

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

EXHIBIT TO FINAL STATUS REPORT

- Exhibit 1 Email from Angela Smith to Alexander Fidis and Region 10 Regional Hearing Clerk, Mar. 3, 2022
- Exhibit 2 Email communications between Angela Smith and Alexander Fidis, Mar. 4 to Mar. 11, 2022
- Exhibit 3 Notice of Withdrawal of Counsel, Sept. 14, 2022

EXHIBIT 1

From: [Angela Smith](#)
To: [Fidis, Alexander](#)
Cc: [R10_RHC](#)
Subject: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default
Date: Thursday, March 03, 2022 9:20:55 PM

The Honorable Richard Mednick and Mr. Alexander Fidis,

This is Angela Smith at Astro Auto Wrecking. I am assisting Mr. McMilian with taking care of certain unfinished items left behind after a series of complicated, and near devastating events that have occurred over the course of the last 12-18 months. The onset of COVID-19 caused Mr. McMilian to let go many of those working for him. Leaving his business, Astro Auto Wrecking, severely understaffed. In addition to the Events during this timeline have included deliberate acts by now former employees, as well as general neglect and disregard for proper handling and communicating of pertinent and time sensitive information and issues. Mr. McMilian was aware of the initial report following the May 20, 2019 inspection. In response to this inspection Mr. McMilian began a series of changes to bring himself into compliance with the EPA's requests. In response to your recent communications, please see the following updates:

Violation 1: Mr. McMilian implemented-company-wide procedures for all to follow to ensure that spills would be cleaned up immediately. All current and future employees are provided a copy of spill clean-up procedures.

Violation 2: Mr. McMilian installed rigid double-walled impermeable tanks to capture any potentially spilled fluids.

Violation 3: Mr. McMilian ensured that there is a spill kit within 25ft of the station used for fueling machinery and equipment.

Violation 4: Drip pan containment has been installed/implemented.

Violation 5: Dumpster has been covered.

Violation 7: Completed and maintained an Updated Stormwater Pollution Prevention Plan (SWPPP).

Violation 8: Mr. McMilian conducted and required ALL employees to participate in Annual Training no matter their position within the company.

Violation 9: Mr. McMilian conducted monthly inspections to ensure that any possible run-off and/or leaks be discovered and corrected in a timely manner.

Violation 6 & 10: Mr. McMilian assigned an individual to complete and submit Discharge Monitoring Reports, as well as maintain records of the inspections, reports, and other necessary data to ensure compliance with EPA requests. Photographs were taken of the actions done to bring Astro Auto Wrecking into compliance with EPA demands.

Over the course of the last 22 months, COVID-19 caused certain employees to leave their positions within the company. Additionally, Mr. McMilian was forced to let the individual go who had been handling the records after discovering they had been dishonest in their handling and management of back office records and filings. When they were let go, Mr. McMilian was locked out of his email and online accounts. We have only recently been able to regain access to any of them, and are still working toward regaining access to the rest. This brings us to the current time. Mr. McMilian is currently working toward recompiling the data and records that were lost due to past employee negligence. I am doing everything in my power to assist him with this extremely daunting task. We do still have copies of the photographs that were taken showing what has been done to bring Mr. McMilian into compliance.

Unfortunately, I am not a lawyer, and have limited experience in court filings. I have done quite a bit of research trying to figure out the correct forms to issue a response with, as well as where to file them, but I am coming up empty. I understand your frustration with this situation, and assure you that I/we are doing everything possible to bring this situation to as quick an end as possible. I know it is not your responsibility to provide me with any guidance to what forms Mr. McMilian needs to file in response to your filings and where to file them it would be of great assistance. We received the packet you sent through USPS, but I could not locate any information there about filing a response, and as I mentioned earlier, I really have very little experience in the legal field.

If you need to reach me, I am always available through email - astroautoasmith@outlook.com, and this is the most effective way to reach me. If you do need to speak to me by telephone, my availability is limited during the day as I work in two different places. My telephone availability is generally from 11am to 1pm, and from 6pm-9pm.

Thank you in advance for any direction you can lend.

Sincerely,
Angela Smith
Astro Auto Wrecking
Office: (253)838-2800
Cell: (253)224-6657

EXHIBIT 2

From: [Angela Smith](#)
To: [Fidis, Alexander](#)
Subject: Re: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default
Date: Friday, March 11, 2022 8:27:34 AM

Mr. Fidis,

Yes Astro Auto Wrecking agreed to the 30 day delay. Thank you again for your assistance getting this taken care of.
Angela

Sent from my T-Mobile 5G Device
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From: Fidis, Alexander <Fidis.Alexander@epa.gov>
Sent: Friday, March 11, 2022 6:34:01 AM
To: Angela Smith <astroautoasmith@outlook.com>
Subject: RE: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Ms. Smith –

Thank you for your email. I will look for a time for us to talk next week and get back to you. Before we talk I will need to file something with the Regional Judicial Officer requesting that he not consider and rule on the motion for default for a period of time. My proposal would be to request a 30 day hold and to do so I will need to represent whether Astro Auto Wrecking agrees to the delay. Can you please respond in writing whether you agree to the a 30 day delay? Once I get your response I will file the request to put the case on hold and then will contact you to set up a time to talk. Thanks.
-Alex

From: Angela Smith <astroautoasmith@outlook.com>
Sent: Thursday, March 10, 2022 7:22 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Subject: Re: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Mr. Fidis and the Honorable Richard Mednick,

I apologize for not getting back to you yesterday as I had originally planned. As Murphy's Law would have it, nothing was quite as planned after Mr. Fidis and I spoke. I have spoken with Mr. McMilian and we would like to move forward with resolution. Mr. Fidis, how do we go about setting up the meeting to resolve the issues, as you and I previously discussed? We truly appreciate the opportunity to work with you to insure that these issues have been corrected in the manner in which you wanted. Please let me know at your earliest convenience when we can set up this meeting.

Thank You,
Angela Smith

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From: Angela Smith <astroautoasmith@outlook.com>
Sent: Tuesday, March 8, 2022 3:54:22 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Subject: Re: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Sounds good, thank you.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Fidis, Alexander <Fidis.Alexander@epa.gov>
Sent: Tuesday, March 8, 2022 3:44:28 PM
To: Angela Smith <astroautoasmith@outlook.com>
Subject: RE: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Thank you. I will give you a call around 11 tomorrow.

From: Angela Smith <astroautoasmith@outlook.com>
Sent: Tuesday, March 08, 2022 1:31 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Subject: Re: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Mr. Fidis,

My apologies. I was in my other office all morning and just now saw the message. Tomorrow from 11-noon should work. The best number to reach me at will be my cell phone [REDACTED]. Please let me know if there are any new changes to time or date. Have a great afternoon.

Angela Smith

From: Fidis, Alexander <Fidis.Alexander@epa.gov>
Sent: Tuesday, March 8, 2022 6:41
To: Angela Smith <astroautoasmith@outlook.com>
Subject: RE: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Ms. Smith –

Unfortunately I now have a conflict from 12-3 today. Would you be available between 11 and noon today or sometime tomorrow? Sorry for the inconvenience, but it's not something I can reschedule.

-Alex

From: Angela Smith <astroautoasmith@outlook.com>
Sent: Friday, March 04, 2022 12:40 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Subject: Re: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Mr. Fidis,

Thank you for your prompt response to my email. I do appreciate it. Tuesday is good for me. If we could please schedule that for 12:15pm it would be perfect. Again, I appreciate your time and understanding.

Angela Smith

From: Fidis, Alexander <Fidis.Alexander@epa.gov>
Sent: Friday, March 4, 2022 10:57
To: Angela Smith <astroautoasmith@outlook.com>
Subject: RE: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

Ms. Smith –

Thank you for your email and phone message and I apologize for the delay getting back to you. I'm happy to discuss with how you can file a response or other ways to resolve this matter but I need to speak with my clients first. Is there a good time that works for you sometime early next week? I'm free on Tuesday anytime from 11-1. Thank you for your attention to this matter.

-Alex

From: Angela Smith <astroautoasmith@outlook.com>
Sent: Thursday, March 03, 2022 9:20 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: R10_RHC <R10_RHC@epa.gov>
Subject: In the Matter of: Astro Auto Wrecking, LLC, U.S. EPA Docket No. CWA-10-2021-0097, Motion for Default

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Thank you in advance for any direction you can lend.

Sincerely,
Angela Smith
Astro Auto Wrecking
Office: (253)838-2800
Cell: (253)224-6657

EXHIBIT 3

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

**NOTICE OF WITHDRAWAL
OF COUNSEL**

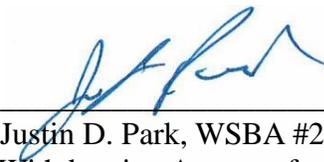
Proceedings Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

TO: E. ALEXANDER FIDIS, Assistant Regional Counsel, EPA Region 10;

PLEASE TAKE NOTICE that Justin D. Park and the law firm of Romero Park P.S., hereby withdraw as attorneys of record for Respondent, Astro auto Wrecking, LLC, effective immediately. All future notices, pleadings and correspondence in this matter should be directed to Leo McMilian, Astro Auto Wrecking, LLC, 37307 Enchanted Pkwy. South, Federal Way, Washington 98003; (206) 249-2395; leomcmilian@gmail.com.

DATED this 14th day of September 2022.

ROMERO PARK P.S.



Justin D. Park, WSBA #28340
Withdrawing Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **NOTICE OF WITHDRAWAL COUNSEL** in **In the Matter of: Astro Auto Wrecking, LLC, DOCKET NO.: CWA-10-2021-0097** served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Via Electronic Mail

Alex Fidis

Office of Regional Counsel

U.S. Environmental Protection Agency

Region 10, Mail Stop 11-C07

1200 Sixth Avenue, Suite 155

Seattle, WA 98101

Fidis.alexander@epa.gov

DATED this 14th day of September, 2022.



Kathy Koback,
Legal Assistant