

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
WATER

MEMORANDUM

SUBJECT: Clarification of "Instantaneous Maximum" as Applied to Steam Electric Facilities Effluent Limitations

FROM: Cynthia C. Dougherty, Director
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TO: Regional Water Management Division Directors

The Office of Wastewater Enforcement and Compliance has received several inquiries about the most correct implementation of the Steam Electric Effluent Limitations Guidelines, particularly with respect to the discharge limitations placed on once through cooling water. The following guidance provides clarification on how the Total Residual Chlorine (TRC) effluent limitation for steam electric facilities (40 CFR 423.13) is to be applied as an instantaneous maximum. This term refers to a value never to be exceeded at any time. In the effluent limitations guideline for the steam electric category (40 CFR 423) the term "maximum concentration" is used to describe a limitation not to be exceeded at any time, the terms "maximum concentration" and "instantaneous maximum" are intended to mean the same thing in this instance. Throughout the history of this effluent limitation guideline (see early preamble language at 39 FR 36185) the chlorine limitation has been distinguished from a maximum daily discharge or other limitation based on the average of results from sequential sampling of an effluent. The effluent limitations guideline 0.2 mg/l value was given in terms of "maximum concentration", which is distinct from NPDES Part 122.2 regulations defining maximum daily discharge and [average] daily discharge. The Fall 1980 Proposed Effluent Guidelines Rulemaking publication states the proposed BAT limitation for once through cooling water would be a TRC value "not to be exceeded at any time". Handouts, summary papers, and briefing notes for Steam Electric Permit Writers Workshops differentiate between a maximum daily discharge and an "instantaneous maximum".

In contrast to the term "maximum concentration", the effluent limitations guidelines term "average concentration", as it applies to chlorine discharges, means the average of analyses made over a single period of chlorination, not to exceed two hours (40 CFR 423.11). This provides further weight to Permits Division's position that the "maximum concentration" as applied to TRC is an "instantaneous maximum" limit, not to be exceeded at any time. This would apply both to effluents sampled by grab and those continuously monitored using in-stream probes.

Permits Division is currently in the process of developing a contemporary guidance for steam electric and cooling water discharge permitting issues. While this guidance document is developed, please direct your questions and issues to Brad Mahanes of the Permits Division at (202) 260-1056.