Summer Effluent Limit/Clean Water Act: Medway, POTW Challenges NPDES Permit Before U.S. EPA Environmental Appeals Board



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Charles River Pollution Control District ("District") filed a January 13th document before the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB") styled:

Petition for Review of Charles River Pollution Control District for NPDES Permit Issued by Region 1 ("Petition").

The District operates a regional wastewater treatment facility serving about 13,700 rate payers in various towns in Massachusetts.

The facility is also stated to receive and treat septage from several other towns.

The District facility is located in Medway, Massachusetts and is stated to discharge into the Upper Charles River pursuant to a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit.

As of 2000, the facility is stated to have a design capacity of 5.1 million gallons per day. The ACO further states that because the District's member communities initially would not generate that amount of flow in the summer months, prior NPDES permits limited average monthly flow from the months of July to September to 4.5 million gallons per day.

The District is stated to now need the ability to use the full 5.7 million gallons per day design capacity year-round.

The Petition asserts that the summer limit:

… may have made sense 25 years ago, it lacks justification now given the facility's current design flow, treatment capacity, and regional needs.

Region 1 of EPA is stated to have issued a final NPDES Permit that "perpetuates this outdated flow limitation."

The District's Petition raises three arguments challenging the summer limit:

- EPA regulations require flow limits to be set at the facility's design capacity.
- The seasonal limit is irrational because it is impractical and artificially lowers the facility's permitted effluent flow below design capacity without justification.
- No antidegradation study is required.

A copy of the Petition can be found here.