



**United States
Environmental Protection
Agency**

REGION 5
77 WEST JACKSON BLVD
CHICAGO, IL 60604-3590

PUBLIC NOTICE

Rauch Excavating Inc.
c/o Mr. Brian Rauch
3724 Middlesboro Road
Morrow, Ohio 45152

Case Docket No. **CWA-05-2018-0010**

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, provides this notice of its intent to file a proposed Consent Agreement and Final Order (proposed CAFO) against Rauch Excavating Inc., Morrow, Ohio (Respondent) which alleges it discharged fill material into approximately 2.23 acres of wetlands into property located at 5669 Route 22 & 3, City of Morrow, Warren County, Ohio (the site) without a Clean Water Act Section 404(b) Dredge and Fill Permit. The CAFO proposes a civil penalty of \$5,000. The alleged violations are of environmental significance because shallow open water and emergent wetlands at the site provide critical habitat and flood storage and also serve to filter surface and ground waters before they eventually reach downstream Little Miami River.

A copy of the CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events and by clicking on the "CAFO" link on the Region 5 events calendar for the docket number identified above. Alternatively, the CAFO may be received by contacting the Regional Hearing Clerk at the address listed below.

OPPORTUNITY FOR COMMENT: Section 309(g) of the CWA, 33 U.S.C. §1319(g), requires that interested persons be given notice of the proposed CAFO and the proposed civil penalty and a reasonable opportunity to comment. Any person who wishes to comment on the proposed civil penalty may submit written comments, may attend or present evidence at any hearing scheduled on this action, or both, by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (C) *comment by a person who is not a party*. This portion of the code of federal regulations may be accessed at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1-sec22-45.pdf> or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R. Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

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

Regional Hearing Clerk

Mail Code E-19J
Region 5, U.S. EPA
77 West Jackson Boulevard
Chicago, Illinois 60604

Case Docket No. CWA-05-2018-0010

Written comments may be submitted to the Regional Hearing Clerk by email to whitehead.ladawn@epa.gov; or by mail or delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, request additional information or notify you of a hearing, and to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:00 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events.

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

Only persons who submit written comments, and who do so during a comment period, and preserve the right to petition the Regional Administrator to set aside any agreement or order for this action on the basis that material evidence was not considered, as described in 40 C.F.R. § 22.45(c)(4).