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ENVIR. APPEALS BOARD

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ENVIR. APPEALS BOARD

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

In the Matter of:	)	
	)	
	)	Appeal No. NPDES 03-10
HECLA MINING COMPANY,	)	
LUCKY FRIDAY MINE	)	
NPDES Permit No. ID-000017-5	)	
	)	
	)	
	)	

**REGION 10's THIRD STATUS REPORT**

In an August 23, 2005 order, the Environmental Appeals Board ("EAB") directed Region 10 of the U.S. Environmental Protection Agency ("Region") to submit a report on the progress of the remand proceedings in the above-referenced matter and to identify when it anticipates issuing its decision on remand and its decision on Petitioner Hecla Mining Company's ("Hecla's") request for a variance. The Region respectfully submits the following Status Report in accordance with this order.

On June 21, 2005, the Region proposed modifications to the permit in response to the EAB's remand order by publishing draft permit language and a fact sheet and inviting public comment. The draft modified permit and fact sheet may be viewed at the following address:

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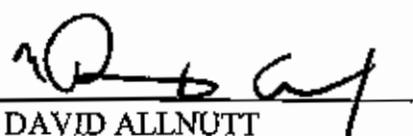
<http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/DraftPermitsID> . The public comment period ended on July 21, 2005, and the Region is currently in the process of considering and responding to comments received on the draft modified permit. The Region does not anticipate any significant delay in completing these remand proceedings and issuing a final modified permit.

With respect to Hecla's variance request, the Region issued its final decision denying the request on March 8, 2005. The decision document for this decision may be viewed at [http://yosemite.epa.gov/r10/homepage.nsf/0/b0e3582d387d4b1f882564c800026f1c/\\$FILE/ATT6GCY1/Hecla%20Decision%20Document%20%20Final%203-08-05.pdf](http://yosemite.epa.gov/r10/homepage.nsf/0/b0e3582d387d4b1f882564c800026f1c/$FILE/ATT6GCY1/Hecla%20Decision%20Document%20%20Final%203-08-05.pdf) . Hecla has not challenged the Region's denial decision.

In accordance with the EAB's order, the Region will submit another status report on January 6, 2006 if this matter has not been resolved by that date.

Dated this 7<sup>th</sup> day of September, 2005.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that the foregoing "Region 10's Third Status Report" was sent to the following persons, in the manner specified, on the date below:

Original and five copies, delivered via facsimile and first class U.S. mail, to:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-0001  
Fax: (202) 233-0121

One copy, by facsimile and first class U.S. mail, to:

Kevin J. Beaton  
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Dated: 9-8-05

  
Melissa Whitaker  
U.S. EPA