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May 8, 2024 @ 8:13 am
USEPA – Region II
Regional Hearing Clerk

Andrew S. Levine

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May 8, 2024

VIA E-Mail (maples.karen@epa.gov)

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway-16th Floor
(Room 1631) New York, NY
10007-1866

**Re: In the Matter of City of Atlantic City Municipal Separate Storm Sewer System,
Docket No. CWA-02-2023-3319**

Dear Ms. Maples:

Enclosed for filing please find Respondent's unopposed Fifth Motion for Extension of Time to Answer EPA's Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing in the above-captioned matter. I have conferred with EPA counsel and EPA has no objection to this request.

Please file the Motion and provide a stamped copy by return e-mail.
Thank you for your assistance.

Very truly yours,

Andrew S. Levine

Philadelphia, PA • Malvern, PA • Cherry Hill, NJ • Newark, NJ • Wilmington, DE • Washington, DC • New York, NY • Chicago, IL

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MERITAS LAW FIRMS WORLDWIDE

May 8, 2024 @ 8:13 am
USEPA – Region II
Regional Hearing Clerk

IN THE MATTER OF:

**City of Atlantic City
Municipal Separate Storm Sewer System
("MS4")
NJPDES Permit No. NJG0153168**

Respondent

**PROCEEDING TO
ASSESS CIVIL PENALTY
CLASS I**

**Docket No. CWA-02-2023-
3319**

**RESPONDENT' S FIFTH MOTION FOR EXTENSION OF TIME TO
ANSWER EPA'S ADMINISTRATIVE COMPLAINT, FINDINGS OF
VIOLATION, NOTICE OF PROPOSED ASSESSMENT OF AN
ADMINISTRATIVE PENALTY, AND NOTICE OF OPPORTUNITY TO
REQUEST A HEARING**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, Respondent, City of Atlantic City moves for an additional extension of time of sixty (60) days within which to file an Answer to the U.S. Environmental Protection Agency's ("EPA") Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (the "Complaint"). In support of this Motion, respondent states as follows:

1. This is Respondent's fifth request for an extension of time in which to Answer the Complaint, and the Parties are engaged in productive settlement discussions. At this time the Parties are finalizing negotiations with respect to payment of penalty and executing a settlement document.. Consequently, additional time is required to ensure the SEP complies with applicable guidance, and to facilitate the resolution of this matter.
2. Respondent conferred with counsel for EPA, who concurs in this request.

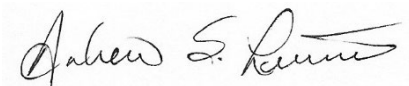
CERTIFICATE OF
SERVICE

The undersigned hereby certifies that on this 8th day of May, 2024, a true and correct copy of the foregoing FIFTH MOTION FOR EXTENSION OF TIME TO ANSWER EPA'S ADMINISTRATIVE COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED ASSESSMENT OF ADMINISTRATIVE PENALTY, AND NOTICE OF OPPORTUNITY TO REQUEST A HEARING was served on the following via e-mail to:

Karen Maples (maples.karen@epa.gov)
Regional Hearing Clerk
U.S. Environmental Protection

Lauren Fischer, Esq. (fischer.lauren@epa.gov)
Assistant Regional Counsel

Helen S. Ferrara (ferrara.helen@epa.gov)
Regional Judicial Officer

A handwritten signature in black ink, appearing to read "Andrew S. Levine". The signature is written in a cursive style with a horizontal line at the end.

Andrew S. Levine, Esq.