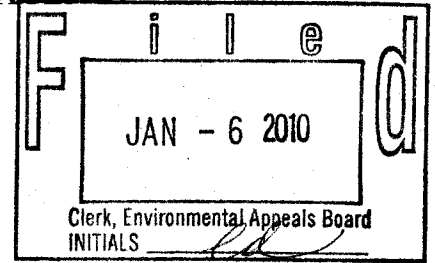


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____))
))
Titan Tire Corp.))
and Dico, Inc.))
))
_____))

CERCLA 106(b) Petition No. 09-01

ORDER GRANTING LEAVE TO FILE REPLY

On October 23, 2009, the Titan Tire Corporation and Dico, Inc. ("Petitioners") filed a petition for reimbursement in the above-captioned matter. Petitioners Titan Corporation and Dico, Inc's Petition for Reimbursement of Funds Expended in Complying with United States Environmental Protection Agency CERCLA § 106(a) Administrative Order No. CERCLA -07-2009-0006 (Oct. 23, 2009). On November 25, 2009, U.S. EPA Region 7 ("Region") filed a motion to dismiss the petition on the basis of ripeness. Motion to Dismiss the Petition of Titan Tire Corporation and Dico, Inc ("Region's Motion to Dismiss") (Nov. 25, 2009). Petitioners filed a response in opposition to the Region's Motion to Dismiss on December 14, 2009. Petitioners' Brief in Opposition to Respondent's Motion to Dismiss the Petition on the Basis of "Ripeness" ("Petitioners' Response") (Dec. 14, 2009) (amended on December 17, 2009). By motion filed with the Board on December 23, 2009, the Region seeks leave to file a reply to the Petitioner's Response. Motion for Leave to File a Response to the Petitioner's Response to the United States' Motion to Dismiss ("Region's Motion to Reply"). The Region states that Petitioners do not oppose the motion.

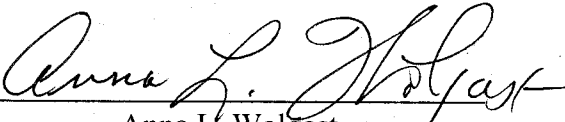
Upon consideration, the Region's Motion to Reply is granted. The Region's reply must be filed with the Board no later than January 8, 2010.¹

So ordered.

Dated:

January 6, 2010

ENVIRONMENTAL APPEALS BOARD

By: 
Anna L. Wolgast
Environmental Appeals Judge

¹ Documents are "filed" with the Board on the date they are received.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Leave to File Reply in the matter of Titan Tire Corp. and Dico, Inc., CERCLA 106(b) Petition No. 09-01, were sent to the following persons in the manner indicated:

First Class Mail:

Mark E. Johnson
Brian D. Williams
1201 Walnut, Suite 2900
Kansas City, MO 64106

Inter-Office Mail:

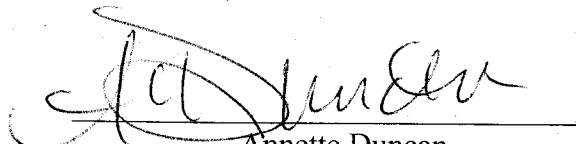
Christina Skaar (2272A)
Office of Enforcement and Compliance Enforcement

Lee R. Tyner (2366A)
Office of General Counsel

Pouch Mail:

Scott Pemberton
Assistant Regional Counsel
U.S. EPA Region 7
901 N. 5th Street
Kansas City, KS 66101

Dated: JAN - 6 2010


Annette Duncan
Secretary