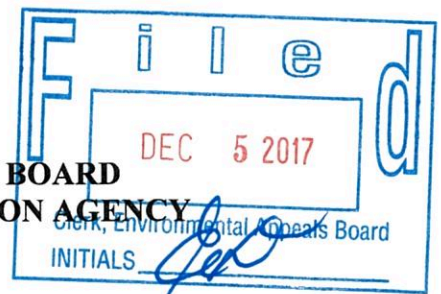


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_)  
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 )  
\_\_\_\_\_)

**ORDER CONTINUING STAY OF PROCEEDINGS**

On November 16, 2017, the parties to the above-captioned appeal filed a joint status report with the Environmental Appeals Board. The report states that on November 2, 2017, Dico, Inc. and Titan Tire Corporation filed a Notice of Appeal of the U.S. District Court for the Southern District of Iowa's September 5, 2017 decision, which ruled that Dico and Titan Tire arranged for the disposal of a hazardous substance in violation of 42 U.S.C. § 9607(a) and assessed \$11 million in response costs and punitive damages. The parties agree that the proceedings before the Board should continue to be stayed pending resolution of Dico and Titan Tire's appeal in the U.S. Court of Appeals for the Eighth Circuit, Case No.17-3462.

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, Titan Tire, and Region 7 of the U.S. Environmental Protection Agency are directed to submit to the Board (preferably jointly but separately if need be) quarterly status reports, beginning February 1, 2018, and continuing every three months (i.e., on or around May 1, August 1, November 1, and February 1 of each year) advising the Board of the status of the Eighth Circuit litigation. Within twenty-one days after the Eighth Circuit issues a decision in Case No. 17-3462, the parties must inform the Board of the

outcome of the proceedings and recommend next steps for orderly resolution of the present appeal. 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 above-captioned 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: December 5, 2017

By: Kathie 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: DEC - 5 2017



Annette Duncan  
Secretary