

HARLESS R. BENTHUL

ATTORNEY
LYRIC CENTRE
440 LOUISIANA, SUITE 600
HOUSTON, TEXAS 77002

PHONE: 713-223-0030

FAX: 713-223-0026

May 29, 2009

Via Overnight Mail

U.S. Environmental Protection Agency
Clerk of the Board Environmental Appeals Board (MC 1103B)
1341 G Street, N.W., Suite 600
Washington, DC 20005

Ref: Higman Barge Lines, Inc., Petition No.
CERCLA 106(b) 08-02

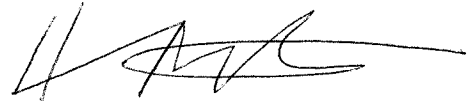
Dear Clerk of the Board:

I enclose the original and six copies of the Unopposed Motion to Withdraw and Dismiss the referenced Petition for Reimbursement and accompanying Order granting same. Please file-mark the sixth copy and returned to me via the enclosed stamped, self addressed envelope.

Please contact me at the above phone number if you have questions.

Thank you.

Sincerely,



Harless R. Benthul

Enclosures

cc:

Mr. James L. Turner
Senior Attorney
Office of Regional Counsel
U.S. E.P.A. Region 6
1445 Ross Ave. Dallas, TX 75002

Mr. Mark Freeman
Mr. David James
550 Fannin Street, 7th Floor
P.O. Box 4950
Beaumont, TX 77704-4950.

Mr. Kyle Shaw
Higman Marine Services, Inc.
1980 Post Oak Blvd., Suite 1101
Houston, TX 77056

**ATTORNEY FOR HIGMAN
BARGE LINES, INC.**


OF COUNSEL:

Stevens Baldo Freeman & Lighty, L.L.P.
Mark Freeman
David James
350 Fannin Street, 7th Floor
P.O. Box 4950
Beaumont, TX 77704-4950

Telephone: 409-835-5200
Facsimile: 409-835-5201

CERTIFICATE OF CONFERENCE

This is to certify that Counsel for Higman has conferred with James L. Turner, Esq., counsel for the EPA, who advised Counsel that the EPA does not oppose the foregoing Unopposed Motion for Approval and Entry of Consent Agreement.

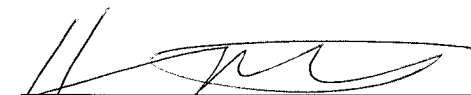


Harless R. Benthul

CERTIFICATE OF SERVICE

I certify that I served the foregoing Unopposed Motion for Approval and Entry of Consent Agreement on the EPA, by mailing a copy of the same to counsel for EPA at the address listed below via First Class U.S. Mail, postage prepaid, and electronically, on this the 29th of May 2009.

James L. Turner
USEPA Region 6, Suite 1200
1445 Ross Ave.
Dallas, TX 75202



Harless Benthul

08-27
15:01:00

**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**
)
)
)

**ORDER GRANTING UNOPPOSED MOTION TO WITHDRAW AND DISMISS
PETITION FOR REIMBURSEMENT**

Petitioner, Higman Barge Lines, Inc. ("Petitioner") having filed its unopposed Motion to Withdraw and Dismiss its Petition for Reimbursement Filed herein on August 27, 2008 ("Petition") and Petitioner having represented that the parties hereto have fulfilled their obligations under the written consent agreement heretofore filed with the Board, therefore, in accordance with the Board's Order of April 27, 2009, Petitioner's Motion to Withdraw and Dismiss its Petition for Reimbursement be and the same is hereby GRANTED. The Petition is hereby dismissed with prejudice.

So Ordered.

Dated: ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order in the matter of Higman Barge Lines, Inc., CERCLA 106(b) Appeal Nr. 08-02, were sent to the following persons via first class mail and facsimile:

James L. Turner
USEPA Region 6, Suite 1200
1445 Ross Ave.
Dallas, TX 75202

Harless Benthul
440 Louisiana, Suite 600
Houston, TX 77002

Dated:

Annette Duncan
Secretary