

F I L E D

Dec 10 2019

Clerk, Environmental Appeals Board

INITIALS

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

In re:

Hecla Limited Lucky Friday Mine

NPDES Permit No. ID0000175

NPDES Appeal No. 19-01

**SECOND ORDER EXTENDING STAY**

Hecla Limited Lucky Friday Mine (“Hecla Limited”) and the U.S. Environmental Protection Agency, Region 10 have filed a joint motion requesting an extension of the stay in this NPDES permit appeal. Hecla Limited petitioned for review of the permit on July 22, 2019. On August 16, 2019, the Environmental Appeals Board stayed the proceeding, at the parties’ request, to allow Hecla Limited to pursue a challenge to the Idaho Department of Environment Quality’s (“Idaho DEQ’s”) certification of Hecla Limited’s permit under section 401 of the Clean Water Act, 33 U.S.C. § 1341. On November 5, 2019, the Board extended the stay at the request of the parties based on Hecla Limited’s representation that an agreement settling Hecla Limited’s challenge to Idaho DEQ’s certification of the permit would be “signed shortly.” *In re Hecla Limited Lucky Mine*, NPDES Appeal No. 19-01, at 1 (EAB Nov. 5, 2019) (Order Extending Stay). Now, Hecla Limited and Region 10 seek a second extension of the stay until January 21, 2020. Hecla Limited reports that it continues to discuss one issue with Idaho DEQ and expects that a settlement will be reached “shortly.” EPA Region 10 and Hecla Limited Joint Status Report and Motion Requesting Further Stay of Proceedings 1 (Dec. 9, 2019).

Based on the representations in the joint motion, the Board **GRANTS** the joint request for a second extension of the stay of the proceedings before the Board. This matter is hereby stayed until Tuesday, January 21, 2020. The parties shall submit a joint status report on or before Monday, January 13, 2020, that (1) informs the Board of the status of the Hecla Limited/Idaho DEQ settlement discussions, including the plan and timeframe for concluding these settlement discussions; and (2) recommends what steps will be needed after the conclusion of that dispute to orderly and expeditiously resolve the NPDES permit challenge pending before the Board. To the extent that the parties seek a further stay of proceedings beyond January 21, 2020, the parties must file a motion requesting a further stay no later than January 13, 2020. The joint status report and the motion may be combined in one document. A motion to extend the stay for a third time must specify the length of, and explain in detail the basis for, such a further stay.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: December 10, 2019

By:   
Mary Kay Lynch  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Second Order Extending Stay** in the matter of *Hecla Limited Lucky Friday Mine*, NPDES Appeal No. 19-01, were sent to the following persons by email:

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Dated: December 10, 2019

  
Eurika Durr  
Clerk of the Board