the channel that connects the Harbor to Nantucket Sound.

A NPDES permit for this discharge to Wychmere Harbor is required under Section 402 of the CWA, 33 U.S.C. § 1342, because the Leach Field is a "point source" (as defined in 33 U.S.C. §1362(14)) that is adding pollutants to a navigable waterway. The discharge from the Leach 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, Wychmere Harbor exceeds its critical threshold for nitrogen, resulting in impaired water quality.

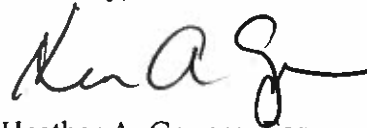
The Leach Field is hydrologically connected, via groundwater, to Wychmere Harbor. Pollutants discharged from the Leach Field through the ground are discharged directly to Wychmere Harbor via these hydrologic connections. Groundwater flow beneath and surrounding the Leach Field is towards the Wychmere Harbor and Harbor Channel, and the geologic material the groundwater flows through is either sandy, glacial outwash or dune deposits. According to the results of groundwater flow modeling conducted by the USGS, groundwater elevations beneath the Leaching Field are less than 10 feet above sea level, and all groundwater beneath the Leaching Field will reach surface water in 200 days (or in less than 7 months). In addition, elevations are highest – approximately 20 feet above sea level – northwest of the Leaching Field, and slope gradually downwards to the east and south.

The above-described pollutant discharges to the Harbor are continuous and ongoing. The Leach Field has discharged pollutants to the Harbor 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.
Conservation Law Foundation
62 Summer Street
Boston, MA 02210
(617) 850-1765

Additional Legal Counsel Sending This Letter

Christopher M. Kilian, Esq.
Conservation Law Foundation
15 East State St., Suite 4
Montpelier, Vermont 05602
(802) 223-5992

cc: By certified mail – return receipt requested

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460
Cert. Mail #: 7017 0660 0000 1090 9183

Alexandra Dapolito Dunn, Regional Administrator
U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Cert. Mail #: 7017 0660 0000 1090 8568

Commissioner Martin Suuberg
c/o Stephanie Cooper, Deputy Commissioner
Massachusetts Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108
Cert. Mail #: 7017 0660 0000 1090 8599

Douglas Fine, Assistant Commissioner, Bureau of Water Resources
Massachusetts Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108
Cert. Mail #: 7017 0660 0000 1090 8575

Nancy Seidman, Assistant Commissioner, Bureau of Air & Waste Massachusetts
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108
Cert. Mail #: 7017 0660 0000 1090 8605

Millie Garcia-Serrano, Regional Director, Southeast Region
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347
Cert. Mail #: 7017 0660 0000 1090 8582