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January 19, 2024 @ 4:20 pm
USEPA – Region II
Regional Hearing Clerk

January 19, 2023

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 Third 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

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MERITAS LAW FIRMS WORLDWIDE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

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 THIRD 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 forty-five (45) 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 third request for an extension of time in which to Answer the Complaint, and the Parties are engaged in productive settlement discussions. These settlement discussions will include a new proposal from Respondent for a Supplemental Environmental Project ("SEP"), which will require additional concurrence from EPA Headquarters. Consequently, additional time is required to ensure the SEP complies with applicable guidance, and to facilitate the resolution of this matter.
2. The current extension expires January 22, 2024.
3. EPA considered and rejected Respondent's initial SEP proposal,

but in light of the feedback received from EPA Respondent has revised its proposal, and intends to submit it shortly for EPA's consideration.

4. Respondent conferred with counsel for EPA, who concurs in this request.

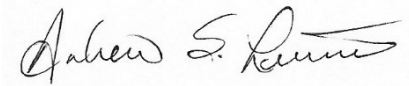
CERTIFICATE OF
SERVICE

The undersigned hereby certifies that on this 19th day of January, 2024, a true and correct copy of the foregoing THIRD 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 extending from the end.

Andrew S. Levine, Esq.