



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

December 31, 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

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ENVIRONMENTAL APPEALS BOARD  
DEC 31 11 20 08

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

Dear Madam Clerk:

Enclosed for filing are an original and five copies of an Unopposed Motion for Second 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](mailto: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.

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

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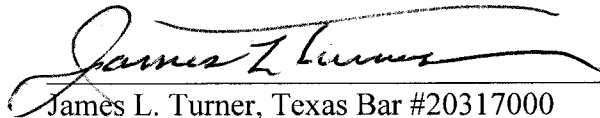
**UNOPPOSED MOTION FOR SECOND EXTENSION OF STAY OF PETITION**

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 a second 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 granted the motion, extending this 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. The Director hereby states that the EPA and the Petitioner have continued to conduct good faith settlement negotiations. These negotiations are continuing, but involve collateral issues requiring additional time to reach resolution. In addition, because of the confluence of the Christmas and New Year’s holidays, key individuals involved with both parties have been unavailable. Both parties believe that a second extension of the stay until and including February 12, 2009, will further the interest of settlement. 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 February 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,

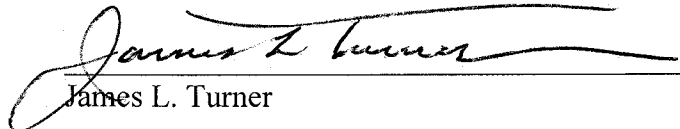
Samuel Coleman, P.E.  
Director, Superfund Division  
U.S. EPA, Region 6



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 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.



James L. Turner

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing Unopposed Motion for Second 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 31st day of December 2008.

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.**

<b>IN RE:</b>	)	
	)	
<b>HIGMAN BARGE LINES, INC.</b>	)	<b>PETITION NO.</b>
	)	
<b>PETITIONER.</b>	)	<b>CERCLA 106(b) 08-02</b>
	)	
	)	

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**THIRD 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 second extension of the stay of the petition for reimbursement of Petitioner Higman Barge Lines, Inc. in the above styled matter to February 12, 2009, representing that the parties have continued to negotiate in good faith, but additional time is necessary for settlement negotiations due to collateral issues and the unavailability of key individuals involved with both parties during the Christmas and New Year’s holidays. 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 February 12, 2009. The Director’s response to the petition for reimbursement in this matter shall be filed with this Board no later than February 12, 2009. It is so Ordered.

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

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