

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

**Second Status Report and Motion to Extend
Stay of Consideration of Motion for Default
Judgment**

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.

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. In light of the Parties continued progress to reach a negotiated resolution Complainant moves for an additional 60-day stay of the Presiding Officer's consideration of its Motion for Default Judgment. During such stay, the Parties intend to continue negotiations and will work to finalize and file any consent agreement. Complainant conferred with Respondent's counsel who represented that Respondent supports this Motion.

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,

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