



## INSIGHT MATTERS

**James J. Steinkrauss**

Attorney-At-Law

jjs@rathlaw.com

Please reply to: Concord Office

August 22, 2024

### **VIA EAB E-FILING SYSTEM**

Mr. Emilio Cortes  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1103M  
Washington, DC 20460-0001

RE: City of Holyoke Department of Public Works – Wastewater Pollution Control Facility  
Petition for Review of NPDES Permit No. MA0101630  
Docket No. NPDES 24-01

Dear Mr. Cortes:

Attached please find for filing, the City of Holyoke Department of Public Works' Notice of Dismissal of the Petition for Review of NPDES Permit No. MA0101630 in the above-referenced docket. The enclosed Notice of Dismissal also includes a certificate of service. The City conferred with EPA prior to filing this Notice, and EPA had no objections or comments on the filing.

If you have any questions regarding the filing, please feel free to contact me at (603) 410-4314. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Steinkrauss', written over a printed name.

James J. Steinkrauss

One Capital Plaza  
Concord, NH 03302-1500  
T (603) 226-2600  
F (603) 226-2700

20 Trafalgar Square  
Suite 307  
Nashua, NH 03063  
T (603) 889-9952  
F (603) 595-7489

37 Walnut Street  
Suite 110  
Wellesley, MA 02481  
T (617) 523-8080  
F (603) 226-2700

26 State Street  
Suite 9  
Montpelier, VT 05602  
T (802) 552-4037  
F (603) 226-2700

1855 Elm Street  
Manchester NH 03104  
T (603) 226-2600



## **INSIGHT MATTERS**

Emilo Cortes, Clerk of the Board, Environmental Appeals Board

August 22, 2024

Page 2 of 2

Enc.

cc: Ken Moraff, Director, Water Division, EPA Region 1 (*via electronic mail*)  
Kristen Scherb, Assistant Regional Counsel, EPA Region 1 (*via electronic mail*)  
Michael Knapp, Senior Regional Counsel, EPA Region 1 (*via electronic mail*)  
Lisa Ball, Esq., City Solicitor, City of Holyoke (*via electronic mail*)  
Michael Bissonnette, Assistant City Solicitor, City of Holyoke (*via electronic mail*)  
Carl Rossi, Public Works Director, City of Holyoke (*via electronic mail*)  
Mary Monahan, Chair, Board of Public Works, City of Holyoke (*via electronic mail*)

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

	)	
In the Matter of:	)	
	)	
City of Holyoke Department of Public Works	)	
	)	NPDES Appeal No. 24-01
NPDES Permit No. MA0101630	)	
	)	
	)	

**NOTICE OF DISMISAL FOR THE CITY OF HOLYOKE**

The Petitioner, City of Holyoke Department of Public Works (the “City”) hereby submits this Notice of Dismissal of its Petition of NPDES Permit No. MA0101630 filed on February 28, 2024 pursuant to 40 C.F.R. §124.19(k).

On March 18, 2024, the EAB invited the City and the Environmental Protection Agency (“EPA”), collectively the “Parties” to NPDES Permit Appeal No. 24-01 to participate in the Board’s Alternative Dispute Resolution (“ADR”) program. Both the City and EPA agreed to voluntarily participate in the ADR program and filed a joint notification of interest on April 1, 2024. On April 2, 2024, the EAB entered an order staying the proceedings to allow the Parties to participate in the ADR process. After an initial conference on April 24, 2024, the EAB issued a second order on May 24, 2024 to continue the stay of proceedings through August 28, 2024.

On August 12, 2024 and August 13, 2024 the Parties with EAB Judge Ammie Roseman-Orr, acting as Settlement Judge in the ADR process, met to resolve the outstanding issues on

appeal. On August 13, 2024, the Parties reached an initial Agreement in Principle to resolve the pending appeal. The Agreement in Principle was executed by both the City and EPA on August 19, 2024. The Agreement in Principle provides for a letter from EPA to the City regarding certain metals effluent limits, provided clarity with respect to certain PFAS monitoring requirements, and clarified the anticipated effective date of the contested provisions for the Final Permit upon resolution of the appeal.

Consistent with the terms of the August 19, 2024 Agreement in Principle between the Parties, the City hereby provides this notice to the EAB that it is dismissing its Petition for Review of NPDES Permit MA0101630 in NPDES Appeal No. 24-01.

Respectfully submitted,  
Counsel for the Petitioner,  
City of Holyoke Department of Public Works

Dated: August 22, 2024

s/ James J. Steinkrauss  
James J. Steinkrauss  
Rath, Young and Pignatelli, P.C.  
One Capital Plaza  
Concord, NH 03302-1500  
(603) 410-4314  
Fax: (603) 226-2700  
[jjis@rathlaw.com](mailto:jjis@rathlaw.com)

## CERTIFICATE OF SERVICE

I, James J. Steinkrauss, hereby certify that on this 22<sup>nd</sup> day of August 2024, I served a copy of the foregoing Notice of Appearance for the Petitioner sent to the following persons in the manner specified below:

**By Electronic Filing:**

Mr. Emilio Cortes  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3332  
Washington, DC 20004

**By Electronic Mail, as authorized by the Board's Standing Order dated September 21, 2020:**

For Petitioner:

Lisa Ball, City Solicitor  
City of Holyoke  
City Hall Annex  
20 Korean Veterans Plaza  
Holyoke, MA 01040  
(413) 322-5580  
[balll@holoke.org](mailto:balll@holoke.org)

Carl Rossi, Public Works Director  
City of Holyoke  
63 Canal Street  
Holyoke, MA 01040  
(413) 322-5645  
[rossic@holoyoke.org](mailto:rossic@holoyoke.org)

Michael Bissonnette, Esq.  
City of Holyoke  
City Hall Annex  
20 Korean Veterans Plaza  
Holyoke, MA 01040  
(413) 322-5580  
[bissonnettem@holoke.org](mailto:bissonnettem@holoke.org)

For EPA:

Ken Moraf  
Director, Water Division  
U.S. EPA, Region 1  
5 Post Office Square, WD06-05  
Boston, MA 02109  
(617) 918-1502  
[moraff.ken@epa.gov](mailto:moraff.ken@epa.gov)

Kristen Scherb, Esq.  
Office of Regional Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: 4-02  
Boston, MA 02109  
(617)918-1767  
[scherb.kristen@epa.gov](mailto:scherb.kristen@epa.gov)

Michael Knapp, Esq.  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: 4-02  
Boston, MA 02109  
(617) 918-1053  
[knapp.michael@epa.gov](mailto:knapp.michael@epa.gov)

/s/ James J. Steinkrauss  
James J. Steinkrauss  
Rath, Young and Pignatelli, P.C.  
One Capital Plaza  
Concord, NH 03302-1500  
(603) 410-4314  
Fax: (603) 226-2700  
[jjis@rathlaw.com](mailto:jjis@rathlaw.com)

Counsel for the Petitioner  
City of Holyoke Department of Public Works