

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
DERECKTOR SHIPYARDS CONN., LLC,) **Docket No. RCRA-01-2007-0152**
)
Respondent)

**ORDER GRANTING FOURTH 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. 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. On January 9, 2009, the parties filed a third motion for extension of time, requesting an additional month, until March 16, 2009, to file the CAFO, on grounds that a final version of the CAFO is being drafted, which must be signed, formally approved by Department of Justice (DOJ) management, and then submitted to the Bankruptcy Court for approval. The motion was granted.

On March 11, 2009, the parties filed a fourth Joint Motion for Extension of Time, stating that the CAFO has been finalized, signed by a representative for Respondent, approved by DOJ, and signed by a representative for Complainant, but that it still must be approved by the Bankruptcy Court and signed by the Regional Judicial Officer before filing. The Motion states that the parties are not aware of when Respondent's bankruptcy counsel will submit the CAFO to the Bankruptcy Court and how long that court will take to approve it.

Several extensions have been requested in this matter, some of which 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 fourth Joint Motion describes the additional steps needed to finalize the CAFO, and 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 **April 30, 2009.**

A handwritten signature in cursive script, appearing to read "S. Biro", written over a horizontal line.

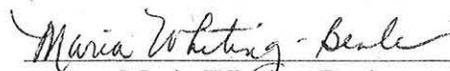
Susan L. Biro
Chief Administrative Law Judge

Dated: March 13, 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 Fourth Joint Motion For Extension Of Time For Filing Consent Agreement**, dated March 13, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: March 13, 2009

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