

U.S. ENVIRONMENTAL PROTECTION AGENCY – REGION 5  
**PUBLIC NOTICE**

IN RE:

Bennett Quality Homes, Inc.,  
27899 Clemens Road  
Westlake, Ohio 44145-1141

and,

Talp, Inc.,  
30257 Clemens Road, Unit D  
Westlake, Ohio, 44145-1004



The U.S. Environmental Protection Agency, Region 5, is providing this notice of its intent to file a proposed Consent Agreement and Final Order (proposed CAFO) against Bennett Quality Homes, Inc., and Talp, Inc., Westlake, Ohio, for alleged violations of section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311. The proposed CAFO would resolve allegations that on or about March 14, 2013, Respondents violated section 301 of the CWA, 33 U.S.C. § 1311, by discharging fill material into waters of the United States during housing construction on or around Merion Court, Westlake, Ohio, without a CWA Permit. In the proposed CAFO, EPA and Respondents would agree that Respondents would pay a civil penalty of \$35,000.00 to resolve the alleged CWA violation.

A copy of the proposed CAFO may be viewed at <http://www.epa.gov/region5/newsevents/> and by clicking on *Bennett Quality Homes, Inc.* Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

**OPPORTUNITY FOR COMMENT:** Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), requires that interested persons be given notice of any proposed penalty regarding alleged violations of the CWA and a reasonable opportunity to comment on it.

Any person who wishes to comment on the proposed CAFO may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 22.45 (40 C.F.R. § 22.45), particularly subpart (c) *Comment by a person who is not a party*. This regulation may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>.

**Comments should be made in writing to the Regional Hearing Clerk at:**

In the Matter of: Bennett Quality Homes, Inc., and Talp, Inc.  
Docket No. **CWA-05-2017-0010**

LaDawn Whitehead  
Regional Hearing Clerk  
Mail Code E-19J

U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, Illinois 60604  
[whitehead.ladawn@epa.gov](mailto:whitehead.ladawn@epa.gov)

Written comments may be submitted to the Regional Hearing Clerk electronically, by delivery to her above street or e-mail address. Your comments should include the case name, docket number, and your complete mailing address. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website:

<http://www.epa.gov/region5/newsevents/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that EPA requires your regular mailing address since we must use the U.S. Postal Service should we need to contact you to reply, request additional information, or notify you of a hearing. If you wish to include any attachments with your comment, please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

Regardless of how you submit them, **all written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Public Notices home page for this docket number: CWA-05-2017-0010**  
<http://www.epa.gov/region5/newsevents/>

Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

All documents filed in this proceeding (including documents submitted by Respondent or by the public) are available for public inspection by appointment only between 9:00 a.m. and 4:30 p.m. (Central Time), Monday through Friday, at the EPA Regional Office. You may make an appointment for such an inspection by calling (312) 886-3713, or by writing the Regional Hearing Clerk at the address above.

If the proposed CAFO is filed in its present form, no hearing will be held in this matter. If a hearing is held, we will advise the public who (during the public comment period) submitted a written request to participate in a hearing of the date, the time and place of the hearing, which they may attend and present evidence on the appropriateness of the proposed CWA penalty assessment by following the instructions of 40 C.F.R. § 22.45(c)(1).

EPA will send a copy of the proposed CAFO assessing a penalty to any person who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who submit written comments, or ask to participate in any hearing held in this matter, and during this comment period, preserve a right to petition the Regional Administrator to set aside the proposed CWA portion of this proposed CAFO on the basis that material evidence was not considered, as described at 40 C.F.R. § 22.45(c)(4).