



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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ENVIR. APPEALS BOARD

Reply To
Attn Of: OWW-135

MAR 17 2006

Mike Dexter
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-00017-5, Modification Issued December 28, 2005

Dear Mr. Dexter:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit modification was issued to Hecla Mining Company (Hecla) on December 28, 2005. The modification was issued in response to a remand order from the Environmental Appeals Board (EAB) directing the Region to reconsider five issues from Hecla's 2003 Petition for Review that may be affected by a revised 401 certification that was issued by the State of Idaho after the 2003 NPDES permit was issued. On January 26, 2006, Hecla filed a petition for review of the permit modification (Appeal No. NPDES 03-10) and Hecla's January 25, 2006 status report identifies issues raised in its 2003 Petition for Review that Hecla continues to pursue on appeal. This letter serves as notification pursuant to 40 CFR 124.16(a)(2) of those permit conditions that are stayed as a result of Hecla's 2006 Petition for Review.

In an October 1, 2003 letter to you, the Region identified the permit conditions that were stayed as a result of the 2003 Petition for Review. This letter identifies those conditions that remain stayed based on Hecla's continuation of the 2003 appeal and appeal of the 2005 modification.

The following conditions were contested in Hecla's 2003 petition and are still contested and therefore continue to be stayed until final agency action under 40 CFR 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 whole effluent toxicity.

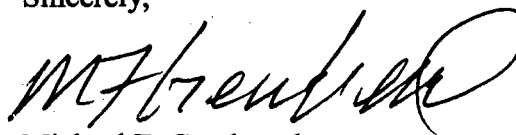
- Part I.A.3. - The upper pH limit specified in the final clause of I.A.3.
- Part I.A.4.e. - The interim effluent limitations for cadmium, lead, mercury, and zinc specified in Table 5.
- Part I.B. - The whole effluent toxicity testing requirements.

The following conditions were contested in Hecla's 2003 Petition for Review, but have since been withdrawn from review or dismissed. In accordance with 40 CFR 124.16(a)(2), the following conditions will become fully effective and enforceable 33 days after the date this notice is mailed.

- Part I.A.1. - The monitoring requirements for outfall flow specified in Tables 1, 2, 3, and 4.
- Part I.A.4.f. - The requirement to submit an annual Report of Progress to EPA and IDEQ.
- 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.
- Part I.D.2.d. - The method detection limit for zinc specified in Table 7.

The remainder of the December 28, 2005 modified NPDES permit conditions are uncontested and severable from the contested conditions, and in accordance with 40 CFR 124.16(a)(2), will become fully effective and enforceable 33 days after the date this notice is mailed. Please feel free to contact Patty McGrath at (206) 553-0979 should you have questions regarding this letter.

Sincerely,



Michael F. Gearheard
Director, Office of Water and Watersheds

cc: Environmental Appeals Board
Kevin J. Beaton, Stoel Rives LLP
Ed Tulloch, IDEQ Coeur d'Alene Office
Phil Cernera, Coeur d'Alene Tribe
Rick Eichstaedt, Center for Justice