

Holyoke, Massachusetts, Clean Water Act NPDES Permit: U.S. EPA Environmental Appeals Board Petition Filed



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The City of Holyoke, Massachusetts, (“Holyoke”) filed a document before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) titled:

Petition for Review of City of Holyoke Water Pollution Control Facility NPDES Permit Issued by Region 1 (“Petition”)

The Petition states that Holyoke owns and operates the Holyoke Water Pollution Control Facility (“WPCF”) in Holyoke, Massachusetts.

The WPCF is subject to regulation under the Clean Water Act and is stated to have a design flow of 17.5 mgd and an industrial wastewater contribution of 0.312 mgd. It is stated to discharge into the Connecticut River which is classified as a Class B warm water fishery with the CSO qualifier.

A National Pollutant Discharge Elimination System (“NPDES”) permit renewal was issued by Region 1 of EPA to Holyoke on January 25th.

Holyoke challenges certain aspects of the renewed NPDES permit, arguing:

- Part I.A.1 Total Aluminum, Copper and Lead Effluent Limitations: EPA failed to properly conduct the Reasonable Potential Analysis (RPA) for Total Aluminum, Copper, and Lead.
- Part I.C. Operation and Maintenance of the Treatment and Control Facilities -Adaptation Planning Requirements Are Contradictory, Exceed EPA’s Statutory Authority, and Are Overly Burdensome, Arbitrary and Capricious.
- EPA is inappropriately requiring the use of Methods 1633 and 1621 for Clean Water Act purposes prior to promulgation as rule.

The relief sought by the Holyoke Petition includes a request for a remand to EPA Region 1 with an order to issue a NPDES permit that conforms to the EAB’s findings on the terms and conditions appealed by Holyoke.

A copy of the Petition can be downloaded [here](#).