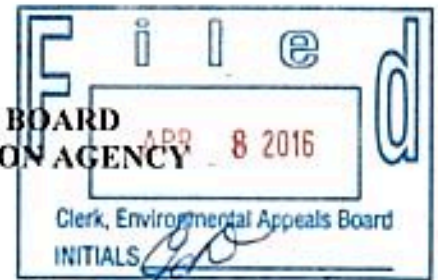


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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 REQUIRING REVISED
SUPPLEMENTAL STATUS REPORT(S)**

On March 1, 2016, Titan Tire Corporation, Dico, Inc., and Region 7 ("Region") of the U.S. Environmental Protection Agency filed a joint status report in the above-captioned matter, in response to the Environmental Appeals Board's February 4, 2016 *Order Requiring Supplemental Status Report(s)* ("Board Feb. 4, 2016 Order"). The parties informed the Board that, in their opinions, this matter should continue to be stayed pending resolution of parallel Case No. 10-CV-0053 before the U.S. District Court for the Southern District of Iowa, on remand from the U.S. Court of Appeals for the Eighth Circuit. The parties reported that the District Court ordered them to submit a proposed scheduling order on or before April 1, 2016, with a possible trial date targeted for September or October 2016. They also advised the Board that they agreed the five-year stay in this case (i.e., since December 10, 2010) should continue pending resolution of Case No. 10-CV-0053 by the District Court.

In so reporting, the parties failed to comply with the Board directive that they "provide a rationale supporting [their] recommended course of action." Board Feb. 4, 2016 Order at 2. They also failed to identify the issues that are still pending before the District Court and whether

such issues overlap in any salient way with the issues raised in the long-pending and long-stayed Board appeal.

Accordingly, to assist the Board in determining whether to continue the existing stay of proceedings in CERCLA § 106(b) Petition No. 10-01 or to return the matter to active litigation status on the Board's docket, the Board directs the parties to file another supplemental status report (jointly or separately, as they choose) no later than **Monday, April 25, 2016**. The status report or reports must advise the Board as to the pending issues in the District Court case, the existence of any overlap with the pending-yet-stayed issues before the Board, the proposed or final litigation schedule in the District Court matter, and other relevant information.

As before, the Board reserves its right to lift the present stay or take other appropriate actions prior to conclusion of any further federal court proceedings, in accordance with its administrative responsibility to manage its docket.

So ordered.

Dated:

April 8, 2016

ENVIRONMENTAL APPEALS BOARD

By:

Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Requiring Revised Supplemental Status Report(s)** 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:

April 8, 2016


Annette Duncan
Secretary

