



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONAL  
1200 Sixth Avenue  
Seattle, WA 98101  
2003 OCT -7 PM 1:52  
OCT 07 2003  
ENVIR. APPEALS BOARD

Reply To  
Attn Of: OW-130

Mike Dexter, Unit Manager  
Hecla Mining Company  
Lucky Friday Mine  
P.O. Box 31  
Mullan, Idaho 83846-0031

Re: Notification of Stayed Permit Conditions, Hecla Mining Company, Lucky Friday Mine  
NPDES Permit No. ID-000017-5, Issued August 12, 2003

Dear Mr. Dexter:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit was reissued to Hecla Mining Company (Hecla) on August 12, 2003. On September 17, 2003, EPA received notification from the Environmental Appeals Board (EAB) that Hecla filed a petition for review of the permit (Appeal No. NPDES 03-10). This letter serves as notification pursuant to 40 C.F.R. § 124.16(a)(2) of those permit conditions that are stayed as a result of Hecla's petition for review.

The following contested conditions of the August 12, 2003 NPDES permit are stayed until final agency action under 40 C.F.R. § 124.19(f):

Part I.A.1 - The monitoring requirements and effluent limitations for cadmium, lead, zinc, copper, mercury, and silver specified in Tables 1, 2, 3 and 4.

The monitoring requirements for outfall flow specified in Tables 1, 2, 3 and 4.<sup>1</sup>

The monitoring requirements for whole effluent toxicity specified in Tables 1, 2, 3 and 4.

Part I.A.3 - The upper pH limit specified in the final clause of I.A.3.

Part I.A.4.e - The interim effluent limitations for cadmium, lead, mercury and zinc specified in Table 5.

---

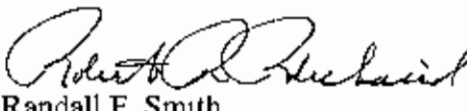
<sup>1</sup> Because Hecla has contested only the compliance date for this condition rather than the condition itself, Hecla must proceed with all construction activities, including the installation of equipment, necessary to meet the final permit's flow monitoring requirements. See 40 C.F.R. § 124.60(b)(6)(iv).

- Part I.A.4.f - The requirement to submit an annual Report of Progress to EPA and IDEQ.
- Part I.B - The whole effluent toxicity testing requirements.
- Part I.C - The requirement to conduct a seepage study and hydrological analysis.
- Part I.D.1 - The requirement to monitor flow of the South Fork Coeur d'Alene River directly upstream of each outfall.<sup>2</sup>
- Part I.D.2 d - The method detection limit for zinc specified in Table 7.<sup>3</sup>

The remainder of the August 12, 2003 NPDES permit's conditions are uncontested and severable from the contested conditions, and, in accordance with 40 C.F.R. § 124.16(a)(2), will become fully effective and enforceable 33 days after the date this notice is mailed. In addition, in accordance with 40 C.F.R. § 124.16(c)(2), Hecla must comply with the monitoring requirements and effluent limitations for cadmium, lead, zinc, copper, mercury, silver, outfall flow, and pH (upper limit) contained in its existing NPDES permit. Furthermore, until final agency action under 40 C.F.R. § 124.19(f), Hecla is only authorized to discharge pollutants from those outfall(s) identified in its existing permit.

Please feel free to contact Kelly Huynh at (206) 553-8414 should you have questions regarding this letter.

Sincerely,

  
for. Randall F. Smith  
Director  
Office of Water

cc: Environmental Appeals Board  
Kevin J. Beaton, Stoel Rives LLP  
Dave Holland, Hecla  
Bob Trindle, Hecla  
John Galbavy, Hecla  
Ed Tulloch, IDEQ Coeur d'Alene Office  
Darren Brandt, IDEQ Coeur d'Alene Office  
Justin Hayes, Idaho Conservation League  
Other interested parties identified in attached mailing list

---

<sup>2</sup> See footnote 1, *supra*.

<sup>3</sup> Until final agency action under 40 C.F.R. § 124.19(f), Hecla should use the method detection limit of 10 ug/L for zinc proposed by Hecla in its petition for review of the August 12, 2003 NPDES permit.

Harry Cougher  
Coeur Silver Valley Inc.  
PO Box 440  
Wallace, Idaho 83873

Corey Millard, Environmental Mgr  
Earthworks for Coeur Silver Valley Inc.  
PO Box 440  
Wallace, Idaho 83873

Eric Klepfer  
Earthworks Technology  
PO Box 3094  
Coeur d'Alene, ID 83814

Gwen Fransen, Regional Administrator  
IDEQ  
Coeur d'Alene Regional Office  
2110 Ironwood Parkway  
Coeur d'Alene, Idaho 83814

Stephen C. Allred Director  
Department of Environmental Quality  
1410 North Hilton  
Statehouse Mall  
Boise, ID 83720-9000

Geoff Harvey  
Idaho Dept of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene, Idaho 83814

John Tindall  
Idaho Dept of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene, Idaho 83814

Suzanne Audet  
US Fish and Wildlife Service  
11103 E. Montgomery Drive  
Spokane, WA 99206

Ken Troyer  
National Marine Fisheries Service  
Snake River Habitat Branch Office  
10215 W. Emerald, Suite 180  
Boise, Idaho 83704

Kristen Boyles  
Earthjustice  
705 2nd Ave #203  
Seattle, WA 98104-1711

Judith Brawer  
Land & Water Fund of the Rockies  
PO Box 1612  
Boise, ID 83702

John Allen  
HC-01 Box 23  
Kellogg, ID 83837

Idaho Fish & Game  
2750 Kathleen Ave  
Coeur d'Alene ID 83814

William D. Graham Chief  
Water Planning Bureau  
Idaho Dept of Water Resources  
PO Box 83720-0098  
Boise ID 83720-0098

National Park Service  
Pacific NW Region  
909 1st Ave  
Seattle WA 98104-1060

U.S. Department of Commerce  
NOAA  
National Marine Fisheries Services  
10215 W. Emerald #180  
Boise ID 83704

Charles H. Lodell  
U.S. Department of the Interior  
Fish and Wildlife Service  
1387 South Vinnell Way, Rm 368  
Boise ID 83709

Mr. Brian Killoran  
SF Analytical Laboratories  
6125 W National Avenue  
Milwaukie WI 53214

Phil Cernera  
Coeur d'Alene Tribe of Idaho  
Tribal Headquarters  
Plummer ID 83851

Jack Gunderman  
Coeur d'Alene Tribe of Idaho  
Tribal Headquarters  
Plummer ID 83851

Lands Council  
c/o Neil Beaver  
921 W. Sprague Ave  
Suite 205  
Spokane, WA 99201

Shoshone Natural Resources  
Commission  
c/o Connie Fudge  
PO Box 1027  
Wallace, Idaho 83873

Shoshone County Commissioners  
County Administration Building  
Wallace, Idaho 83873

Chuck & Joan Herrick  
706 N. Howard  
Kellogg, ID 83837

Paul Sala  
111 Hunter Avenue  
Mullan, ID 83846

Rex & Debra Auger  
201 Huntington Avenue  
Mullan, ID 83846

James Craig  
P.O. Box 66  
Silverton, ID 83867

Duane E. Little  
211 W. Elder  
Kellogg, ID 83837

Harry Cougher  
HCO1 Box 22  
Kellogg, ID 83867

424 Crescent  
Wallace, ID 83873

Earl Castleberry  
P.O. Box 657  
Osburn, ID 83849

Kyle Pehan  
195 Mill  
Mullan, ID 83846

Chris Eixenberger  
124 Cathryn Avenue  
Kellogg, ID 83867

Eric L. Carlson  
P.O. Box 291  
Pinehurst, ID 83850

Clare Ostos  
P.O. Box 2104  
Silverton, ID 83867

Doug Crawford  
105 Knapp Road  
Kington, ID 83839

Mark Lindstrom  
P.O. Box 162  
Mullan, ID 83846

Sharon Walker  
P.O. Box 618  
Mullan, ID 83846

Doug & Cheri Bayer  
P.O. Box 371  
Osburn, ID 83849

Karen & Harold Durfee  
P.O. Box 9  
Mullan, ID 83846

Stan Redford  
P.O. Box 32  
Osburn, ID 83849

Marti Calabretta  
P.O. Box 789  
Osburn, ID 83849

Tom & Connie Fudge  
P.O. Box 1033  
Wallace, ID 83873

David R. Burden  
P.O. Box 10614  
Pinehurst, ID 83850

Art Barrett  
P.O. Box 491  
Mullan, ID 83846

Chad Jefferson  
P.O. Box 443  
Silverton, ID 83867

Robin Stanley  
P.O. Box 268  
Silverton, ID 83867

Ed Peterson  
16035 S. Winton Road  
Cataldo, ID

Jim Higgins  
79 Mormon Creek  
Lolo, MT 59847

Rudy Herndon  
401 Main Street  
Kellogg, ID 83867

Roy Philp  
1060 Nine Mile  
Wallace, ID 83873

Haney Keim  
P.O. Box 1108  
Osburn, ID 83849

Jim Angle  
P.O. Box 465  
Mullan, ID 83846

Senate Craig  
610 Hubbard #121  
Coeur d, Alene, ID 83814

P.O. Box 1267  
Wallace, ID 83873

Harry & Mary Winkler  
P.O. Box 632  
Pinehurst, ID 83850

Jay Buddenburg  
P.O. Box 618  
Mullan, ID 83846

David Schott  
115 N. 2<sup>nd</sup> Street  
Osburn, ID 83849

Bear & Sue Hunter  
P.O. Box 475  
Pinehurst, ID 83850

Sarah Bigger  
1000 NW Blvd #330  
Coeur d'Alene, ID 83814

Kathy Zaneth  
P.O. Box 926  
Wallace, ID 83873

American Lung Association  
1111 S Orchard Suite 245  
Boise ID 83705

Association of Idaho Cities  
3314 Grace Street  
Boise ID 83703

Dale Goble  
University of Idaho  
College of Law  
Moscow ID 83843

Dr. C. Michael Falter  
University of Idaho  
Dept. of Fish & Wildlife Resources  
Moscow ID 83843

Dr. Don Johnstone  
Washington State University  
Environmental Engineering  
Pullman WA 99164

Greenpeace USA  
Northwest Office  
4649 Sunnyside Ave North  
Seattle WA 98103

Idaho Parks and Recreation  
Statehouse  
Boise, ID 83720

League of Women Voters of Idaho  
2705 North 32nd  
Boise, ID 83703

Steve Tilley Asst. Dir. of Planning  
Puget Sound Water Quality Authority  
PO Box 40900  
Olympia, WA 98504-0900

David Hericks  
Beak Consultants  
12931 NE 126th Pl  
Kirkland, WA 98034

Greg Wingard Executive Director  
Waste Action Project  
P.O. Box 4832  
Seattle, WA 98104-0832

Duck Unlimited, Inc  
268 W 300th S  
Jerome, ID 83338

Shawn Cantrell Director  
Friends of the Earth  
6512 23rd Avenue NW, #320  
Seattle, WA 98117-5728

Margaret Delp  
American Rivers  
400 East Pine St #225  
Seattle, WA 98122

Craig Gehrke, Regional Director  
Wilderness Society  
710 N. 6 Street #102  
Boise, ID 83702

Marti Bridges  
Idaho Rivers United  
PO Box 633  
Boise, ID 83701

Ron Mitchell  
Idaho Sporting Congress  
PO Box 4264  
Boise, ID 83711

Elizabeth Mitchell  
Western Environmental Law Center  
1216 Lincoln Street  
Eugene, OR 97401

James F. Simon  
Natural Resources Defense Council,  
Inc.  
40 West 20th Street  
New York, NY 10011-4211

James Brown  
Reynolds Metals Company  
6601 Broad Street  
Richmond, VA 23261

John Gallinger  
ENSR  
9521 Willows Road NE  
Redmond, WA 98052-3422

Lois Curley  
Brinkmann Instruments  
Cantiague Road  
Westbury, NY 11590

Brett Johnson  
Arctic Storm Inc.  
400 N 34TH St, Suite 306  
Seattle, WA 98103

James F. Simon  
Natural Resources Defense Council Inc.  
40 West 20th Street  
New York, NY 10011-4211

Paul Beddoe Policy Analyst  
Idaho Association of Counties  
P.O. Box 1623  
700 W. Washington Street  
Boise, ID 83701