

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

In re:)	
Titan Tire Corporation & Dico, Inc)	
(Southern Iowa Mechanical Superfund Site))	CERCLA § 106(b) Petition No. 10-01
)	
)	
CERCLA Administrative Order)	
No. CERCLA-07-2009-0006)	

U.S. ENVIRONMENTAL PROTECTION AGENCY STATUS REPORT

The Respondent, Region VII of the U.S. Environmental Protection Agency ("EPA"), by and through its Office of Regional Counsel, submits this Status Report pursuant to the Environmental Appeals Board ("EAB") December 10, 2010, Order Granting Stay of Proceedings. In the December 10, 2012 Order, the EAB requested a status report following the District Court's decision on the question of Titan Tire and Dico's liability.

On June 8, 2012, in the United States District Court for the Southern District of Iowa, in the matter of *United States of America v. Dico, Inc., and Titan Tire Corporation* (4:10-cv-00503), the United States filed three motions: 1) Motion for Partial Summary Judgment on Arranger Liability; 2) Motion for Partial Summary Judgment as to the Liability of Defendant Dico for Civil Penalties and Punitive Damages; and 3) Motion for Partial Summary Judgment on Response Costs. On September 24, 2012, the District Court entered an Order granting partial summary judgment in favor of the United States on the issue of "arranger" liability. A copy of the District Court's Order is attached. The other two motions of the United States are pending, including the one pertaining to response costs, which addresses defendants' arbitrary and capricious claims.

The EPA requests a continuation of the stay in the EAB proceedings and suggests that another status report be filed at the conclusion of the District Court proceedings.

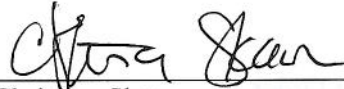
Dated this 4th day of October, 2012.

Respectively Submitted

By:

for:

J. Scott Pemberton
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219



Christina Skaar
Attorney/Advisor
Office of Enforcement and Compliance Assurance
U.S. EPA (2272A)
1200 Pennsylvania Ave., NW
Washington, DC 20460