



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

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ENVIRONMENTAL APPEALS BOARD

February 10, 2009

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 Third Extension of Stay of Petition

Dear Madam Clerk:

Enclosed for filing are an original and five copies of an Unopposed Motion for Third Extension of Stay of Petition and proposed order 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 Turner.James@epa.gov, or "James Turner" within the EPA Lotus Notes system.

Sincerely yours,

A handwritten signature in cursive script that reads "James L. Turner".

James L. Turner
Senior Attorney
Office of Regional Counsel

Enclosures

cc: Harless Benthul, Esq.

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EPA
TELETYPE BOARD

**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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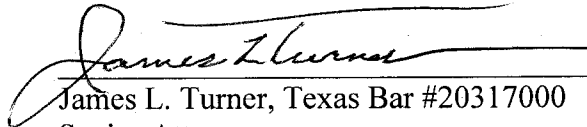
UNOPPOSED MOTION FOR THIRD EXTENSION OF STAY OF PETITION

Now comes the Director of the Superfund Division, Region 6 (“the Director”), United States Environmental Protection Agency (“EPA”), who moves the EPA Environmental Appeals Board (“this Board”) for a third extension of the stay of the Petition for Reimbursement of Higman Barge Lines, Inc. in the above styled matter. The EPA 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 further settlement negotiations. The EAB granted the motion, extending the stay until December 12, 2008. On December 8, 2008, the EPA filed a motion to extend the stay until January 12, 2009, and the Board granted the motion on December 9, 2008. On January 2, 2009, the Director filed a second motion to extend the stay until February 12, 2009, which was granted by the EAB on January 6, 2009. The Director hereby states that the EPA and the Petitioner have continued to conduct good faith settlement negotiations and have reached a settlement in principle, which will require time for negotiations over the specific terms and details of a proposed settlement agreement. Therefore, EPA seeks an unopposed extension of the stay for 60 days, expiring April 13, 2009.

Both parties believe that a third extension of the stay until and including April 13, 2009, will further the interest of settlement. Therefore, both the EPA and the Petitioner have agreed to filing this unopposed motion for an extension of the stay of the date for the EPA response to be filed in this proceeding for a period of time up to and including April 13, 2009. A proposed order reflecting this motion is attached hereto. Counsel for the EPA 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


James L. Turner, Texas Bar #20317000

Senior Attorney
Office of Regional Counsel
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202

CERTIFICATE OF CONFERENCE

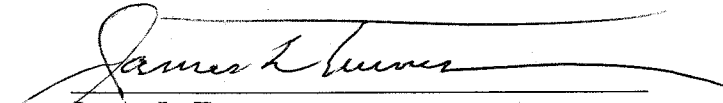
This is to certify that Counsel for the EPA has conferred with Harless Benthul., Esq., counsel for the Petitioner Higman Barge Lines, Inc., who advised Counsel that Higman does not oppose this motion.


James L. Turner

CERTIFICATE OF SERVICE

I certify that I served the foregoing Unopposed Motion for Third 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 10th day of February 2009.

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


James L. Turner

**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
)	
)	

FOURTH ORDER STAYING PETITION FOR REIMBURSEMENT

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 third extension of the stay of the petition for reimbursement of Petitioner Higman Barge Lines, Inc. in the above styled matter to April 13, 2009, representing that the parties have reached settlement in principle, but that additional time is necessary for settlement negotiations over the specific terms and details of the agreement. Because this motion is unopposed by the Petitioner and for good cause shown, this Board hereby grants EPA the requested extension of the stay of these proceedings for a period of time up to and including April 13, 2009. The EPA response to the petition for reimbursement in this matter shall be filed with this Board no later than April 13, 2009, if settlement is not obtained and approved by this Board sooner. It is so Ordered.

Dated: _____

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