



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

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2008 DEC 05 AM 9:27  
EXOR. APPEALS BOARD

December 5, 2008

Via FedEx

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

In Re: Higman Barge Lines, Inc., Petition No. CERCLA 106(b) 08-02; Unopposed Motion for Extension of Stay of Petition

Dear Madam Clerk:

Enclosed for filing are an original and five copies of an Unopposed Motion for Extension of Stay of Petition in the referenced matter involving the claim of Higman Barge Lines, Inc. The undersigned attorney has conferred with the Petitioner's counsel, who has indicated that he does not oppose this motion.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to call me at (214) 665-8506. My telefax number is (214) 665-6460, and my email address is [Compton.Joseph@epa.gov](mailto:Compton.Joseph@epa.gov), or "Joseph Compton" within the EPA Lotus Notes system.

Sincerely yours,

A handwritten signature in black ink that reads "Joseph E. Compton III".

Joseph E. Compton III  
Assistant Regional Counsel

Enclosures

cc: Harless Benthul, Esq.

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C.**

ENV. APPEALS BOARD

**IN RE:** )  
 )  
**HIGMAN BARGE LINES, INC.,** ) **PETITION NO.**  
 )  
**PETITIONER.** ) **CERCLA 106(b) 08-02**  
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**UNOPPOSED MOTION FOR EXTENSION OF STAY OF PETITION**

Now comes the Director of the Superfund Division, Region 6, United States Environmental Protection Agency (EPA) (hereinafter "the Director"), who moves the EPA Environmental Appeals Board ("this Board") for an extension of the stay of the Petition for Reimbursement of Higman Barge Lines, Inc. in the above styled matter. The Director was served by this Board with the instant petition on or about August 27, 2008. Subsequently, on October 29, 2008, the EPA filed an unopposed motion for a 30-day stay of proceedings, to allow for further settlement negotiations. The EAB subsequently granted this motion, extending this stay until December 12, 2008. The Director hereby states that the EPA and the Petitioner have conducted good faith settlement negotiations and are continuing to do so. These negotiations involve collateral issues that will require additional time to reach resolution. Therefore, both the EPA and said Petitioner have agreed to filing this unopposed motion for an extension of the stay of the date for the Director's response to be filed in this proceeding for a period of time up to and including January 12, 2009. A proposed order reflecting this motion is attached

hereto. Counsel for the Director has consulted with counsel for Petitioner, who has no objection to this motion.

Respectfully submitted,



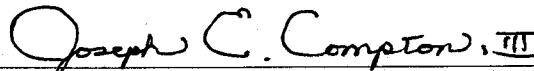
Samuel Coleman, P.E.  
Director, Superfund Division  
U.S. EPA, Region 6



Joseph E. Compton, III  
Asst. Regional Counsel  
Office of Regional Counsel

#### CERTIFICATE OF CONFERENCE

This is to certify that Counsel for the Director has conferred with Harless Benthul, Esq., counsel for the Petitioner Higman Barge Lines, Inc., who advised Counsel that Higman does not oppose this motion.

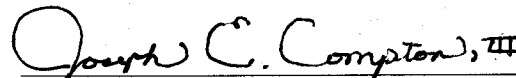


Joseph E. Compton, III.

#### CERTIFICATE OF SERVICE

I certify that I served the foregoing Unopposed Motion for Extension of Stay of Petition and its attached proposed order, on the Petitioner Higman Barge Lines, Inc., by mailing a copy of the same to counsel for Petitioner Higman at the address listed below via First Class U.S Mail, postage prepaid, on this the 5<sup>th</sup> day of December 2008.

Harless Benthul, Esq.  
Lyric Centre  
440 Louisiana, Suite 600  
Houston, Texas 77002



Joseph E. Compton, III.

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C.**

**IN RE:** )  
 )  
**HIGMAN BARGE LINES, INC.** ) **PETITION NO.**  
 )  
**PETITIONER.** ) **CERCLA 106(b) 08-02**  
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**ORDER EXTENDING STAY OF PETITION**

The Director of the Superfund Division, Region 6, United States Environmental Protection Agency (EPA) has moved the EPA Environmental Appeals Board ("this Board") unopposed for a extension of the stay of the petition for reimbursement of Petitioner Higman Barge Lines, Inc. in the above styled matter to January 12, 2009, representing that additional time is necessary for settlement negotiations. Because this motion is unopposed by the Petitioner and for good cause shown, this Board hereby grants said Director the requested extension of the stay of these proceedings for a period of time up to and including January 12, 2009. The Director's response to the petition for reimbursement in this matter shall be filed with this Board no later than January 12, 2009. It is so Ordered.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge, Environmental Appeals Board  
U.S. Environmental Protection Agency