

Stein, Mark

From: Dain, Gregory
Sent: Tuesday, May 13, 2014 4:07 PM
To: Stein, Mark
Subject: EPA to Propose Fish Tissue-Based Selenium Water Quality Criteria

EPA to Propose Fish Tissue-Based Selenium Water Quality Criteria

The Environmental Protection Agency is proposing selenium water quality criteria that will include both a water column standard and a fish tissue-based standard, according to a notice to be published May 14.

The EPA has been sued by environmental groups under the Clean Water Act for approving similar selenium water quality criteria for Kentucky. According to environmental groups, fish-tissue standards are less protective and harder to enforce than water column standards (Kentucky Waterways Alliance v. McCarthy, W.D. Ky., No. 3:13-cv-01207, response brief filed 3/28/14).

If the criteria are finalized, they would act as a floor for states' own water quality standards for selenium, a naturally occurring toxic pollutant associated with mountaintop removal coal mining. State rules would have to be at least as stringent as the federal water quality criteria.

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