



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 08 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

ENVIRONMENTAL
APPEALS BOARD

DEC -9 PM 3:19

RECEIVED
U.S. E.P.A.

Mr. Mike D.J. Bonneau, General Manager
Teck Alaska Incorporated
Red Dog Operations
3105 Lakeshore Drive
Building A, Suite 101
Anchorage, Alaska 99517

**Re: NPDES Appeal No. 10-04
Red Dog Mine -NPDES Permit No. AK-003865-2
Notice of Final Permit Decision**

Dear Mr. Bonneau:

Pursuant to 40 C.F.R. §124.19(f)(1)(i), this letter provides notice of the Environmental Protection Agency's final permit decision regarding NPDES Permit No. AK-003865-2, which EPA Region 10 issued to Teck Alaska Incorporated on January 8, 2010.

On February 16, 2010, Trustees for Alaska and the Center on Race, Poverty and the Environment, representing regional environmental groups, local individuals and the Native Villages of Kivalina and Point Hope, filed a petition for review of the permit with EPA's Environmental Appeals Board (EAB). By letter dated February 26, 2010, Region 10 identified five contested permit conditions that were stayed by the petition for review – effluent limits for lead (monthly average limit), selenium (daily maximum limit), zinc, weak acid dissociable (WAD) cyanide, and total dissolved solids. All remaining, uncontested permit conditions became fully effective and enforceable on March 31, 2010, in accordance with 40 C.F.R. §§ 124.16(a)(2) and 124.20(d). On March 17, 2010, EPA withdrew the five contested effluent limits and on April 30, 2010, the EAB dismissed as moot those portions of the petition for review related to the withdrawn limits.

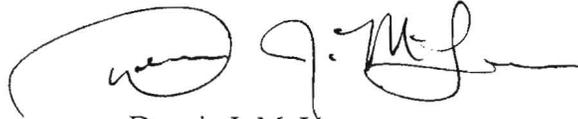
On November 8, 2010, the EAB denied review of the remaining issue in the petition for review related to monitoring requirements. Region 10 has therefore determined and you are notified that, with the exception of the withdrawn limits identified above, the January 8, 2010, NPDES permit remains in effect. In addition, the following conditions in the 1998 NPDES Permit No. AK003865-2 remain in effect until further agency action:

- Part I.A.1 - effluent limitations for lead (monthly average limit), selenium (daily maximum limit), zinc, total dissolved solids, and total cyanide

In accordance with the EAB's order denying review, the monitoring requirements in the January 8, 2010 NPDES permit remain in effect without alteration or addition.

Please feel free to contact Cindi Godsey at (907) 271-6561 should you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dennis J. McLerran
Regional Administrator

cc: Environmental Appeals Board
Millie Hawley, President, Native Village of Kivalina IRA Council
Caroline Cannon, President, Native Village of Point Hope IRA Council
Pamela Miller, Alaska Community Action on Toxics
Brook Brisson, Northern Alaska Environmental Center
Enoch Adams, Jr., Kivalina
Leroy Adams, Kivalina
Andrew Koenig, Kivalina
Jerry Norton, Kivalina
Joseph Swan, Sr., Kivalina
Brent Newell, Center for Race, Poverty, & the Environment
Victoria Clark, Trustees for Alaska
Don Kuhle, U.S. Army Corps of Engineers
George Helfrich, National Park Service
Jack DiMarchi, State of Alaska Department of Natural Resources
Ukallaysaaq Tom Okleasik, Northwest Arctic Borough
Jackie Hill, Maniilaq Association
Marie Greene, NANA Regional Corporation, Inc.
Tim Pilon, State of Alaska, Department of Environmental Conservation