



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue
Seattle, Washington 98101

U.S. ENVIRONMENTAL PROTECTION AGENCY
U.S. E.P.A.
RECEIVED
2005 SEP 20 PM 12:22
EPA REGION 10 APPEALS BOARD



Office of Regional Counsel

Mail Stop: ORC-158
Phone: (206) 553-1037
Fax: (206) 553-0163

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged, may constitute attorney work product, and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please contact us as soon as possible at (206) 553-1037.

Please Deliver to: Name: Clerk of the Board

Dept: Appeals Board

Fax #: 202-233-0121

From: D. Allmitt
Office of Regional Counsel
206-553-2581 (phone)

Date: 9.8.05

This facsimile transmission consists of 4 pages, including this cover sheet.

REMARKS:

RECEIVED
U.S. E.P.A.

265 SEP -8 PM 12:22

DIV. APPEALS BOARD

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

In the Matter of:)	
)	
)	Appeal No. NPDES 03-10
HECLA MINING COMPANY,)	
LUCKY FRIDAY MINE)	
NPDES Permit No. ID-000017-5)	
)	
)	
)	

REGION 10's THIRD STATUS REPORT

In an August 23, 2005 order, the Environmental Appeals Board ("EAB") directed Region 10 of the U.S. Environmental Protection Agency ("Region") to submit a report on the progress of the remand proceedings in the above-referenced matter and to identify when it anticipates issuing its decision on remand and its decision on Petitioner Hecla Mining Company's ("Hecla's") request for a variance. The Region respectfully submits the following Status Report in accordance with this order.

On June 21, 2005, the Region proposed modifications to the permit in response to the EAB's remand order by publishing draft permit language and a fact sheet and inviting public comment. The draft modified permit and fact sheet may be viewed at the following address:


<http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/DraftPermitsID> . The public comment period ended on July 21, 2005, and the Region is currently in the process of considering and responding to comments received on the draft modified permit. The Region does not anticipate any significant delay in completing these remand proceedings and issuing a final modified permit.

With respect to Hecla's variance request, the Region issued its final decision denying the request on March 8, 2005. The decision document for this decision may be viewed at [http://yosemite.epa.gov/r10/homepage.nsf/0/b0e3582d387d4b1f882564c800026f1c/\\$FILE/ATT6GCY1/Hecla%20Decision%20Document%20%20Final%203-08-05.pdf](http://yosemite.epa.gov/r10/homepage.nsf/0/b0e3582d387d4b1f882564c800026f1c/$FILE/ATT6GCY1/Hecla%20Decision%20Document%20%20Final%203-08-05.pdf) . Hecla has not challenged the Region's denial decision.

In accordance with the EAB's order, the Region will submit another status report on January 6, 2006 if this matter has not been resolved by that date.

Dated this 7th day of September, 2005.

Respectfully submitted,


R. DAVID ALLNUTT
Assistant Regional Counsel
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101
Tel: (206) 553-2581
Fax: (206) 553-0163
Email: allnuttdavid@epa.gov

CERTIFICATE OF SERVICE

I certify that the foregoing "Region 10's Third Status Report" was sent to the following persons, in the manner specified, on the date below:

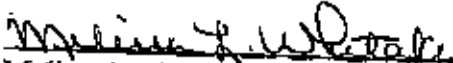
Original and five copies, delivered via facsimile and first class U.S. mail, to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001
Fax: (202) 233-0121

One copy, by facsimile and first class U.S. mail, to:

Kevin J. Beaton
Teresa A. Hill
STOEL RIVES LLP
101 S. Capitol Blvd. Suite 1900
Boise, Idaho 83702-5958
Fax: (208) 389-9040

Dated: 9-8-05


Melissa Whitaker
U.S. EPA