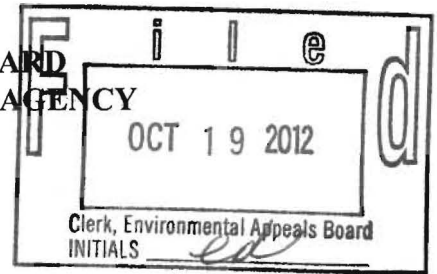


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Titan Tire Corporation & Dico, Inc.)
(Southern Iowa Mechanical Superfund Site))

CERCLA Administrative Order)
No. CERCLA-07-2009-0006)

) CERCLA § 106(b) Petition No. 10-01

ORDER CONTINUING STAY OF PROCEEDINGS

On October 4-5, 2012, Region 7 of the U.S. Environmental Protection Agency and Titan Tire Corporation and Dico, Inc., respectively, filed separate status reports relating to the above-captioned appeal, in fulfillment of the Environmental Appeals Board's December 10, 2010 *Order Granting Stay of Proceedings*. The Board's Order directed the parties to submit status reports within two weeks of the date the U.S. District Court for the Southern District of Iowa rendered a decision on the question of "arranger liability" under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a).

The parties inform the Board that, on September 24, 2012, the Southern District of Iowa issued an order granting partial summary judgment to the United States on the issue of arranger liability. They further report that two other motions for partial summary judgment are still pending before the district court. The parties therefore request that the existing stay of the Board appeal be continued while the federal district court completes its decisionmaking process. Additionally, Titan Tire and Dico state their intention to appeal the district court's arranger liability ruling as soon as it becomes final and appealable. They recommend that the Board stay be continued until conclusion of all proceedings in the district court and the appellate court.

For good cause shown, the existing stay of proceedings in CERCLA § 106(b) Petition No. 10-01 is continued until such time as the Southern District of Iowa's proceedings are concluded. Within two weeks after the conclusion of those proceedings, the Region, Titan Tire, and Dico must submit to the Board (preferably jointly but separately if need be) a status report advising the Board of the outcome of the federal district court proceedings and setting forth recommended next steps for orderly resolution of the present appeal.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 10/19/2012

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Continuing Stay of Proceedings** 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: OCT 19 2012



Annette Duncan
Secretary