

Catherine M. Ward
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October 20, 2014

Sent via Overnight Delivery and Certified Mail – Return Receipt Requested

Karen Maples, Regional Hearing Clerk
US Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

U.S. Environmental
Protection Agency-Reg 2
2014 OCT 21 AM 10: 28
REGIONAL HEARING
CLERK

**Re: Notice of Proposed Assessment of a Civil Penalty Class II
City of Atlantic City Municipal Separate Storm Sewer System ("MS4")
Docket No. CWA-02-2014-3403**

Dear Ms. Maples:

Enclosed please find a Motion filed on behalf of the City of Atlantic City, the Respondent in the above referenced Complaint, to extend the time to file an Answer or otherwise respond to the Complaint. This Motion is being filed after speaking with, and obtaining the consent of, the Agency's attorney in the Office of Regional Counsel. Eduardo J. Gonzalez.

A Certificate of Service is also enclosed. If you have any questions, please don't hesitate to contact me at 856-321-2402. Thank you.

Sincerely yours,



Catherine M. Ward

Enclosures

cc: Eduardo J. Gonzalez, Esq., Office of Regional Counsel, USEPA
Christy Arvizu, Program Officer, USEPA
Marcedius T. Jameson, Director, Division of Water & Land Use Enforcement, NJDEP
City of Atlantic City

Catherine M. Ward, Esq.
STRADLEY, RONON, STEVENS & YOUNG, LLP
A Pennsylvania Limited Liability Partnership
LibertyView
457 Haddonfield Road, Suite 100
Cherry Hill, NJ 08002
(856) 321-2400
Attorney for Respondent

IN THE MATTER OF:

City of Atlantic City
1301 Bacharach Boulevard
Atlantic City, New Jersey 08401

NPDES Permit NJG0153168

Respondent

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

REGION 2

DOCKET NO: CWA-02-2014-3403

**MOTION TO EXTEND TIME TO FILE
AN ANSWER TO ADMINISTRATIVE
COMPLAINT PURSUANT TO CROP
RULE 22.07(b)**

Respondent City of Atlantic City (the “City”), by and through its counsel, files this Motion to Extend Time to File an Answer to the United States Environmental Protection Agency’s (“Agency’s”) Administrative Complaint, Findings of Violation, Notice of Proposed Administrative Penalty, and Notice of Opportunity to Request a Hearing (the “Complaint”) as set forth below:

1. On September 22, 2014, the City was served with a Complaint commencing a Proceeding to Assess a Class II Civil Penalty, Docket No. CWA-02-2-14-3403.
2. On October 16, 2014 the City of Atlantic City forwarded a copy of the Complaint to the undersigned and it is the City’s intent that settlement be explored with the Agency.

3. On October 20, 2014, the undersigned spoke with Eduardo Gonzalez, Esq., in the Agency's Office of Regional Counsel and we discussed the City's intent to enter into settlement discussions with the Agency regarding the penalty assessed in the Complaint and he indicated the Agency's willingness to enter into settlement discussions as well.


4. Together with the Agency's Regional Counsel, it was decided that the City would request an extension of time in order to explore settlement with the Agency's legal and program representatives.

5. Therefore, pursuant to the Consolidated Rules of Practice ("CROP") Rule 22.07(b), the City hereby requests an extension of time of sixty (60) days in order to explore settlement of the instant matter with the Agency.

6. Counsel for the Agency has no objection to the City's request for an extension of time and in fact agrees with the extension in order to provide the parties with adequate time to explore settlement.

This Motion to Extend Time to File an Answer Pursuant to CROP Rule 22.07(b) is respectfully submitted this 20th day of October, 2014.

STRADLEY RONON STEVENS & YOUNG, LLP

By: 
Catherine M. Ward
Attorneys for Respondent, City of Atlantic
City

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CERTIFICATE OF SERVICE

I, Catherine M. Ward, do hereby certify that on this date, I served an original and one (1) copy of the foregoing Motion, via overnight delivery and certified mail, return receipt requested, on the following person:


Karen Maples, Regional Hearing Clerk
US Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

A copy of the within Motion was served via email and certified mail, return receipt requested, on the following persons:

Eduardo J. Gonzalez, Esq.
Water and General Law Branch
Office of Regional Counsel
260 Broadway, 16th Floor
New York, NY 10007-1866

Marcedius T. Jameson, Director
Division of Water & Land Use Enforcement
NJ Department of Environmental Protection
Mail Code 401-04F
401 East State Street
P.O. Box 420
Trenton, NJ 08625-0420

STRADLEY RONON STEVENS & YOUNG, LLP

By: 

Catherine M. Ward
Attorneys for Respondent, City of Atlantic
City