

**Effective Date: April 10, 2003**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Permanent Rule Change

Rule Log No. 2002-066-305-WT  
Cooling Water Intake Structures for New Facilities

Chapter 305  
Consolidated Permits  
Subchapter C

Chapter 308  
Criteria and Standards for the National Pollutant Discharge Elimination System  
Subchapter I

1. Purpose. This change transmittal provides the page(s) that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
2. Explanation of Change. On March 19, 2003, the commission adopted the amendment to §305.48 *with change* to the proposed text as published in the December 6, 2002 issue of the *Texas Register* (27 TexReg 11479). The amendment revises commission rules to incorporate by reference United States Environmental Protection Agency (EPA) regulations relating to cooling water intake structures.

The commission also adopted new §308.91 *with change* to the proposed text as published in the December 6, 2002 issue of the *Texas Register* (27 TexReg 11482). The new section incorporates by reference EPA regulations relating to cooling water intake structures in the commission rule which corresponds to those federal regulations.

3. Effect of Change. The rulemaking incorporates federal rules into the rules in Chapters 305 and 308. The federal rules provide standards for cooling water intake structures at new facilities that uptake at least two million gallons per day of water (at least 25% of which is used for cooling purposes). The rules require that affected cooling water intake structures be designed and operated to minimize the entrainment of aquatic organisms into the intakes. The current federal rules that are incorporated in this adoption do not cover existing facilities, although later federal rules are planned that will do so. Amendments in §305.48(a)(3)(C) correct the name for Standard Industrial Classification (SIC) codes and require that Texas Pollutant Discharge Elimination System (TPDES) permit applications also provide North American Industry Classification System (NAICS) codes, which have replaced SIC codes.