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

_____)
IN THE MATTER OF)
)
HECLA LIMITED LUCKY FRIDAY))
MINE, LUCKY FRIDAY UNIT)
)
NPDES Permit No. ID0000175)
)
_____)

PETITION FOR REVIEW

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I. INTRODUCTION

Pursuant to 40 C.F.R. § 124.19(a), Hecla Limited Lucky Friday Mine (“Hecla”) petitions for review of the conditions of final National Pollutant Discharge Elimination System (“NPDES”) Permit No. ID0000175 (the “Lucky Friday Permit” or “Permit”) issued by the United States Environmental Protection Agency (“EPA”), Region X (the “Region”) on June 21, 2019. Hecla received the Lucky Friday Permit on June 21, 2019. The Lucky Friday Permit was issued pursuant to EPA’s authority under the federal Clean Water Act (the “CWA”).¹ See 33 U.S.C. §§ 1311 and 1342. A copy of the Lucky Friday Permit is attached hereto as Exhibit A. The Lucky Friday Permit authorizes Hecla to discharge from the Lucky Friday Unit located near Mullan, Idaho (“Lucky Friday Unit”) at the locations and in accordance with the conditions set forth in the Permit. Hecla contends that certain conditions are based on clearly erroneous findings of fact and conclusions of law. Specifically, Hecla challenges the following Permit conditions:

- (1) I.B (1), as to the effluent limitations and monitoring requirements pertaining to WET, copper, cadmium, lead, mercury, and zinc
- (2) I.B (1), as to the effluent limitations pertaining to Outfall 001
- (3) I.B (9)
- (4) I.C.3, WET chronic Toxicity Triggers and receiving water concentrations
- (5) I.D.6, as to the Surface Water Monitoring Requirements pertaining to copper
- (4) II.A.

II. FACTUAL BACKGROUND

The Lucky Friday Unit is a deep, hard rock underground mine located immediately east of Mullan, Idaho in Shoshone County. Ore has been mined from the Lucky Friday since 1942. The mill began operation in 1959. Currently, operations consist of two underground accesses, support facilities, a surface mill, a lined tailings impoundment, and two water treatment facilities: Water Treatment Plant 2 (“WTP 2”) and Water Treatment Plant 3 (“WTP 3”).

At the site, several components of the Lucky Friday Unit generate wastewater, which can be combined and routed for discharge, after treatment, through three outfalls to the South Fork Coeur d’Alene River (“SFCDAR”): Outfalls 001, 002, and 003. Approximately six miles downriver from the outfalls, both Canyon Creek and Ninemile Creek flow into the SFCDAR.

A NPDES Permit was first issued to Hecla for the Lucky Friday Unit in 1973. In 1976, Hecla timely applied to the Region for reissuance of its Permit. This timely application ensured that the 1973 Permit remained in effect after its expiration date of June 30, 1977. On September 28, 1990 a draft Permit for the Lucky Friday Unit was issued for public notice, but was never finalized. Hecla submitted applications to discharge from Outfalls 001, 002, and 003 and additional information related to the applications over the intervening years.

On August 12, 2003, the currently active Permit was issued to Hecla (i.e., the reissued Permit becomes effective August 1, 2019). The Permit was subsequently modified in February 1, 2006 and August 1, 2008. The Permit expired on September 14, 2008 but, pursuant to 40

(...continued)

¹ Because the State of Idaho had yet to receive authorization to implement its own NPDES permit program at the time of the Lucky Friday Permit issuance, EPA issued permits in Idaho, in lieu of the federal program.

C.F.R. § 122.6, the Permit has been administratively extended and remains in effect. Hecla has submitted numerous updates to the application since 2008 and as recently as March 29, 2018. During the current Permit term, Hecla installed additional water treatment facilities (WTP 2 and WTP 3), which substantially reduced metals concentrations and metal loading. Additional water treatment was necessary due to the phaseout of the 2003 Permit interim effluent limitations, with final Permit effluent limitations taking effect in September 2008. Instream chemical monitoring and biological monitoring taken from both upstream and downstream of the outfalls pursuant to the existing Permit demonstrates that water quality criteria are being met, aquatic life is being protected, and beneficial uses are supported.

The Region issued a draft permit (“Draft Permit”) and supporting Fact Sheet, Exhibit B, for public notice on February 25, 2019. Hecla timely submitted written comments on the Draft Permit on March 26, 2019, attached hereto as Exhibit C. The State of Idaho issued its draft 401 Certification of the Lucky Friday Permit (“Draft 401 Certification”) for public notice on February 25, 2019, attached hereto as Exhibit D. Hecla timely submitted written comments on the Draft 401 Certification on March 26, 2019, attached hereto as Exhibit E.

On June 3, 2019, the State of Idaho issued its final 401 Certification of the Lucky Friday Permit, attached hereto as Exhibit F. Hecla intends to timely appeal certain conditions in the state 401 Certification.

The Region issued its “Response to Comments,” attached hereto as Exhibit G, and issued the Lucky Friday Permit, Exhibit A, on June 21, 2019.

III. THRESHOLD PROCEDURAL REQUIREMENTS

Hecla satisfies the threshold requirements for filing a petition for review under 40 C.F.R. part 124, to wit:

1. As the holder of the Permit, Hecla is an interested party entitled to file an appeal under 40 C.F.R. § 124.19(a)(2). In addition, Hecla has standing to petition for review because it submitted written comments on the Draft Permit. *See* Hecla's Comments March 26, 2019, Exhibit C.
2. The issues raised by Hecla in its petition were raised during the public comment period and therefore were preserved for review.

IV. STANDARD OF REVIEW

Under 40 C.F.R. § 124.19(a)(4), the Environmental Review Board (“EAB” or the “Board”) should grant review of a permitting decision when it is based on clearly erroneous findings of fact or conclusions of law or involves an exercise of discretion or an important policy matter that warrants EAB review. *See In re City of Marlborough, Mass. Easterly Wastewater Treatment Facility*, 12 E.A.D. 235, 239 (E.A.B. 2005). The Board’s “power of review (under 40 C.F.R. § 124.19) should only be sparingly exercised and most permit conditions should be finally determined at the Regional level.” *Id.* (citing 45 Fed. Reg. 33,290, 33,412 (May 19, 1980)). To preserve an issue for appeal, the regulations require “any petitioner who believes that a permit condition is inappropriate to have first raised ‘all reasonably ascertainable issues and . . . all reasonably available arguments supporting [that petitioner’s] position’ during the public comment period on the draft permit.” *In re Westborough & Westborough Treatment Plan Bd.*, 10 E.A.D. 297, 304 (E.A.B. 2002) (quoting 40 C.F.R. § 124.13). The burden of demonstrating

that review is warranted rests with the petitioner, “who must state any objections to the permit and explain why the permit issuer’s previous response to the objection is clearly erroneous, an abuse of discretion, or otherwise warrants review.” 40 C.F.R. § 124.19(a); *see In re City of Marlborough*, 12 E.A.D. at 240.

V. ARGUMENT

A. The Region Arbitrarily Set BLM-Based Copper Effluent Standards.²

The Region failed to rely on any biotic ligand model (“BLM”) based data for the receiving water, the SFCDAR, in setting the copper effluent limits in the Permit. The Region instead relied on data that lacked the necessary site-specific and temporal data set, identified as required methods of setting BLM-based effluent limits in the Idaho Department of Environmental Quality (“IDEQ”) guidelines. Exhibit A, Lucky Friday Permit, p. 4; Exhibit G, Region’s Response to Comments, pp. 6-7. *But see* Exhibit H, IDEQ Implementation Guidance for the Idaho Copper Criteria for Aquatic Life (Nov. 2017) (“IDEQ BLM Guidance”) §§ 5.3,

² The Region took the unusual step of proposing BLM-based copper limits in the Draft Permit based on a state water quality standard that had not been approved by EPA, contrary to 40 C.F.R. § 131.21 (Alaska Rule), *see* 40 C.F.R. § 131.21(c), although EPA subsequently approved the state copper standards (in record time) after the public comment period and before final issuance of the Permit. This placed Hecla at a disadvantage to develop comments based on a standard that may have not come into effect by the time the final Permit was issued. This fact provides an independent reason to remand the copper limits to the Region for reconsideration. The Region improperly sought comments on a state standard and associated permit limits that were not yet effective under the CWA. Accordingly, Hecla reserves the right to provide additional information and raise additional issues during this appeal that were not submitted during the public comment period regarding the legitimacy of EPA’s estimated BLM derived criteria. This is necessary because the BLM-derived criteria did not apply during the public comment period and Hecla focused its comments on rules and law that were in effect when the Draft Permit was subject to public comment. Also, for the same reason, Hecla intends to present additional information regarding the legitimacy of the estimated BLM-derived criteria during its challenge to Idaho’s 401 Certification.

5.3.2, 5.4. The Region’s decision to rely on overly conservative estimates for the BLM-based effluent limits without considering any data in the SFCDAR, including biological data which demonstrated that aquatic life uses were fully supported, was arbitrary.

The Region developed the conservative copper criteria using data extracted from IDEQ’s³ *Statewide Monitoring for Inputs to the Copper Biotic Ligand Model* (Aug. 2017) (“IDEQ Statewide Monitoring Inputs”), hereto attached as Exhibit I. See Exhibit G, Region’s Response to Comments, pp. 6-7. The Region, however, erred in its application of the IDEQ BLM Guidance. In the IDEQ BLM Guidance, BLM specifically cautions against using assessment unit (“AU”) level data for effluent limit development:

While it is appropriate to sample at locations representative of an AU for [integrated report] and [total maximum daily load] purposes, this is generally not acceptable for determining applicable criteria for effluent limit development. For effluent limit development, it is instead necessary to characterize site specific conditions within the effluents receiving water.

Exhibit H, IDEQ BLM Guidance § 5.3.2.

IDEQ BLM Guidance is corroborated by EPA’s own guidance. In its Technical Support Document for Water Quality-Based Standards, EPA instructs permitting authorities to require permittees to collect site-specific monitoring data. See “Technical Support Document for Water Quality-Based Toxics Control,” EPA (Mar. 1991), p. 52 (emphasis in original) (“EPA recommends monitoring data be generated on effluent toxicity prior to permit limit development for the following reasons: (1) the presence or absence of effluent toxicity can be more clearly established or refuted and (2) where toxicity is shown, effluent variability can be more clearly

³ Biological data collected by Hecla as required in the existing NPDES Permit demonstrated that aquatic life beneficial uses in the SFCDAR directly below Hecla’s outfalls (continued...)

defined.”). Rather than rely on estimates at the outset, EPA recommends including a permit reopener to impose appropriate site-specific effluent limits once site-specific monitoring data has been collected noting that “the more information the authority can acquire to support the limit, the better a position the authority will be in to defend the limit if necessary.” *Id.* at 51.

The conservative effluent limitations calculated by the Region are based on the data inputs that are not representative of site-specific conditions in the SFCDAR. Rather than following IDEQ and EPA guidance, the Region arbitrarily applied parameters from a limited sample data set that contained only one sample per location and represents less than 5% of an appropriate two-year data set, when state guidance stipulates that 24 sample series are needed to set an appropriate baseline. These sample data were collected over only two months in September and October 2016, in an attempt to define a baseline for various BLM parameters for several Idaho ecoregions. Despite being appropriate for some purposes, these data ignore the temporal variability and site specificity required of a data set to implement the BLM for effluent limits.

The IDEQ BLM Guidance further states that spatial coverage is essential to setting appropriate BLM-based effluent limits and recommends that “[m]onitoring locations should represent the conditions for the receiving water as affected by the specific discharge being considered . . . [and] it may be necessary or advisable to collect samples upstream of points of discharge to capture baseline conditions.” Exhibit H, IDEQ BLM Guidance § 5.3.2.

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were fully supported. The Region arbitrarily did not consider this information in estimating a BLM-derived criteria for the SFCDAR.

The Region’s “conservative criteria” data set also ignores IDEQ BLM Guidance recommendation with respect to temporal variability in setting appropriate BLM parameters. IDEQ guidance suggests 24 consecutive months of instantaneous water quality criteria is appropriate to characterize seasonable variability at any single location. *See id.* § 5.4.1

To further illustrate that the data relied upon by the Region was arbitrary and not representative of conditions in the SFC DAR, the Region included two samples from Canyon Creek, a third-order stream. *See* Exhibit I, IDEQ Statewide Monitoring Inputs, p. 37; *cf. id.* at p. 40. Canyon Creek is significantly different from the upper reaches of the SFC DAR, and has very different water quality, including lower concentrations of dissolved organic carbon (DOC), cations, and anions. *See* Exhibit I, IDEQ Statewide Monitoring Inputs, pp. 14, 30.

Notwithstanding the variability of limits caused by the data set’s failure to account for spatial differences, the Permit also ignores two data set locations—ID0021296D and ID0021296U—in the SFC DAR. These samples are the most representative spatial samples and are 1.7 to 2 times the Permit-proposed 10th percentile criterion continuous concentrations (CCC) (1.0 and 1.2 µg/L respectively). *See* Exhibit I, IDEQ Statewide Monitoring Inputs, p. 53.

Not only was the Region’s decision arbitrary, the inclusion of overly conservative estimates for the BLM-based effluent limits in the Permit exposes Hecla to significant challenges in establishing site-specific effluent limitations after adequate data are collected. Based on the Permit’s current BLM-based effluent limitations, Hecla will be required to overcome anti-backsliding and anti-degradation limitations, even as site-specific data are collected. In its Response to Comments, however, the Region failed to address how anti-backsliding requirements may apply to any attempt by Hecla to seek modification of the Permit once

adequate data are collected. *See* Exhibit G, Region’s Response to Comments, p. 7; *see also* Exhibit G, IDEQ’s Response to Comments p. 36. The Region’s approach of setting effluent limits first (absent any site-specific data) and placing the burden on Hecla to undo the limits based on actual data arbitrarily places Hecla at risk and raises important policy considerations warranting review.

B. The Region Erred by Adopting IDEQ’s Conflated Effluent Limits for Outfalls 001 and 002.

The Lucky Friday Unit’s prior Permit prescribed separate effluent limits at Lucky Friday Unit Outfalls 001, 002, and 003 that both EPA and IDEQ previously authorized as compliant with the Clean Water Act. Each limit was based on and carefully tailored to the specific receiving water conditions at each outfall. Permit Part I.B removes the outfall-specific limits for Outfall 001. *See* Exhibit A, Lucky Friday NPDES Permit, Part I.B, Effluent Limitations and Monitoring, Table 2, pp. 4-5. Hecla objects to the Region’s failure to provide effluent limits tailored to site-specific conditions at Outfall 001 as existed in the prior Permit.⁴

⁴ The Permit’s Outfall 001 effluent limits derive from IDEQ’s erroneous conclusion in the 401 Certification. The Outfall 001 effluent limits are not attributable to State certification and therefore can be contested at the federal level. A permit condition that is “attributable to State certification” may not be contested at the federal level. *See* 40 C.F.R. § 124.55(e) (“Review and appeals of limitations and conditions attributable to State certification shall be made through the applicable procedures of the State and may not be made through the procedures in this part.”). On the other hand, if a State certification leaves open the possibility that the permit condition could be made less stringent and still comply with the State water quality standard, the permit condition is not “attributable to State certification” and is subject to further challenge within the agency pursuant to the procedures in 40 C.F.R. part 124. *See In re Boise Cascade Corp.*, 4 E.A.D. 474, 483 n.7 (E.A.B. 1993).

Here, IDEQ does not contend that the effluent limits for Outfall 001 must be the same as the Outfall 002 limits to comply with state water quality standards. Rather, IDEQ simply concludes the identical limits are appropriate “[g]iven that effluent from Water Treatment Plant 2
(continued...)

Table 2 of the Permit presents effluent limits calculated based on river flow and hardness conditions at or just above Outfall 002. The outfall-specific data clearly demonstrate that the receiving water conditions are different at each outfall. Relevant here, the receiving water data demonstrate that low flow statistics are higher at Outfall 001. *See* Exhibit G, Region Response to Comments, p. 3 (presenting Table 1 from Exhibit C, Hecla’s Comments to the Draft NPDES Permit, p. 1). Further, it is undisputed that the receiving water at Outfall 001 also has higher hardness than that of Outfall 002. However, rather than calculate corresponding limits for those conditions just above Outfall 001, the Permit simply imposes the Outfall 002 limits to both Outfalls 001 and 002, effectively conflating what should be two distinct, site-specific effluent limits into one. *See* Exhibit A, Lucky Friday Permit, at Part I.B; Exhibit G, Region’s Response to Comments, p. 4.

That conflation is contrary to established EPA guidance. EPA’s Technical Support Document for Water Quality-Based Standards is clear that the primary operative consideration in establishing effluent limits to implement water quality criteria is “receiving water concentration,” or “RWC.” *See* “Technical Support Document for Water Quality-Based Toxics Control, p. 48 (“A fundamental principle in the development of water quality based controls is that the RWC must be less than the criteria that comprise or characterize the water quality standards.”).

Moreover, effluent characterization should be based on “toxicity testing *in accordance with site-*

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directs water of the same quality and quantity to either Outfall 001 or Outfall 002.” Exhibit G, IDEQ’s Response to Comments, p. 38. Because IDEQ certification does not posit that a permit requirement cannot be made less stringent and still comply with the State water quality standard, the requirement is not “attributable to State certification” and can be challenged at the federal level.

specific considerations,” to determine whether “an effluent will cause toxic effects *in the receiving water.*” *Id.* at 53 (emphasis added).

According to the Region, the “simplified” effluent limits in the Permit are appropriate due to “[w]ater treatment plant improvements.” Exhibit B, NPDES Fact Sheet, p. 77. The separate limits, the Region explained, “are no longer necessary due to the consistent effluent quality from Water Treatment Plant 2,” because “[t]he extra dilution offered by diverting Outfall 002 effluent to Outfall 001 is no longer necessary.” *Id.* Thus, “Outfall 002 can still be diverted to Outfall 001 but now only one set of effluent limits apply.” *Id.*

Thus, ignoring its own directive, the Region neglected to set appropriate, site-specific effluent limits, based on little more than what appears to be the administrative convenience of one overarching, and overbroad, standard. Therefore, the Region’s failure to independently adopt effluent limits for Outfall 001 in Permit Part I.B is clearly erroneous.

C. The Region Erroneously Rescinded Applicable and Authorized Flow-Tiered Limits in the Prior Permit.

In accordance with Idaho regulations, Lucky Friday Unit’s prior Permit provided flow-tiered effluent limits for copper, silver, mercury, and WET, with silver being removed from the renewed Permit due to lack of reasonable potential to exceed instream criteria. The omission of pre-existing flow-tiered limits from the Permit is erroneous because it is inconsistent with authorizing regulations and unsupported by any regulatory and factual change.⁵

⁵ The removal of flow-tiered limits for mercury and WET in the Permit is not attributable to State certification and therefore is subject to federal review. IDEQ’s 401 Certification does not conclude that these flow-tiered limits must be removed in order to comply with state water quality standards. Rather, IDEQ concluded flow-tiered limits were not necessary because
(continued...)

IDAPA 58.01.02.400.05 prescribes tiered effluent limitations for NPDES Permits authorizing discharges to waters exhibiting unidirectional flow, including the SFCDAR. As IDEQ explains in its water quality implementation guidance, alternative streamflow estimates like tiered effluent limits are to be employed “in cases where it is clear that [there exist] differing sets of circumstances . . . (e.g., different effluent flows, receiving water flows, or hydrologic or climatic conditions).” Exhibit J, IDEQ Idaho Pollutant Discharge Elimination System Effluent Development Guidance (Dec. 2017), p. 83. Tiered limits are particularly appropriate where there is “significant variability both in the receiving water body and effluent flow,” *id.* at 84, e.g., those due to changing “production rates” or “special processes . . . that operate during certain times,” *id.* at 37-38.

Despite that regulatory authority, the tiered-flow effluent limits are noticeably absent from Part I.B of the Permit. Initially, the Region attempted to justify the departure by stating that tiered-flow limits were

appropriate for permitting facilities that do not have more than basic treatment facilities (e.g. simple settling) and depend on increased dilution to achieve compliance with WQS. With the installation of wastewater treatment plants at both outfalls, it is expected that these treatment plants will be tuned to treat to the most stringent effluent limitations and, as such, tiered limitations are no longer necessary.

(...continued)

Hecla’s “ability to treat its effluent has improved dramatically.” Exhibit G, IDEQ’s Response to Comments, p. 30.

IDEQ concluded that flow-tiered limits for copper were not appropriate since the SFCDAR does not have any assimilative capacity for additional copper. IDEQ’s method for reaching this conclusion is flawed. As discussed in Section V.A, no site-specific SFCDAR copper data have been collected and, therefore, IDEQ cannot validly make a determination that the assimilative capacity for copper is exceeded in the SFCDAR for purpose of establishing Permit limits.

Exhibit B, NPDES Fact Sheet, p. 13.

Hecla challenged that premise in its response to the Draft Permit, establishing that the tiered limits were included in the prior Permit based not on the simplicity of wastewater treatment but on IDAPA 58.01.02.400.05 and the variable site-specific conditions. Indeed, in Attachment A of the 2002 Fact Sheet for the prior Lucky Friday Permit, EPA acknowledged that flow in the SFC DAR varies with precipitation and snow melt and flow-tiered limits were calculated accordingly. *See* Exhibit K, Fact Sheet for Lucky Friday NPDES Permit No. ID0000175 (Dec. 2002), p. A-23. SFC DAR flow characteristics and variability due to precipitation and snow melt are not significantly different since 2002. Nor has the authorizing regulation allowing flow-tiered limits changed. Thus, the Region's proffered reason provided no justification for the change in the Permit treatment.

Implementation of flow-tiered effluent limits in the Permit would ensure compliance with water quality standards while providing the Lucky Friday Unit operational flexibility and control over discharges based on actual instream flow conditions, particularly in spring run-off and periods of excessive precipitation. Importantly, there has occurred no change in either rule or fact that justifies the departure from the flow-tiered limits. IDAPA 58.01.02.400.05 remains in effect. Consistent with that rule, tiered effluent limitations should be employed in NPDES Permits authorizing discharges to unidirectional waters, including the SFC DAR. Further, the significant fluctuations in the current variable and seasonal river flow and the infrequent occurrence of actual critical low flows (i.e., 7Q10 and 1Q10), coupled with changing production

rates,⁶ support the continued implementation of the same tiered approach deemed appropriate by both EPA and IDEQ in 2002.

Flow-tiered limits should not be based on current treatment technology. The Region has exceeded the scope of its authority by omitting the carefully crafted tiered limits, thereby erroneously imposing de facto *technology*-based effluent limits at the Lucky Friday Unit based on current treatment technology. That the Lucky Friday Unit operates its treatment plants to achieve optimal treatment, and effluent quality is in compliance with effluent limits is not reason enough to rescind the valuable tool of tiered limits. Treatment plants do not operate in such a manner that they can be “tuned” to increase treatment efficiency. Lucky Friday Unit’s effluent quality has improved since installation of WTPs 2 and 3, not because a treatment system was “tuned.” Treatment systems are designed for specific capacity and to meet certain design criteria and have limitations on what can be achieved. This is precisely why applicable regulations and policy allow for options like flow-tiered effluent limits—to implement and facilitate compliance with water quality standards. This is witnessed by the fact that quarterly instream monitoring since 2012, at three locations in the SFC DAR, shows attainment of applicable water quality criteria.

Thus, the Region’s erroneous rescission of the flow-tiered limits in Permit Part I.B, which is inconsistent with authorizing regulations and unsupported by any regulatory and factual change, should be reviewed and modified or remanded.

⁶ Hecla’s operations for the past few years have been limited due to labor disputes. Once those disputes are resolved, Hecla anticipates additional production at the mine and thus the need for additional flexibility under the Permit (while still complying with water quality standards).

VI. CONCLUSION

For the reasons stated herein, the EAB should grant review of Hecla's petition for review of the Lucky Friday Permit and set aside, modify, and/or remand the unlawful conditions established by the Region in the Permit.

Dated this 22nd day of July, 2019.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH WORD LIMITS

I hereby certify that the foregoing Petition for Review contains 4,166 words, including footnotes, and therefore, complies with the word limits set forth in 40 C.F.R. § 124.19(d)(3).



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LIST OF EXHIBITS

- Exhibit A** NPDES Permit No. ID0000175 (issued June 21, 2019)
- Exhibit B** Excerpts from Fact Sheet for Lucky Friday NPDES Permit No. ID0000175 (Feb. 25, 2019)
- Exhibit C** Hecla Comments to Draft Lucky Friday NPDES Permit (Mar. 26, 2019)
- Exhibit D** Draft 401 Certification of the Lucky Friday NPDES Permit (Feb. 25, 2019)
- Exhibit E** Hecla Comments to Draft 401 Certification of the Lucky Friday NPDES Permit (Mar. 26, 2019)
- Exhibit F** Final 401 Certification of the Lucky Friday NPDES Permit (June 3, 2019)
- Exhibit G** EPA and IDEQ Responses to Comments (June 2019)
- Exhibit H** IDEQ Implementation Guidance for the Idaho Copper Criteria for Aquatic Life (Nov. 2017)
- Exhibit I** IDEQ Statewide Monitoring for Inputs to the Copper Biotic Ligand Model (Aug. 2017)
- Exhibit J** Excerpts from IDEQ Idaho Pollutant Discharge Elimination System Effluent Development Guidance (Dec. 2017)
- Exhibit K** Excerpts from Fact Sheet for Lucky Friday NPDES Permit No. ID0000175 (Dec. 2002)

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July 2019, that a true and correct copy of the foregoing Petition for Review was served as follows:

By EAB eFiling System and overnight delivery to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
WJC East Building, Room 3332
Washington, DC 20004

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