B. How and to whom do I submit comments?

You may submit comments as provided in the ADDRESSES section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the www.regulations.gov Web site to submit comments to EPA electronically is EPA’s preferred method for receiving comments. The electronic public docket system is an “anonymous access” system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA’s electronic public docket, EPA’s electronic mail (email) system is not an “anonymous access” system. If you send an email comment directly to the Docket without going through www.regulations.gov, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.


Lorie J. Schmidt,
Associate General Counsel.

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ballast water, and on deck drainage discharges. Discharges of seawater and freshwater which have been used to pressure test existing pipelines and piping, to which treatment chemicals have been added, are proposed to be subject to limitations on free oil, concentration of treatment chemicals, and acute toxicity. New facilities withdrawing cooling water greater than 2 million gallons per day (MGD) are required to have the best technology available for minimizing fish/shellfish impingement mortality and entrainment caused by cooling water intake structures. Pursuant to the electronic reporting rule published in the Federal Register (80 FR 64063), a new electronic reporting requirement is added to the proposed permit.

Other Legal Requirements

State certification under section 401 of the CWA; consistency with the Texas Coastal Management Program; and compliance with National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Historic Preservation Act, Papework Reduction Act, and Regulatory Flexibility Act requirements are discussed in the fact sheet to the proposed permit.


William K. Honker, Director, Water Division, EPA Region 6.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

Table of Contents

I. General Information
   A. Does this action apply to me?
      B. How can I get copies of these documents and other related information?
      C. Who are the EPA regional contacts for this permit?
   II. Background of Permit
   III. Summary of the Final 2017 CGP
      A. Technology-Based Effluent Limits
      B. Water Quality-Based Effluent Limits (WQBELs)
      C. Summary of Significant Permit Changes from the 2012 CGP
   IV. Implementation Assistance
   V. Analysis of Economic Impacts
   VI. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
   VII. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
   VIII. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

I. General Information

A. Does this action apply to me?

1. Entities Covered by This Permit

This permit covers the following entities, as categorized in the North American Industry Classification System (NAICS):

<table>
<thead>
<tr>
<th>Category</th>
<th>Examples of affected entities</th>
<th>North American Industry Classification System (NAICS) code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>Construction site operators disturbing one (1) or more acres of land, or less than one (1) acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more, and performing the following activities:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction of Buildings</td>
<td>236</td>
</tr>
<tr>
<td></td>
<td>Heavy and Civil Engineering Construction</td>
<td>237</td>
</tr>
</tbody>
</table>