Citizen Suit Enforcement/Clean Water Act: Conservation Law Foundation Notice of Intent to Sue Addressing Massachusetts Cranberry Bog Sites



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The Conservation Law Foundation, Inc. (“CLF”) transmitted a June 18th Notice of Violations and Intent to File Suit Under the Clean Water Act (“Notice”) to the following:

- James F. Kane - President & CEO, A.D. Makepeace Company
- Daniel Gorczyca - VP & Project Executive, ADM Agawam Development LLC
- Michael McVeigh - Registered Agent, various companies

The Notice alleges that A.D. Makepeace Company, ADM Agawam Development LLC, ADM Management Corporation, and Read Custom Soils LLC (collectively, "ADM") failed to comply with Section 404 of the Clean Water Act at four cranberry bog sites in Carver and Plymouth, Massachusetts.

ADM is alleged to have discharged dredged or fill material into navigable waters without authorization from any permit as required by Section 404 of the Clean Water Act. This is alleged to have resulted in the unauthorized alteration of those waters, which are stated to include jurisdictional wetlands and perennial streams.

ADM is alleged to have conducted commercial strip-mining at the site in order to excavate and extract sand and gravel. This so-called strip mining is alleged to have involved clearing forests and lands of tree and vegetation, leveling hills, removing topsoil, and removing layers of sand and gravel. Further, the Notice alleges that ADM also dredged underlying aquifers for earth materials. This is stated to have included discharging of sand, gravel, and dredged materials into navigable waters at the sites, permanently filling acres of wetlands and filling or altering perennial streams.

The Notice states that during the 60-day notice period, CLF is willing to discuss effective remedies for the alleged violations noted in the letter to avoid the necessity of further litigation.

A copy of the Notice can be found here.