Fact Sheet

The U.S. Environmental Protection Agency (EPA)
Proposes to Reissue a National Pollutant Discharge Elimination System (NPDES) Permit to Discharge Pollutants Pursuant to the Provisions of the Clean Water Act (CWA) to:

Hecla Limited
Grouse Creek Unit

Public Comment Start Date: March 28, 2019
Public Comment Expiration Date: April 29, 2019

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The EPA Proposes To Modify NPDES Permit
The EPA proposes to modify the NPDES permit for the facility referenced above. The draft permit places conditions on the discharge of pollutants from the wastewater treatment plant to waters of the United States. In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged from the facility.

This Fact Sheet includes:
- information on public comment, public hearing, and appeal procedures
- a listing of proposed effluent limitations and other conditions for the facility
- a map and description of the discharge location
- technical material supporting the conditions in the permit

State Certification
The Idaho Department of Environmental Quality (IDEQ) has stated that it will not be re-opening the Clean Water Act Section 401 water quality certification for this permit. The proposed modification is consistent with the final Clean Water Act Section 401 certification issued by the State of Idaho on December 4, 2017.

Public Comment
Persons wishing to comment on, or request a Public Hearing for the draft permit for this facility may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to the EPA as described in the Public Comments Section of the attached Public Notice.

When a permit is modified, only the conditions subject to modification are reopened for public comment. In this draft modified permit, the EPA proposes to modify the required surface water monitoring frequency for temperature in Yankee Fork Creek, which appears in Table 5 of the permit.

After the Public Notice expires, and all comments have been considered, the EPA's regional Director for the Office of Water and Watersheds will make a final decision regarding permit issuance. If no substantive comments are received, the tentative conditions in the draft permit will become final, and the permit will become effective upon issuance. If substantive comments are received, the EPA will address the comments and issue the permit. The permit will become effective no less than 30 days after the issuance date, unless an appeal is submitted to the Environmental Appeals Board within 30 days pursuant to 40 CFR 124.19.

Documents are Available for Review

The draft NPDES permit and related documents can be reviewed or obtained by visiting or contacting the EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday at the address below. The draft permits, fact sheet, and other information can also be found by visiting the Region 10 NPDES website at:
https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program

US EPA Region 10
Suite 155
1200 Sixth Avenue, OWW-191
Seattle, Washington 98101
206-553-0523 or
Toll Free 1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The fact sheet and draft permits are also available at:

EPA Idaho Operations Office
950 West Bannock, Suite 900
Boise, ID 83702
208-378-5746

Table of Contents

Acronyms

BO or BiOp	Biological Opinion
°C	Degrees Celsius
CFR	Code of Federal Regulations
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EFH	Essential Fish Habitat
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
HUC	Hydrologic Unit Code
IDEQ	Idaho Department of Environmental Quality
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
OWW	Office of Water and Watersheds
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
WQS	Water Quality Standards

I. Background Information

A. General Information

This fact sheet provides information on the draft NPDES permit for the following entity:

Table 1. General Facility Information

NPDES Permit #:	ID0026468
Applicant:	Hecla Limited Grouse Creek Unit
Type of Ownership	Private
Physical Address:	Jordan Creek Road Stanley, ID 83278
Mailing Address:	P.O. Box 647 Challis, ID 83226
Facility Contact:	Brant Tritthart, Site Manager
Facility Location:	44.430668, -114.73049
Receiving Waters	Jordan Creek and Yankee Fork Creek
Facility Outfalls	002 (Jordan Creek): 44.421389, -114.731944 003 (Yankee Fork Creek): 44.377778, -114.721111

B. Permit History

The most recent NPDES permit for the Grouse Creek Unit was issued on September 17, 2018, became effective on December 1, 2018, and will expire on November 30, 2023.

II. Idaho NPDES Authorization

On June 5, 2018, the EPA approved Idaho's application to administer and enforce the Idaho Pollutant Discharge Elimination System (IPDES) program. IDEQ will be taking the IPDES program in phases over a four-year period in accordance with the Memorandum of Agreement (MOA) between IDEQ and the EPA, and subject to EPA oversight and enforcement. IDEQ will obtain permitting authority for individual industrial permits on July 1, 2019. At that time, all documentation required by the permit will be sent to IDEQ rather than to the EPA and any decision under the permit stated to be made by the EPA or jointly between the EPA and IDEQ will be made solely by IDEQ. Permittees will be notified by IDEQ when this transition occurs.

III. Proposed Action

The EPA proposes to modify the subject permit pursuant to 40 CFR § 122.62.

When a permit is modified, only the conditions subject to modification are reopened for public comment. In this draft modified permit, the EPA proposes to modify the required surface water monitoring frequency for temperature in Yankee Fork Creek, which appears in Table 5 of the permit.

Specifically, the EPA has received new information demonstrating that the EPA made an error in the response to comment #1-28 (EPA 2018). This comment and its response concerned the permit requirements for continuous temperature monitoring in the receiving water. The response stated that, because temperatures in Yankee Fork Creek had been above

the 9 °C daily average water quality criterion for the salmonid spawning use during March, April, May, June, August, and October, the EPA would retain the proposed season of May 1st through October 31st for continuous monitoring at stations S-9 and S-14 on Yankee Fork Creek.

However, the EPA has subsequently learned that the dates of some of the temperature monitoring results summarized in Tables 2 and 3 of the response to comments for the 2018 final permit were incorrect. Specifically, in some cases, the month and day had been transposed. After correcting the dates, the available temperature data for stations S-9 and S-10 are summarized in Table 2 and Table 3, below:

Table 2: Monthly Temperatures at Station S-9

Month	Max of Temperature, Water (°C)	Count of Temperature, Water (°C)
April	5.2	11
June	8.8	11
August	12.5	11
October	8.8	10
November	2	1

Table 3: Monthly Temperatures at Station S-10

Month	Max of Temperature, Water (°C)	Count of Temperature, Water (°C)
April	5.3	11
June	9.8	11
August	12.8	11
October	8.6	10
November	2.4	1

This new information is a cause for modification of the permit under 40 CFR § 122.62(a)(2).

As shown in Table 2 and Table 3, temperatures have exceeded 9 °C in August. Temperatures have also exceeded 9 °C in June at Station S-10. Temperatures have never exceeded the 13 °C instantaneous maximum criterion.

Of the eleven temperature measurements taken in June at Station S-10, one exceeded the 9 °C criterion. This result was 9.8 °C on June 10, 2013. The next-highest temperature observed in June was 7.9 °C on June 13, 2011.

The complete set of temperature data for stations S-9 and S-10 from 2008 through 2018 is provided in Appendix A.

IV. Receiving Water

In drafting permit conditions, the EPA must analyze the effect of the facility's discharge on the receiving water. The details of that analysis are provided later in this Fact Sheet. This section summarizes characteristics of the receiving water that impact that analysis.

A. Receiving Water

The *Idaho Water Quality Standards and Wastewater Treatment Requirements* designate beneficial uses and water quality criteria for waters of the State.

Outfall 002 discharges to Jordan Creek. The Idaho water quality standards do not specify beneficial uses for Jordan Creek. However, according to the Idaho water quality standards, undesignated waters are protected for cold water aquatic life and primary and secondary contact recreation (IDAPA 58.01.02.101.a).

Outfall 003 discharges to Yankee Fork Creek between Jordan Creek and the Salmon River. This segment of Yankee Fork Creek is designated for the uses of cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply (IDAPA 58.01.02.130.03).

In addition, the Idaho Water Quality Standards state that all waters of the State of Idaho are protected for industrial and agricultural water supply (Section 100.03.b and c.), wildlife habitats (100.04) and aesthetics (100.05).

B. Water Quality Standards

Since this modification concerns receiving water monitoring requirements for temperature, only the temperature water quality standards are relevant to this action. Other water quality standards are not discussed here.[1]

Waters designated for salmonid spawning are subject to the following temperature criteria during the time spawning and incubation occurs:

- Water temperatures of thirteen (13) degrees C or less with a maximum daily average no greater than nine (9) degrees C (IDAPA 58.01.02.250.02.f.ii).

Fish species identified by the Idaho Department of Fish and Game as recommended game fish for Yankee Fork Creek are listed in Table 4, along with their general spawning and incubation seasons.

Table 4: Recommended Game Fish in Yankee Fork Creek and their Spawning and Incubation Seasons

Species	General Spawning and Incubation Season
Chinook salmon (*Oncorhynchus tshawytscha*)	July 22 – June 30
Cutthroat Trout (*Oncorhynchus clarkii*)	March 15 – October 31

[1] More information about Idaho's water quality standards can be found at: http://www.deq.idaho.gov/water-quality/surface-water/standards.aspx

Species	General Spawning and Incubation Season
Brook Trout (*Salvelinus fontinalis*)	September 1 – May 31
Mountain Whitefish (*Prosopium williamsoni*)	October 1 – April 30
Rainbow Trout (*Oncorhynchus mykiss*)	February 1 – August 15
Bull Trout (*Salvelinus confluentus*)	September 1 – May 31
Redband Trout (*Oncorhynchus mykiss gairdneri*)	February 1 – August 15
Steelhead (*Oncorhynchus mykiss*)	February 1 – August 15
Source for recommended game fish: https://idfg.idaho.gov/ifwis/fishingPlanner/water/1147337442696 Source for spawning and incubation season: Geography and Timing of Salmonid Spawning in Idaho (Miller et al. 2014) https://www.deq.idaho.gov/media/1117405/geography-timing-salmonid-spawning-report-0414.pdf	

In addition to the recommended game fish species listed in Table 4, sockeye salmon are also present, and sockeye have a spawning and incubation period of September 16 – May 30 (Miller et al. 2014).

Given that several salmonid species with overlapping spawning and incubation periods are present in Yankee Fork Creek, spawning or incubation of at least one species is likely to occur year-round. Thus, the salmonid spawning temperature criteria apply year-round.

V. Monitoring Requirements

A. Basis for Effluent and Surface Water Monitoring

Section 308 of the CWA and federal regulation 40 CFR 122.44(i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather effluent and surface water data to determine if additional effluent limitations are required and/or to monitor effluent impacts on receiving water quality.

The permittee is responsible for conducting the monitoring and for reporting results on DMRs or on the application for renewal, as appropriate, to the EPA.

B. Surface Water Monitoring

In general, surface water monitoring may be required for pollutants of concern to assess the assimilative capacity of the receiving water for the pollutant. In addition, surface water monitoring may be required for pollutants for which the water quality criteria are dependent and to collect data for TMDL development if the facility discharges to an impaired water body.

Because existing data show that the temperature of Yankee Fork is generally in compliance with applicable water quality criteria except during the summer, the EPA proposes to require continuous temperature monitoring at Stations S-9 and S-14 in Yankee Fork Creek from July 1st through September 30th and grab samples for temperature during April, June and October. These are the same temperature surface water monitoring requirements as for Jordan Creek (stations S-3 and S-4).

The proposed modified monitoring requirements appear in Table 7, on Page 17 of the draft permit.

C. Electronic Submission of Discharge Monitoring Reports

The draft permit requires that the permittee submit DMR data electronically using NetDMR. NetDMR is a national web-based tool that allows DMR data to be submitted electronically via a secure Internet application.

The EPA currently conducts free training on the use of NetDMR. Further information about NetDMR, including upcoming trainings and contacts, is provided on the following website: https://netdmr.epa.gov. The permittee may use NetDMR after requesting and receiving permission from EPA Region 10.

VI. Other Legal Requirements

A. Endangered Species Act and Essential Fish Habitat

The EPA completed formal consultation under the Endangered Species Act on the issuance of this permit with the US Fish and Wildlife Service and NOAA Fisheries.

Reinitiation of formal consultation is required under the following circumstances (40 CFR 402.16):

(a) If the amount or extent of taking specified in the incidental take statement is exceeded;

(b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;

(c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or

(d) If a new species is listed or critical habitat designated that may be affected by the identified action.

The proposed modification would change only the receiving water monitoring requirements for temperature in the Yankee Fork (stations S-9 and S-14). This will not increase the amount of extent of take, change the effects upon listed species or critical habitat, or cause any effects not considered in the biological opinion. The proposed modification therefore does not trigger reinitiation of formal consultation under 40 CFR 402.16.

The permit's effects on essential fish habitat (EFH) are described in Section 3 of the NOAA National Marine Fisheries Service biological opinion (NOAA 2018). The proposed modification will not change the discharge's effects on EFH as quantified in the biological opinion.

B. State Certification

The Idaho Department of Environmental Quality (IDEQ) has stated that it will not be re-opening the Clean Water Act Section 401 water quality certification for this permit. The

proposed modification is consistent with the final Clean Water Act Section 401 certification issued by the State of Idaho on December 4, 2017.[2]

C. Permit Expiration

This modification will not change the expiration date of the permit, which is November 30, 2023.

VII. References

EPA. 2018. *Response to Comments on the Draft NPDES Permits for Hecla Limited Grouse Creek Unit: NPDES Permit Number ID0026468*. U.S. EPA Region 10 Office of Water and Watersheds. September 2018. https://www.epa.gov/sites/production/files/2018-09/documents/r10-npdes-hecla-grouse-creek-id0026468-rtc-2018.pdf

Miller, M., E. Iverson and D. Essig. 2014. *Geography and Timing of Salmonid Spawning in Idaho*. April 25, 2014. https://www.deq.idaho.gov/media/1117405/geography-timing-salmonid-spawning-report-0414.pdf

NOAA. 2018. *Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion, Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response: Hecla Grouse Creek Mine National Pollutant Discharge Elimination System Permit Reissuance.* United States Department of Commerce. National Oceanic and Atmospheric Administration. National Marine Fisheries Service. West Coast Region. NMFS Consultation Number WCR-2016-4509. August 13, 2018. https://pcts.nmfs.noaa.gov/pcts-web/dispatcher/trackable/WCR-2016-4509

[2] The final certification is available at: http://www.deq.idaho.gov/media/60181001/yankee-fork-salmon-river-jordan-creek-hecla-mining-company-grouse-creek-unit-npdes-401-certification-1217.pdf

Appendix A. Water Quality Data

A. Receiving Water Data

Table 5: Temperature data for Station S-9

Site Number	Sample Date	Sample Time	Temperature, Water (°C)
S-9	4/28/2008	10:15	4.6
S-9	6/2/2008	11:45	7.2
S-9	8/4/2008	09:50	10.1
S-9	10/13/2008	10:00	2.3
S-9	4/13/2009	11:20	5.2
S-9	6/22/2009	11:15	6.1
S-9	8/3/2009	10:30	11.8
S-9	10/5/2009	10:25	4.3
S-9	4/26/2010	10:05	2.6
S-9	6/14/2010	10:50	5.5
S-9	8/2/2010	09:20	8.3
S-9	10/4/2010	11:10	8.8
S-9	4/25/2011	09:20	3.2
S-9	6/13/2011	11:00	7.1
S-9	8/8/2011	10:40	9.4
S-9	11/14/2011	10:40	2
S-9	4/23/2012	09:40	3.4
S-9	6/18/2012	10:30	5.8
S-9	8/6/2012	10:30	12.5
S-9	10/2/2012	10:15	5.1
S-9	4/15/2013	10:30	2.2
S-9	6/10/2013	10:25	8.8
S-9	8/5/2013	11:00	12
S-9	10/7/2013	09:35	2.8
S-9	4/21/2014	10:40	4.3
S-9	6/9/2014	10:30	6.8
S-9	8/4/2014	11:15	12.1
S-9	10/7/2014	09:30	5.6
S-9	4/7/2015	11:30	1.4
S-9	6/8/2015	08:45	6.6
S-9	8/3/2015	08:15	10.2
S-9	10/12/2015	09:40	2.6
S-9	4/25/2016	09:40	2.8
S-9	6/27/2016	08:05	6.4
S-9	8/22/2016	10:30	8
S-9	10/3/2016	09:35	4.2
S-9	4/24/2017	08:25	2.6
S-9	6/26/2017	09:20	6.2

Site Number	Sample Date	Sample Time	Temperature, Water (°C)
S-9	8/7/2017	10:10	9.9
S-9	10/2/2017	09:25	3.5
S-9	4/10/2018	08:55	2.8
S-9	6/11/2018	10:15	6.3
S-9	8/6/2018	08:40	9.6
S-9	10/1/2018	09:55	5.2

Table 6: Temperature data for Station S-10

Site Number	Sample Date	Sample Time	Temperature, Water (°C)
S-10	4/28/2008	09:55	3
S-10	6/2/2008	10:45	7.4
S-10	8/4/2008	09:20	10.5
S-10	10/13/2008	09:35	3.8
S-10	4/13/2009	11:00	5.3
S-10	6/22/2009	11:00	6.9
S-10	8/3/2009	10:20	11.5
S-10	10/5/2009	10:05	6
S-10	4/26/2010	09:50	2.6
S-10	6/14/2010	10:35	5.4
S-10	8/2/2010	08:50	9
S-10	10/4/2010	11:00	8.6
S-10	4/25/2011	09:00	4.3
S-10	6/13/2011	10:35	7.9
S-10	8/8/2011	10:22	10.4
S-10	11/14/2011	10:20	2.4
S-10	4/23/2012	09:30	3.5
S-10	6/18/2012	10:15	5.8
S-10	8/6/2012	10:15	12.8
S-10	10/2/2012	10:00	5.8
S-10	4/15/2013	10:10	2
S-10	6/10/2013	10:10	9.8
S-10	8/5/2013	10:45	12
S-10	10/7/2013	09:20	4
S-10	4/21/2014	10:15	3.8
S-10	6/9/2014	10:20	7.3
S-10	8/4/2014	10:00	12.5
S-10	10/7/2014	09:15	6.4
S-10	4/7/2015	11:40	1.4
S-10	6/8/2015	08:45	6
S-10	8/3/2015	08:00	11.2
S-10	10/12/2015	09:20	5.4

Site Number	Sample Date	Sample Time	Temperature, Water (°C)
S-10	4/25/2016	09:20	3.2
S-10	6/27/2016	07:55	6.6
S-10	8/22/2016	10:15	8.3
S-10	10/3/2016	09:20	4
S-10	4/24/2017	08:10	2.8
S-10	6/26/2017	09:05	5.9
S-10	8/7/2017	09:55	10.2
S-10	10/2/2017	09:15	4.3
S-10	4/10/2018	08:45	3.2
S-10	6/11/2018	09:50	6.5
S-10	8/6/2018	08:20	9.4
S-10	10/1/2018	09:45	6