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Citizen Suit Action/Clean Water Act: Conservation Law Foundation and Littleton, Massachusetts Pepsi-Product Manufacturing/Bottling Company Enter Into Consent Decree

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The Conservation Law Foundation ("CLF") filed a Clean Water Act citizen suit action against Patriot Beverages, LLC ("Patriot") alleging certain Clean Water Act related violations. See Case No. 1:24-cv-11514.

CLF had previously sent an April 10, 2024, Clean Water Act Notice of Violations and Intent to File Suit ("Notice") stating that Patriot's facility discharges effluent pursuant to a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit.

The discharge from the specified outfall was previously stated in the Notice to include:

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

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

The facility was also stated to accept and store wastewater from three offsite facilities.

NPDES Permit effluent limit violations have previously been alleged to include:

- Phosphorus.
- Total suspended solids.
- pH range.
- Biochemical oxygen demand.
- Temperature *aluminum.

Additional alleged violations that had been cited included:

- 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 Brook and Mill Pond.

- Failure to take and document corrective action after violations of stormwater effluent limits.
- Failure to comply with Permits' monitoring and reporting requirements.

CLF and Patriot, along with CPF, Inc. entered into a Consent Decree ("CD") addressing alleged violations on November 10th. The CD provides that Patriot and CPF do not admit to any specific factual and legal allegations except those addressing jurisdiction and venue.

The CD requires that Patriot upgrade equipment to maximize removal of pollutants from its discharges and improve water sample testing. Further, Patriot is required to pay \$385,000.00 to OARS, Inc. to implement what is described as an Environmentally Beneficial Project that will support a water quality and nutrient monitoring program.

Potential supplemental payments may be required for:

- Exceedances of the NPDES Permit's numerical and non-numerical effluent limitations.
- Leaving uncovered manufacturing materials or waste that could be exposed to precipitation or snow melt.
- Violation of the NPDES Permit other than an exceedance of its numerical and non-numerical effluent limits.
- Failure to timely comply with the monitoring and reporting requirements set forth in the NPDES Permit.
- Failure to design and construct infrastructure improvements as necessary to achieve compliance with the NPDES Permit or Massachusetts surface water quality standards according to the schedule identified in the CD.
- Failure to take and document corrective action after a stormwater effluent limitation violation.
- Failure to provide CLF in a timely matter with monthly and quarterly Discharge Monitoring Reports.

\$100,000.00 is required to be paid to CLF for attorneys' fees, costs, and other expenses.

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