

that Hecla does not withdraw any other issue raised in its petition for review.

Hecla and the Region explain that the Region issued a letter to Hecla dated October 31, 2003, stating that the Region agrees that an MDL for zinc equivalent to or less than 10 $\mu\text{g}/\text{L}$ would be adequate. The parties have not raised, and this order does not address, the process for modifying the Permit condition setting the MDL for zinc. See, e.g., 40 C.F.R. §§ 122.62 -.63; *In re Gov't of the Dist. of Columbia Mun. Separate Storm Sewer Sys.*, NPDES Appeal Nos. 00-14 & 01-09, slip op. at 46-47 (EAB, Feb. 20, 2002), 10 E.A.D. __.

Upon consideration, we grant Hecla's request to withdraw the portion of its petition seeking review of the Permit's condition setting the MDL for zinc. As acknowledged by the Region, all other issues raised by Hecla in its petition for review remain pending before this Board and will be considered in due course.

So ordered.

Dated: *November 13, 2003*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Partial Withdrawal of Petition for Review, in the matter of Hecla Mining Company, NPDES Appeal No. 03-10, were sent to the following persons in the manner indicated:

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Dated: **NOV 13 2003**


Annette Duncan
Secretary