

# Compliance Bulletin

## Reduced Monitoring Guidance for Semi-Annual Selenium Fish Tissue

This compliance bulletin is to provide instruction on reduced monitoring for permits complying with semi-annual fish tissue requirements. Current DEP guidance for selenium monitoring is set forth in *West Virginia Selenium Chronic Aquatic Life Standard Implementation* (September 2018, Revision 4) (the "Selenium Guidance").



### Selenium Guidance for Reduced Monitoring Frequency:

- Tissue monitoring must occur semi-annually for a minimum of two years.
- An NPDES permit modification must be submitted to qualify for reduced monitoring. Mining activities must be complete, and reclamation commenced before DEP will consider an application for reduced monitoring. The permittee must provide evidence that selenium concentrations in fish have not exceeded the West Virginia aquatic life standard (i. e. 8.0 µg/g Whole-Body, 11.3 µg/g Fish Muscle, or 15.8 µg/g Egg/Ovary) for at least two years (four consecutive samples). In addition, the Permittee must provide evidence that selenium concentration in fish tissue has been allowed to come to equilibrium with the water column concentration.
- If modification for reduced monitoring is approved, the annual sampling will be conducted during the summer season between August 1<sup>st</sup> and October 1<sup>st</sup>.
- If an exceedance of the West Virginia Aquatic Life Standard occurs, the Permittee must conduct a retest in the winter season between December 1<sup>st</sup> and March 1<sup>st</sup>.
- If fish tissue sample retest exceeds the West Virginia Aquatic Life Standard, the Permittee must submit a NPDES permit modification to return to semi-annual compliance monitoring.
- If the fish tissue sample retest does not exceed the West Virginia Aquatic Life Standard, the Permittee shall resume sampling during the next summer sampling season.

Link to West Virginia Selenium Chronic Aquatic Life Standard Implementation:

<https://dep.wv.gov/dmr/new%20policies/Documents/WV%20Selenium%20Chronic%20Aquatic%20Life%20Standard%20Implementation.pdf>