

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

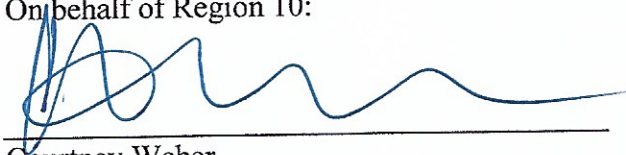
In the Matter of:)	
)	
HECLA LIMITED LUCKY FRIDAY)	Appeal No. NPDES 19-01
MINE, LUCKY FRIDAY UNIT)	
)	THIRD JOINT STATUS REPORT
NPDES Permit No. ID0000175)	

The United States Environmental Protection Agency (“EPA”) Region 10 (“Region 10”) and Hecla Limited Lucky Friday Mine (“Hecla”) respectfully submit this Third Joint Status Report in the above-captioned matter pursuant to the Environmental Appeals Board’s (“EAB’s”) Second Order Extending Stay, dated December 10, 2019 (“Order”). In the Order, the EAB stayed this matter until January 21, 2020. The EAB further directed the parties to file a Joint Status Report by January 13, 2020 which “(1) informs the Board of the status of the Hecla Limited/Idaho DEQ settlement discussions, including the plan and timeframe for concluding these settlement discussions; and (2) recommend what steps will be needed after the conclusion of that dispute to orderly and expeditiously resolve the NPDES permit challenge....” Second Order Extending Stay at p. 2.

On January 8, 2020, Hecla and the Idaho Department of Environmental Quality (“IDEQ”) entered into a settlement agreement that resolves Hecla’s appeal of IDEQ’s Clean Water Act (“CWA”) Section 401 certification of the National Pollutant Discharge Elimination System (“NPDES”) permit issued by Region 10 to Hecla. *See* Attachment A. That same day, IDEQ published for public notice a modified CWA Section 401 certification of the NPDES permit. *See* Attachment B. Pursuant to the settlement agreement, IDEQ must issue a final modified certification by February 14, 2020. Attachment A at p. 1. Since the proposed conditions in the modified CWA Section 401 certification may affect the contested conditions in the NPDES permit, Region 10 will need to discuss internally whether to withdraw the contested conditions pursuant to 40 C.F.R. § 124.19(j). As such, by January 21, 2020, Region 10 will withdraw the contested conditions and file a Motion Dismiss with the EAB or the parties will file a Proposed Briefing Schedule to propose a schedule to move forward with this appeal.

DATED: January 13, 2020

On behalf of Region 10:



Courtney Weber
Assistant Regional Counsel
EPA Region 10
1200 Sixth Avenue, Suite 155, 11-C07
Seattle, WA 98101
Tel: 206-553-1477
Fax: 206-553-0163
Email: weber.courtney@epa.gov

Of Counsel:
Pooja Parikh
Attorney Advisor
Water Law Office
Office of General Counsel
(202) 564-0839

On behalf of Hecla:



Kevin J. Beaton
Stoel Rives LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702-5958
Tel: 208-389-9000
Fax: 208-389-9040
Email: kevin.beaton@stoel.com

CERTIFICATE OF SERVICE

I certify that the foregoing "Third Status Report" 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 electronic and U.S. mail to:

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

DATED: January 13, 2020



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