

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, REGION 2  
290 Broadway  
New York, New York 10007**

<p>In The Matter Of</p> <p>City of Atlantic City 1301 Bacharach Boulevard Atlantic City, New Jersey 08401</p> <p>NJPDES Permit NJG0153168</p> <p>Respondent</p>	<p>CONSENT AGREEMENT AND FINAL ORDER</p> <p>DOCKET NO. CWA-02-2014-3403</p> <p>Proceeding pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g)</p>
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REGIONAL HEARING  
CLERK

2015 AUG 14 AM 10:57

U.S. Environmental  
Protection Agency-Reg 2

**CONSENT AGREEMENT AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency ("EPA"), having issued the Complaint herein on September 19, 2014, against Respondent City of Atlantic City, Inc. ("Respondent"), and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby agreed and ordered as follows:

**I. PRELIMINARY STATEMENT**

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319.
2. The Complaint alleges that Respondent violated Section 301(a) of the Act, 33 U.S.C. §1311(a) and by failing to comply with the terms of the New Jersey Department of Environmental Protection ("NJDEP") New Jersey Pollutant Discharge Elimination System ("NJPDES") Tier A Municipal Stormwater General Permit for the small Municipal Separate Storm Sewer System ("MS4") that the Respondent owns and operates.
3. This action was public noticed. No public comment was received.

**II. TERMS OF SETTLEMENT**

4. This Consent Agreement and Final Order shall apply to and be binding upon Respondent, its officers, directors, employees, successors and assigns, including, but not limited to, subsequent purchasers.

5. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent.
6. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual or legal allegations contained in the Complaint, consents to the terms of this Consent Agreement and Final Order.
7. Respondent hereby waives their right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.
8. Pursuant to § 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of *Five Thousand Dollars (\$5,000.00)*.
9. For purposes of settlement, Respondent consents to the issuance of this Consent Agreement and consents to the payment of the civil penalty cited in the foregoing Paragraph.

### **III. PAYMENT OF PENALTY**

10. Respondent shall pay a civil penalty in the amount of *Five Thousand Dollars (\$5,000.00)*, to the "Treasurer of the United States of America."
11. Respondent agrees to pay the above stated amount no later than 45 days from the effective date of this Order.
12. Payments can be made by debit/credit card, check, or electronically. Electronic payments fall into two categories: wires and Automated Clearinghouse (ACH). Wires are same day and more costly. ACH is the next day or any future scheduled day and is less expensive. Please note that wires and ACH payments must be conducted through the sender's bank. The checks (cashier's or certified checks only) shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Payment methods are described below:

Type of Payment	Payment Information		
Debit and Credit Card Payments	<a href="https://www.pay.gov/paygov/">https://www.pay.gov/paygov/</a>		
Checks from U.S. Banks		U.S. Postal Service	UPS, Federal Express, or Overnight Mail
Finance Center Contacts: Craig Steffen (513-487-2091)	Check Payments – Fines and Penalties	US Environmental Protection Agency Fines and Penalties Cincinnati Finance Center PO Box 979077 St. Louis, MO 63197-9000	U.S. Bank Government Lockbox 979077 US EPA Fines & Penalties 1005 Convention Plaza SL-MO-C2-GL St. Louis, MO 63101 314-418-1028 Contact: Natalie Pearson 314-418-4087

