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SENT VIA EMAIL - Thomas Jenny C

October 26, 2011

Mr. David S. Evans

Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
USEPA Headquarters  
120 Pennsylvania Avenue, N.W.  
**Mail Code: 4502T**  
Washington, DC 20460

g - Dept. of Water of the United States"

RE: Oct. 12, 2011, Small Entities Outreach Meeting

Dear Mr. Evans:

With information on how federal regulation

Thank you for the opportunity to provide you with information on how federal regulation

and  
sewers, and  
million.

McAllen Construction located in McAllen, Texas. McAllen is a small, family owned and operated business that installs municipal utilities, such as waterlines, sanitary storm sewers. We have 123 employees and annual revenues of around \$20 million.

My company

currently serve as chair man on AGC's Environmental Network Steering Committee. AGC is

I am also an elected Trustee of the McAllen Public Utilities Board. This

position that oversees water and wastewater infrastructure for our local community. As an elected official and a public steward, I am

quality and the health and welfare of our citizens. And because our resources are limited, I must often make painful judgments as to what we will do and what we cannot do.

"*For the duration of your sentence, I will never speak to you again. I'm 100% Chianti now and I will never drink anything else.*" After this in 2013 they called for his execution (carcere) because "he became a violent felon under the Clinton Administration," according to the [Washington Post](http://www.washingtonpost.com/local/crime/obituary-of-a-convicted-killer-in-prison-for-15-years-is-released/2013/07/10/gIQAQfXHgI_story.html). The execution was stayed by a court appeal, but he was released from prison in 2015. Since then, he has been living in a small town in Italy, where he has been working as a waiter at a local trattoria.

For the first time, the U.S. Department of Energy has adopted strict public health guidelines for emergency and long-term planning. These measures have been endorsed by many leading industry groups including the American Consulting Engineers Council.

Chlorophyll-a concentration (mg m<sup>-3</sup>)

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and the following command  
will generate a file *test*.

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In addition, reac-

→ cutter even longer delays

Given the issues that currently humans has faced, upcomings are and longer additional costs while trying to determine whether or not

the Court's jurisdiction, to establish that a non-navigable water (including a non-navigable wetland) is a U.S. water, AGC believes that the Court requires the agencies to measure and establish the nature of the non-navigable water's connection to, and relevance to, the navigable water.

With regard to the first question, it is clear that the most significant factor is the quality of the training.

Other AGC members build highway and transit infrastructure, repair dams, construct flood control projects, and renovate schools, among many other things. Any delay in these types of projects deprives the general public of the benefits they would otherwise receive.

| Overall Incidence   |           | Communication Needed to Mitigate |           |
|---------------------|-----------|----------------------------------|-----------|
| High                | Very High | High                             | Very High |
| Medium              | Low       | Medium                           | Low       |
| Low                 | Very Low  | Low                              | Very Low  |
| Overall Impact      |           | Impact of Delay                  |           |
| High                | Very High | High                             | Very High |
| Medium              | Low       | Medium                           | Low       |
| Low                 | Very Low  | Low                              | Very Low  |
| Overall Likelihood  |           | Likelihood of Delay              |           |
| High                | Very High | High                             | Very High |
| Medium              | Low       | Medium                           | Low       |
| Low                 | Very Low  | Low                              | Very Low  |
| Overall Probability |           | Probability of Occurrence        |           |
| High                | Very High | High                             | Very High |
| Medium              | Low       | Medium                           | Low       |
| Low                 | Very Low  | Low                              | Very Low  |
| Overall Risk        |           | Risk of Occurrence               |           |
| High                | Very High | High                             | Very High |
| Medium              | Low       | Medium                           | Low       |
| Low                 | Very Low  | Low                              | Very Low  |

## **Protection of States' Right to Manage Water**

any action that would fundamentally expand the federal

role in water quality rules  
will affect the general public.

and changes that wouldn't  
affect anything more than a few  
small areas could easily  
fall under the CWA's  
jurisdictional reach.

That's why many  
of us fear  
that

any new  
rule will  
allow  
the  
federal  
government  
to  
overrule  
state  
water  
laws.

The administration's proposal is an example of how the agency  
is proceeding with little regard to public input or scientific evidence.  
The agency has already issued a draft guidance document that  
claims no new water bodies fall under the CWA's jurisdiction.

But the agency has yet to release the proposed rule or seek  
public comment on it. Instead, it has moved forward with a  
rulemaking that appears to mirror the draft guidance.

## **EPA Proceeding Too Quickly**

in many of the 300,000  
making, they did not

copies from the field (as  
provide) on the

already too muchmaking and mirrors the 2011 Draft Guidance. Although  
comment period closed on the Draft Guidance, EPA has yet to undertake a rule

EPA and the Office of Management and Budget have requested that we p  
implications of any changes to the existing limits on CWA jurisdiction.

questions EPA presented to those who participated in the "Waters of the U.S. Small Entities Conference" on June 11, 2015.

Answers will help EPA develop the definition of "waters of the United States" (WOTUS) in a way that protects public health and the environment, while avoiding unnecessary costs to small entities.

## Comments

To identify the types of CWA jurisdictional waters that would merit protection under the proposed rule, EPA has prepared a series of questions. If you have comments on the rule or the proposed answers, please send them to us at [WOTUSSmallEntities@epa.gov](mailto:WOTUSSmallEntities@epa.gov).

What are the types of CWA jurisdictional waters that would merit protection under the proposed rule? EPA is interested in hearing from you about the types of waters that you believe should be protected under the proposed rule. Please explain why you believe these types of waters should be protected under the proposed rule. Your responses should include the types of waters you believe should be protected under the proposed rule, the reasons why you believe these types of waters should be protected under the proposed rule, and any other relevant information.

Small Entity

Small entities are defined as those entities that are not large companies, organizations, or governments. Small entities may be individuals, small businesses, non-profits, or other organizations that are not large companies, organizations, or governments.

Large Entity

Large entities

Proposed Rule (WOTUS) (New York)

Proposed Rule (WOTUS) (New York)

Proposed Rule (WOTUS) (New York)

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- (b) They do not have a significant impact on the environment.
- (c) They do not have a significant impact on the environment.
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- (z) They do not have a significant impact on the environment.

Proposed Rule (WOTUS) (New York)