

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

DERECKTOR SHIPYARDS CONN., LLC,

Respondent

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Docket No. RCRA-01-2007-0152

**ORDER GRANTING THIRD JOINT MOTION FOR EXTENSION OF TIME  
FOR FILING CONSENT AGREEMENT**

Upon a report from the Neutral Judge that the parties had reached a settlement in principle in this matter as to the penalty in this matter and were working out the terms of a Supplemental Environmental Project, the parties were ordered to file a Consent Agreement and Final Order (CAFO) on or before July 31, 2008. On July 28, Complainant filed a joint motion for an extension of ninety (90) days to file the CAFO, based on the fact that Respondent filed a Chapter 11 bankruptcy petition, complicating the procedures for settling this matter. The motion was granted, and the parties were given an extension until October 31, 2008 to file the CAFO. On October 23, 2008, Complainant filed a second joint motion for extension, requesting an additional seventy-five (75) days to file the CAFO, describing several additional procedures needed to finalize this matter, involving complexities from the bankruptcy proceeding. The second motion granted an extension until January 14, 2009 to file the CAFO.

On January 9, 2009, the parties filed a third Joint Motion for Extension of Time for Filing of Consent Agreement, requesting an additional month, until March 16, 2009, to file the CAFO. This Motion states that the Department of Justice (DOJ) attorney and Respondent's bankruptcy counsel have recently reached a tentative agreement regarding the bankruptcy issues for the CAFO, and that the DOJ attorney is drafting a final version of a CAFO for review by a DOJ supervisor and the parties. The Motion states further that after signature by the parties, the CAFO must be formally approved by DOJ management, and then submitted to the Bankruptcy Court for approval.

The extensions previously granted were unusually lengthy, but were granted on the basis that the parties described specific complexities from the bankruptcy proceeding and persuasive reasons for the extra time needed. The third Joint Motion describes the additional steps needed to finalize the CAFO, which requires review and approval by several entities. There is no indication of prejudice or bad faith.

The requested extension of time is hereby **GRANTED**, for good cause. Accordingly, the parties shall file the fully executed Consent Agreement and Final Order on or before **March 16, 2009**.

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

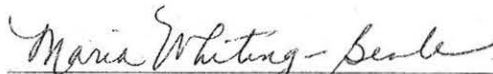
Susan L. Biro  
Chief Administrative Law Judge

Dated: January 14, 2009  
Washington, D.C.

In the Matter of Derecktor Shipyards Conn., LLC, Respondent  
Docket No. RCRA-01-2007-0152

Certificate of Service

I certify that the foregoing **Order Granting Third Joint Motion For Extension Of Time For Filing Consent Agreement**, dated January 14, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Staff Assistant

Dated: January 14, 2009

Original and One Copy by Facsimile and Pouch Mail to:

Wanda I. Santiago  
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Copy by Pouch Mail to:

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