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ENVIR. APPEALS BOARD

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fax 208 389 9040  
www.stoel.com

Name:	Fax No.	Company/Firm	Phone No.
TO: Clerk	(202) 233-0121	Environmental Appeals Board	(202) 233-0122

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: Teresa A. Hill	(208) 387-4264	tahill@stoel.com

Client: Hecla Mining Company	Matter: Lucky Friday
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Date: November 6, 2003

No. of Pages (including this cover): 8

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**COMMENTS:**

Attached is the cover letter, Stipulated Motion to Withdraw Request for Review of Zinc Method Detection Limit and [Proposed] Order Re: Stipulated Motion to Withdraw Request for Review of Zinc Method Detection Limit.

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ENVIR. APPEALS BOARD



November 6, 2003

TERESA A. HILL  
Direct (208) 387-4264  
tahill@stoel.com

VIA FACSIMILE (202-233-0121)

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board (MC 1103B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Re: **In the Matter of Hecla Mining Company - Lucky Friday Mine**  
**NPDES permit No. ID-000017-5**

Dear Clerk:

Attached is the Stipulated Motion to Withdraw Request for Review of Zinc Method Detection Limit and a Proposed Order. Please file the stipulated motion with the Environmental Appeals Board.

I will follow up by regular mail with the original of the Stipulated Motion to Withdraw Request for Review of Zinc Method Detection Limit and the original [Proposed] Order Re: Stipulated Motion to Withdraw Request for Review of Zinc Method Detection Limit.

Very truly yours,

Teresa A. Hill

Oregon  
Washington  
California  
Utah  
Idaho

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2003 NOV -6 PM 3: 35

ENVIR. APPEALS BOARD

Kevin J. Beaton  
Teresa A. Hill  
STOEL RIVES LLP  
101 S. Capitol Blvd., Ste. 1900  
Boise, Idaho 83702-5958  
Telephone: (208) 389-9000  
Facsimile: (208) 389-9040

Attorneys for Hecla Mining Company

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

\_\_\_\_\_  
IN THE MATTER OF )  
HECLA MINING COMPANY - )  
LUCKY FRIDAY MINE )  
NPDES Permit No. ID-000017-5 )  
\_\_\_\_\_ )

Appeal Number - NPDES 03-10  
STIPULATED MOTION TO  
WITHDRAW REQUEST FOR REVIEW  
OF ZINC METHOD DETECTION  
LIMIT

Hecla Mining Company, Lucky Friday Unit ("Hecla") and the United States Environmental Protection Agency ("EPA")(collectively referred to as the "Parties") jointly file the following stipulation and proposed order to withdraw Hecla's request for review of the method detection limit ("MDL") for zinc in Part I.D. of the National Pollution Discharge Elimination System ("NPDES") Permit No. ID-000017-5 (the "Lucky Friday Permit") issued by the EPA Region X on August 12, 2003.

**BACKGROUND**

On September 10, 2003 Hecla filed a petition for review of certain conditions in the Lucky Friday Permit. Specifically, Part IV.F. of the *Memorandum in Support of Hecla Mining Company's Petition for Review* ("Memorandum in Support") sought review of the method

STIPULATED MOTION TO WITHDRAW REQUEST FOR REVIEW OF ZINC METHOD DETECTION LIMIT - 1

detection limit ("MDL") for zinc reflected in Part I.D. of the Lucky Friday Permit. Hecla asserted that the final permit MDL for zinc, which was set at 5 ug/L, was excessively stringent and sought remand to the Region to establish an MDL of 10 ug/L for zinc to be substituted in Table 7 of the Lucky Friday Permit. See Memorandum in Support at pp. 23-24.

On October 31, 2003 EPA sent a letter to Mike Dexter, Unit Manager at Hecla. See October 31, 2003 Letter, Attachment A. The October 31<sup>st</sup> letter states that Part I.D.2d of the Lucky Friday Permit authorizes a permittee to request a different MDL in writing, which if approved by EPA can be utilized and considered in compliance with the conditions of the permit. *Id.* The letter further states that "EPA approves Hecla's request in the Memorandum in Support to use an EPA-Approved test method with an MDL equivalent to or less than 10 ug/L when monitoring for zinc pursuant to I.D. (Ambient Water Monitoring) of the Permit. This Change is acceptable because the requested MDL still allows EPA to make a determination of whether or not Idaho's water quality criteria is being met instream and is less than the effluent limitations for zinc found in Tables 1 through 5 of the Permit"

Because Hecla has received the relief requested under Part IV.F. of its Memorandum in Support regarding the permit condition containing the MDL for zinc, further review of this permit condition by the Environmental Appeals Board ("EAB") is unnecessary.

#### STIPULATION

For the foregoing reasons, Hecla and EPA stipulate and jointly move for withdrawal and dismissal of Hecla's request for review of the MDL for zinc contained in Part I.D. of the Lucky Friday Permit. By this Motion and Stipulation the Parties do not intend to withdraw or dismiss any other conditions from which Hecla seeks review by the EAB in its Petition for Review and

Memorandum in Support. To expedite filing of the motion, David Allnutt at EPA consented to Hecla's signature on his behalf.

Dated this 10<sup>th</sup> day of November, 2003.

ENVIRONMENTAL PROTECTION AGENCY

By   
David Allnutt  
Assistant Regional Counsel

HECLA MINING COMPANY, LUCKY FRIDAY UNIT

By   
Kevin Beaton  
Stoel Rives LLP  
Attorneys for Hecla Mining Company

CERTIFICATE OF SERVICE

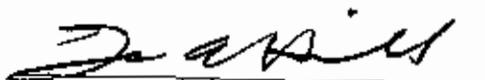
I hereby certify that on this 16<sup>th</sup> day of November, 2003, I served a copy of the  
STIPULATED MOTION TO WITHDRAW REQUEST FOR REVIEW OF ZINC METHOD  
DETECTION LIMIT by facsimile on:

David Allnut  
Assistant Regional Counsel  
Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Facsimile 206-553-0163

Kelly Huynh  
Acting Manager  
NPDES Permits Unit  
Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

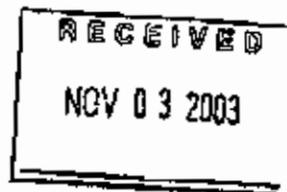
Facsimile 206-553-0165

  
Teresa A. Hill



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

October 31, 2003



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Reply To  
Attn Of: OW-130

Mike Dexter, Unit Manager  
Hecla Mining Company  
Lucky Friday Mine  
P.O. Box 31  
Mullan, Idaho 83846-0031

Re: Approval to use a different method detection limit for ambient zinc monitoring  
NPDES Permit No. ID-000017-5  
Hecla Mining Company, Lucky Friday Mine

Dear Mr. Dexter:

EPA has received a copy of the *Memorandum in Support of Hecla Mining Company's Petition for Review* ("Memorandum in Support") submitted on Hecla's behalf by Kevin Beaton of Stoel Rives on September 10, 2003. Part IV.F of the Memorandum in Support requests that a zinc method detection limit ("MDL") of 10  $\mu\text{g/L}$  be substituted for the 5  $\mu\text{g/L}$  MDL found in the ambient monitoring section of the above-referenced NPDES permit ("Permit"). Part I.D.2.d of the Permit authorizes the permittee to request different MDLs. If such a request is submitted in writing and approved by EPA, the revised MDL can be utilized and is considered in compliance with the conditions of the Permit.

By this letter, EPA approves Hecla's request in the Memorandum of Support to use an EPA-approved test method with an MDL equivalent to or less than 10  $\mu\text{g/L}$  when monitoring for zinc pursuant to I.D. (Ambient Water Monitoring) of the Permit. This change is acceptable because the requested MDL still allows EPA to make a determination of whether or not Idaho's water quality criteria is being met instream and is less than the effluent limitations for zinc found in Tables I through 5 of the Permit.

Please contact me at (206) 553-8414 if you have any questions about this letter.

Sincerely,

Kelly Huynh, Acting Manager  
NPDES Permits Unit

cc: Kevin Beaton, Stoel Rives LLP (via fax)  
Dave Holland, Hecla  
Ed Tulloch, IDEQ Coeur d'Alene Office  
Darren Brandt, IDEQ Coeur d'Alene Office  
Justin Hayes, Idaho Conservation League

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

\_\_\_\_\_  
IN THE MATTER OF )  
HECLA MINING COMPANY - )  
LUCKY FRIDAY MINE )  
NPDES Permit No. ID-000017-5 )  
\_\_\_\_\_ )

Appeal Number - NPDES 03-10  
[PROPOSED] ORDER RE:  
STIPULATED MOTION TO  
WITHDRAW REQUEST FOR REVIEW  
OF ZINC METHOD DETECTION  
LIMIT -

Based on the Stipulated Motion, jointly filed by the United States Environmental Protection Agency ("EPA") and Hecla Mining Company, Lucky Friday Unit ("Hecla") the Environmental Appeals Board HEREBY ORDERS that Hecla's request for review of the zinc method detection limit contained in Part I.D. of National Pollution Discharge Elimination System ("NPDES") Permit No. ID-000017-5 (the "Lucky Friday Permit"), as reflected in the Memorandum in Support of Hecla Mining Company's Petition for Review Part IV.F. (pages 23-24), is hereby withdrawn and no further action will be taken by the Environmental Appeals Board regarding this permit condition.

DATED this \_\_\_\_\_ day of November, 2003.

\_\_\_\_\_