

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Astro Auto Wrecking, LLC

Federal Way, Washington

Respondent.

DOCKET NO. CWA-10-2021-0097

**Motion for Second Short-Term Extension to
File Status Report**

On April 29, 2021, the Director of the Enforcement and Compliance Assurance Division in Region 10 of the United States Environmental Protection Agency (“Complainant”) filed a Complaint against Astro Auto Wrecking, LLC (“Respondent”) alleging violations of the Clean Water Act (Dkt. No. 1). Pursuant to 40 C.F.R. §§ 22.15(a) and 22.7(c) the Respondent’s answer was due on or around June 2, 2021. On March 1, 2022, Complainant filed a Motion for Default Judgment pursuant to 40 C.F.R. § 22.17 alleging that Respondent failed to file a timely answer to the Complaint.

Complainant and Respondent (“Parties”) conferred and intend to pursue a negotiated resolution to this matter. On March 14, 2022, the Presiding Officer issued an Order Staying Consideration of the Motion for Default (“Order”) for a period of 30 days to allow the Parties to engage in settlement discussions. The Order directed Complainant to file a status report at the close of the 30-day period indicating whether additional time to pursue settlement discussions is warranted. On April 12, 2022, Complainant filed a status report informing the Presiding Officer that Respondent had retained counsel to represent it in this matter and that the Parties intended to pursue a negotiated resolution. Concurrent with the status report Complainant requested an additional 60-day stay which the Presiding Officer granted on April 13, 2022. Complainant filed a second status report on June 10, 2022, informing the Presiding Officer of the status of the Parties negotiations and requesting an additional 60-day stay to August 9, 2022. Complainant

filed a short-term extension request to file the status report due on August 9, 2022 to provide the parties additional time for the parties to evaluate the status of the negotiations and to inform the Presiding Officer of this evaluation in a status report. The Presiding Officer granted the short term extension on August 10, 2022. Complainant now moves the Presiding Officer for a second short-term extension to September 16, 2022, for the parties to complete evaluation of the status of the negotiations and to inform the Presiding Officer of this evaluation in a status report.

Since April 13, 2022, counsel for Respondent and Complainant have been in contact attempting to negotiate a resolution. These discussions have included addressing any remaining compliance concerns and the appropriate amount of any penalty. Recently, Complainant shared a draft consent agreement with Respondent for review. Respondent provided information relevant to the draft consent agreement on August 11, 2022, and Complainant's initial evaluation of the information received prompted additional questions that the Parties are attempting to resolve. Resolution of these questions are a key factor influencing whether the Parties will ultimately be able to reach a negotiated resolution. In consideration of the continued efforts by the Parties to reach settlement, Complainant moves for a second short-term extension to September 16, 2022, to file the status report initially due on August 9, 2022 (Dkt. No. 17). The request for additional time takes into account scheduling limitations for Complainant and will enable Respondent to provide, and for Complainant to consider, the information needed to determine whether a settlement is possible. Complainant acknowledges the inefficiencies of short-term extensions and does not intend to request any additional extension to file the status report past September 16, 2022.

Based on the foregoing, there is good cause to grant this Motion because it will provide the additional time needed for the Parties to see if a negotiated settlement can be reached which, if achieved, would avoid the need to litigate the matter. Furthermore, litigation may impair the Parties' ability to engage in frank and productive settlement discussions. The relief requested in

this Motion may facilitate a quick resolution of the matter, avoid the need to litigate, and preserve the resources of the Presiding Officer as well as of the Parties.

Respectfully submitted,

E. Alexander Fidis
Assistant Regional Counsel
U.S. EPA, Region 10
1200 6th Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101-3140
(206) 553-4710
Fidis.alexander@epa.gov