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

ENVIR. APPEALS BOARD

OCT 29 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: Petitioner Barge Lines, Inc., Petition No. CERCLA 106(b) 08-02; Unopposed Motion for Stay of Petition

Dear Madam Clerk:

Enclosed for filing are an original and five copies of an Unopposed Motion for 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, or "Joseph Compton" within the EPA Lotus Notes system.

Sincerely yours,

A handwritten signature in cursive script 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.

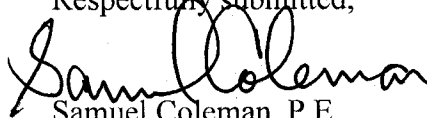
IN RE: ENVIR. APPEALS BOARD)
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PETITIONER BARGE LINES, INC.,) PETITION NO.
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PETITIONER.) CERCLA 106(b) 08-02
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UNOPPOSED MOTION FOR STAY OF PETITION

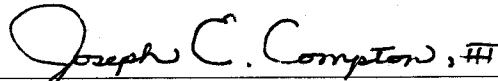
Now comes the Director of the Superfund Division, Region 6, United States Environmental Protection Agency (EPA) (hereinafter "the Director"), who moves the EPA Environmental Appeals Board ("this Board") for a stay of the Petition for Reimbursement of a certain Petitioner Barge Lines, Inc., (Higman Barge Lines, Inc.) in the above styled matter for a period of thirty (30) days. The Petitioner contends the amounts claimed in this proceeding are reasonable costs incurred in Petitioner's compliance with a Unilateral Administrative Order for Remedial Design and Remedial Action issued on May 7, 2007, for the Palmer Barge Superfund Site pursuant to 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a). The Director was served by this Board with a copy of the instant petition in a letter dated September 2, 2008, in which this Board directed a response on the merits by no later than November 3, 2008 (corrected date). The Director hereby states that the EPA has contacted the Petitioner and that said Petitioner has agreed to this unopposed motion for a thirty (30) day stay in this matter so that further settlement negotiations may be conducted. The Director further requests that if after the requested stay of

30 days, this controversy has not been successfully resolved and settled, that this proceeding be reinstated by this Board upon written notice to the parties hereto, and that in such instance, upon receipt of such notice, the Director or his successor be accorded ten (10) days to respond on the merits to the instant Petition, according to the rules and guidance therefor. A proposed order reflecting this motion is attached hereto. Counsel for the Director has consulted with counsel for Petitioner, who stated that the Petitioner does not object to this motion and proposed order.

Respectfully submitted,



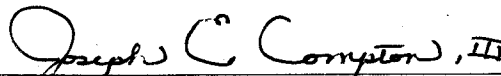
Samuel Coleman, P.E.
Director, Superfund Division
U.S. EPA, Region 6



Joseph E. Compton, III
Asst. Regional Counsel
Superfund Branch (6SF-S)
Office of Regional Counsel
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202

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 Petitioner does not oppose this motion and proposed order.

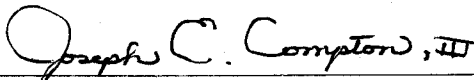


Joseph E. Compton, III.

CERTIFICATE OF SERVICE

I certify that I served the foregoing Unopposed Motion for Stay of Petition and its attached proposed order, on the Petitioner Higman Barge Lines, Inc., by transmitting a copy of the same to counsel for Petitioner Higman at the address listed below via FedEx courier service on this the 29th day of October 2008.

Harless R. Benthul, Esq.
Attorney at Law
440 Louisiana, Suite 600
Houston, Texas 77002



Joseph E. Compton, III.

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IN RE: ENVIR. APPEALS BOARD)) PETITIONER BARGE LINES, INC.)) PETITIONER.)))))))))))	PETITION NO. CERCLA 106(b) 08-02
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ORDER STAYING 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 stay of the Petition for Reimbursement of Petitioner Higman Barge Lines, Inc. in the above styled matter. Because this motion is unopposed by the Petitioner and in the interest of efforts to promote a good faith settlement in this matter, this Board hereby grants said Director a 30 day stay of proceedings, granted from the time of the signing of this Order. Further, if after these good faith efforts are exhausted, and the parties attempting to resolve these matters have not reached an amicable settlement, then the Board further Orders that this proceeding be reinstated upon written notice to the parties hereto, and that in such instance, upon receipt of such notice, the Director or his successor be accorded ten (10) days to respond on the merits, to the instant Petition, according to the rules and guidance therefor. Counsel for the Director has consulted with counsel for Petitioner, who stated that the Petitioner does not object to either the motion or this Order. It is so Ordered.

Dated: _____

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