



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

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OFFICE OF THE
REGIONAL ADMINISTRATOR

Dated by electronic signature

VIA ELECTRONIC FILING

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

Carl Rossi
Public Works Director
City of Holyoke
63 Canal St. Holyoke, MA 01040
Email: rossic@holyoke.org Tel: (413) 322-5645

**RE: City of Holyoke Dept. of Public Works
NPDES Permit No. MA0101630; NPDES Appeal No. 24-01**

Dear Mr. Cortes and Mr. Rossi:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency (“the Region”) is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System (“NPDES”) Permit No. MA0101630, issued by the Region to the City of Holyoke Department of Public Works (“Holyoke”) on January 25, 2024 (“2024 Permit”). When effective, the 2024 Permit will supersede Holyoke’s previous permit, which has been administratively continued since its expiration on December 31, 2021 (“2016 Permit”).

On March 5, the Board issued an Order Accepting Holyoke’s Petition for Review. Holyoke contested:

1. The Total Aluminum effluent limitation (Permit Part I.A.1, pg. 3);
2. The Total Copper effluent limitation (Permit Part I.A.1, pg. 3);
3. The Total Lead effluent limitation (Permit Part I.A.1, pg. 3);
4. The Adaptation Planning Operation & Maintenance (“O&M”) requirements (Permit Part I.C.1, pg. 10-12);
5. The Industrial User PFAS sampling requirements (Permit Part I.E.6, pg. 20);
6. The PFAS effluent and influent monitoring requirements (Permit Part I.A.1, pg. 3, 5, 7 n.11); and
7. The Adsorbable Organic Fluorine effluent and influent monitoring requirements (Permit Part I.A.1, pg. 3, 5, 7 n. 12).

See Petition for Review at 3-8, 3-8, 3-8, 8-10, 10, 10-11, 11. These conditions are collectively referred to as the “Contested Conditions.”

When a permit appeal is filed, EPA must issue a notification identifying which permit conditions are stayed as a result of the appeal and which permit conditions will go into effect. *See* 40 C.F.R. §§ 124.16(a)(2)(i) and (ii). While an appeal is pending, Contested Conditions are stayed. *Id.* at § 124.16(a)(1). Uncontested permit conditions that are “inseverable” from Contested Conditions are also considered to be Contested Conditions and are stayed. *Id.* at §§ 124.60(b)(4), 124.16(a)(2)(i). Uncontested permit conditions that are severable from Contested Conditions are not stayed and become enforceable conditions of the permit. *Id.* at §§ 124.16(a)(2)(i) and (ii).

The Region is notifying you that the Contested Conditions are stayed pending final agency action. The stay operates in accordance with EPA regulations. As the holder of an existing, administratively-continued permit, Holyoke must continue to comply with conditions of that 2016 Permit that correspond to the stayed conditions. *Id.* at § 124.16(c)(2). As such:

1. The Total Aluminum effluent limitation in the 2024 Permit is stayed. Holyoke must comply with the identical Total Recoverable Aluminum effluent limitation at Part I.A.1 of the 2016 Permit (pg. 2).
2. The Total Copper effluent limitations in the 2024 Permit are stayed. Holyoke must comply with the more stringent Total Recoverable Copper effluent limitations at Part I.A.1 of the 2016 Permit (pg. 2).
3. The Total Lead effluent limitation in the 2024 Permit is stayed. Holyoke must comply with the more stringent Total Recoverable Lead effluent limitation at Part I.A.1 of the 2016 Permit (pg. 2).
4. The Adaptation Planning Operation & Maintenance requirements are stayed. There are no corresponding requirements in the 2016 Permit with which Holyoke must comply.
5. The Industrial User PFAS sampling requirements in the 2024 Permit are stayed. There are no corresponding requirements in the 2016 permit with which Holyoke must comply.
6. The PFAS effluent, influent, and sludge monitoring requirements in the 2024 Permit are stayed. There are no corresponding requirements in the 2016 permit with which Holyoke must comply.
7. The Adsorbable Organic Fluorine effluent and influent monitoring requirements in the 2024 Permit are stayed. There are no corresponding requirements in the 2016 permit with which Holyoke must comply.

EPA has determined that all other conditions of the 2024 Permit are uncontested and severable, and accordingly will become fully effective and enforceable on June 1, 2024.

If you have any questions regarding this notice, please contact Kristen Scherb of the Office of Regional Counsel at scherb.kristen@epa.gov or (617) 918-1767.

Sincerely,

David W. Cash
Regional Administrator
US EPA-Region 1

cc:

Lisa Ball, Counsel for Petitioner

Michael Bissonnette, Counsel for Petitioner

Joshua A. Garcia, Mayor

David Boyer, MassDEP

Beth Kudarauskas, EPA Region 1

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