

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, 16<sup>th</sup> 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

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**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)

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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 20<sup>th</sup> day of October, 2014.

STRADLEY RONON STEVENS & YOUNG, LLP

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



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UNITED STATES ENVIRONMENTAL  
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REGION 2

DOCKET NO: CWA-02-2014-3403

**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, 16<sup>th</sup> 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, 16<sup>th</sup> Floor  
New York, NY 10007-1866

