

# 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<br>No. CERCLA-07-2009-0006                        | )<br>)<br>)                            |

### **ORDER**

On May 6, 2020, the parties to the above-captioned appeal filed a joint status report with the Environmental Appeals Board, in response to a Board order issued April 21, 2020. The status report states that the parties remain engaged in settlement negotiations regarding the parallel matter in the federal courts in Iowa. The parties propose providing the Board with another joint status report in ninety days and every ninety days thereafter. They state that they will notify the Board within seven days of the lodging of the consent decree with the U.S. District Court for the Southern District of Iowa.

For good cause shown, the existing stay of proceedings in CERCLA § 106(b) Petition No. 10-01 is continued. For the duration of the stay, Dico, Inc., Titan Tire Corporation, and Region 7 of the U.S. Environmental Protection Agency are directed to submit to the Board quarterly status reports, beginning August 1, 2020, and continuing every three months thereafter (i.e., on or around November 1, February 1, May 1, and August 1) advising the Board of the status of their settlement negotiations. The parties must notify the Board within seven days of the lodging of a consent decree in the U.S. District Court for the Southern District of Iowa. At that same time, the parties must recommend next steps for orderly resolution of the appeal still

pending before the Board. The stay will remain in effect until such time as the Board issues an order lifting the stay.

The Board reserves its right to lift the stay or take other appropriate action in the abovecaptioned appeal prior to conclusion of the federal court proceedings, in accordance with its administrative responsibility to manage its docket.

So ordered.

## ENVIRONMENTAL APPEALS BOARD

Dated: **May 20 2020** 

Kathie A. Stein

Environmental Appeals Judge

#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Order** in the matter of *Titan Tire Corp. & Dico, Inc. (Southern Iowa Mechanical Site)*, CERCLA § 106(b) Petition No. 10-01, were sent to the following persons in the manner indicated:

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Date: May 20 2020 Eurika Durr

Clerk of the Board