



UNITED STATES ENVIRONMENTAL PROTECTION AGENOVAPR 13 AN 8: 44

1200 Sixth Avenue Seattle, Washington 98101

ENVIR. APPEALS BOARD

Reply To Attn Of;

ORC-158

OFFICE OF REGIONAL COUNSEL FACSIMILE TRANSMISSION SHEET

Phone: (206) 553-1037 Fax: (206) 553-0163

Please Deliver to:	Name: <u>Clerk of the Board</u> Office: <u>Envt'l Appeals Board</u> Fax #: <u>202-233-0121</u>
	Name: <u>Kevin Beaton</u> Office: <u>Stoel Rives</u> Fax #: <u>208-389-9040</u>
Document:	<u>Response to Motion for Leave</u> <u>In re Hecla Mining Co.,</u> EAB Appeal No. NPDES 06-05

From:

<u>R. David Allnutt</u> Office of Regional Counsel (206) 553-2581 (phone)

Date and Time:

April 12, 2006 at

This facsimile transmission consists of <u>3</u> pages, including this cover sheet.

Remarks:

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged, may constitute attorney work product, and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please contact us as soon as possible at (202) 564-7374.

RECEIVED U.S. E.P.A.

2006 APR 13 AN 8:44

ENVIR. APPEALS BOARD

RECEIVED

06 APR 12 PM 2:51

BEFORE THE ENVIRONMENTAL APPEALS BOARD HEARINGS CLERK UNITED STATES ENVIRONMENTAL PROTECTION AGENOR --- REGION 10 WASHINGTON, D.C.

In the Matter of:

HECLA MINING COMPANY LUCKY FRIDAY MINE NPDES Permit No. ID-000017-5 Appeal No. NPDES 06-05

REGION'S RESPONSE TO MOTION FOR LEAVE TO FILE REPLY BRIEF

On April 7, 2006, undersigned counsel for Region 10 of the U.S. Environmental Protection Agency received by facsimile Hecla Mining Company's Motion for Leave to File Reply Brief and proposed Reply Brief. Having now reviewed the Motion and the proposed Reply Brief, the Region reports that it neither opposes nor joins the Motion because it believes that the proffered Reply Brief merely restates arguments made in Hecla's pending petition. The Region believes that the issues still pending before the Board have been fully briefed, and, should the Board grant Hecla's Motion, the Region does not anticipate seeking leave to file a Surreply.

Dated this 12 day of April, 2006.

Respectfully submitted,

R. DAVID ALLNUTT

K. DAVID ALLNOIT Assistant Regional Counsel U.S. Environmental Protection Agency 1200 Sixth Avenue Seattle, Washington 98101 Tel: (206) 553-2581 Fax: (206) 553-0163 Email: allnutt.david@epa.gov

RESPONSE TO MOTION FOR LEAVE TO FILE REPLY - 1

U.S. ENVIRONMENTAL PROTECTION AGENCY 1200 Sixth Avenue Seattle, Washington 98101 (206) 553-1037

FAX NO.

CERTIFICATE OF SERVICE

I certify that the foregoing "Response to Motion for Leave to File Reply" was sent to the following persons, in the manner specified, on the date below:

One copy by facsimile, and original and five copies via U.S. mail to:

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 fax: (202) 233-0121

One copy by facsimile, and one copy via U.S. mail to:

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

Dated: 4/12/06

LCIA U.S. EPA