



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

August 5, 2019

Via Electronic Filing

Eurika Durr
Clerk of the Board
U.S. Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Re: Hecla Limited Lucky Friday Mine
Appeal No. NPDES 19-01

Dear Ms. Durr:

Enclosed please find the EPA Region 10's Notification of Stayed Permit Conditions, in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney J. Weber".

Courtney J. Weber
Assistant Regional Counsel

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

WATER DIVISION

August 2, 2019

Reply to
Attn of: 19-H16

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. A.C. Alexander
Vice President & General Manager
Hecla Limited Lucky Friday Mine
PO Box 31
Mullan, Idaho 83846

Re: Notification of Stayed Permit Conditions
National Pollutant Discharge Elimination System (NPDES) Permit, Permit No. ID0000175

Dear Mr. Alexander:

The above-referenced NPDES Permit No. ID0000175 (Permit) was issued to the Hecla Limited (Hecla) Lucky Friday Mine on June 21, 2019. The Permit authorizes discharges from Hecla's water treatment plants via Outfalls 001, 002 and 003.

On July 22, 2019, Hecla filed a Petition for Review of the Permit (Appeal No. NPDES 19-01). This letter serves as notification pursuant to 40 CFR § 124.16(a)(2) of those permit conditions that are stayed as a result of the filed Petition for Review. The following contested conditions of NPDES Permit No. ID0000175 are stayed until final agency action under 40 CFR § 124.19(l):

- The effluent limitations and monitoring requirements in Permit Part I.B.1. applicable to Outfall 001
- The effluent limitations and monitoring requirements in Permit Part I.B.1. Tables 2 and 3 for Copper, the Copper Compliance Level in Permit Part I.B.9. and the Copper Compliance Schedule in Permit Part II.A.
- The effluent limitations monitoring requirements in Permit Part I.B.1. Tables 2 and 3 for Mercury
- The chronic triggers for Whole Effluent Toxicity (WET) in Permit Part I.C.3.

The requirements from the previous permit applicable to Outfall 001, flow-tiered effluent limitations for Copper and Mercury for Outfalls 002 and 003, and the chronic triggers for WET remain in effect until the appeal is resolved.

In Hecla's Petition for Review, Hecla lists additional conditions that it purports to contest in the appeal. Specifically, in addition to the above-listed conditions, Hecla states that it is contesting: (1) the effluent limitations and monitoring requirements for cadmium, lead and zinc (Permit at Part

I.B.1) and (2) the surface water monitoring for copper (Permit at Part I.D.6). In reviewing the substance of the Petition, however, Hecla does not set forth arguments pertaining to these conditions. The Petition does not contain an argument regarding cadmium, lead and zinc at Outfalls 002 and 003. Further, though Hecla is contesting the copper effluent limits and monitoring requirements set forth in Part I.B.1 of the Permit, regardless of whether there are copper effluent limits in the Permit, Hecla would still be required to conduct surface water monitoring for copper. As such, these are not contested and/or inseverable conditions pursuant to a stay under 40 CFR § 124.16(a)(2).

The remainder of the Permit conditions are uncontested and severable from the contested conditions, thus, in accordance with 40 CFR § 124.16(a)(2), will become fully effective and enforceable thirty-three (33) days after the date this notice is mailed.

Please feel free to contact Cindi Godsey, of my staff, at (206) 553-1676, or godsey.cindi@epa.gov should you have questions regarding this letter.

Sincerely,



Daniel D. Opalski
Director

cc: Environmental Appeals Board
Matthew Nykiel, Conservation Associate – Idaho Conservation League (via email)
Lance Boylan, Environmental Supervisor, Hecla Limited Lucky Friday Mine (via email)
Daniel Redline, Regional Administrator, IDEQ Coeur d'Alene Regional Office (via email)
Thomas Herron, Environmental Manager, IDEQ Coeur d'Alene Regional Office (via email)
Wes Green, IDEQ Coeur d'Alene Regional Office (via email)
Loren Moore, IDEQ (via email)
Mark Cecchini-Beaver, Idaho Attorney General's Office (via email)

CERTIFICATE OF SERVICE

I certify that the foregoing "Notification of Stayed Permit Conditions" was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

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

By U.S. Certified Mail to (mailed Aug. 2, 2019):

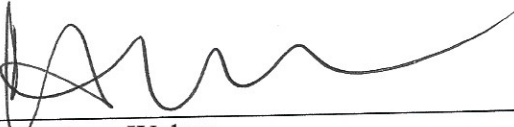
A.C. Alexander
Vice President & General Manager
Hecla Limited Lucky Friday Mine
PO Box 31
Mullan, Idaho 83846

By electronic mail to (sent Aug. 2, 2019):

Kevin Beaton
Stoel Rives LLP
101 S. Capitol Blvd., Ste. 1900
Boise, Idaho 83702
Tel: (208) 387-4214
Email: kevin.beaton@stoel.com

Mark Cecchini-Beaver
Deputy Attorney General
Department of Environmental Quality
1410 N. Hilton, 2nd Floor
Boise, Idaho 83706
Tel: (208) 373-0543
Email: mark.cecchini-beaver@deq.idaho.gov

DATED: August 5, 2019



Courtney Weber
Assistant Regional Counsel
U.S. EPA, Region 10