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ENVIR. APPEALS BOARD

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Attorneys for Hecla Mining Company

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

_____)	
IN THE MATTER OF)	NPDES Appeal Nos. 03-10 and 06-5
HECLA MINING COMPANY –)	STIPULATED TABLE OF CONDITIONS
LUCKY FRIDAY MINE)	BEFORE THE BOARD
NPDES Permit No. ID-000017-5)	
_____)	

Hecla Mining Company, Lucky Friday Unit (“Hecla”) and the United States Environmental Protection Agency (“EPA”)(collectively referred to as the “Parties”) jointly file the following Stipulated Table of Conditions Before the Board (“Stipulated Table”). The Stipulated Table is being filed by the Parties to assist the Environmental Appeals Board (“Board”) by clarifying the issues to be presented at oral argument on July 13, 2006. The Parties agree that three issues remain before the Board – total recoverable effluent limits for metals; upper pH upper limit; and whole effluent toxicity testing requirements. The Stipulated Table identifies the conditions subject to Hecla’s Petitions for Review, the status of each, and indicates in bold the three conditions still pending before the Board that will be addressed at oral argument.

STIPULATION

For the foregoing reasons, Hecla and EPA stipulate and jointly move to file the attached Stipulated Table of Conditions Before the Board.

Dated this 6th day of July, 2006.

ENVIRONMENTAL PROTECTION AGENCY

By Stephen T. Sweeney for
David Allnutt
Assistant Regional Counsel

HECLA MINING COMPANY, LUCKY FRIDAY UNIT

By Kevin Beaton for
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STIPULATED TABLE OF CONDITIONS BEFORE THE BOARD
NPDES Appeal Nos. 03-10 & 06-05
Items to be addressed at 7/13/2006 oral argument are indicated in bold.

Hecla	Conditions Appealed in 2003 Petition for Review	Remanded?	Revised on Remand?	Resolved?
1	Effluent Limitations and Monitoring Requirements for Mercury	YES	YES	YES (per Hecla's 1/25/06 Status Report)
2	Seepage Study and Hydrological Analysis	YES	YES	YES (per Hecla's 1/25/06 Status Report)
3	Variance Request	NO	NO	YES (per Hecla's 1/25/06 Status Report)
4	Total Recoverable Effluent Limitations for Metals¹	NO	NO²	NO
5	Lack of Compliance Schedules for Monitoring Requirements	NO	NO	YES (dismissed per Order Granting Second Partial Withdrawal, 11/3/04)
6	Method Detection Limit for Zinc	NO	YES	YES (dismissed per Order Granting Partial Withdrawal, 10/13/03)
7	Interim Effluent Limitations for Lead, Cadmium, and Zinc	YES	YES	YES (per Hecla's 1/25/06 Status Report)
8	Upper pH Limit	YES	NO	NO
9	Whole Effluent Toxicity Testing Requirements	YES	NO	NO

¹ The metals limits and other appealed permit conditions have been stayed as a result of Hecla's Petition for Review.

² While a number of the permit's final effluent limits for metals were modified on remand, these limits continued to be expressed in "total recoverable" terms.