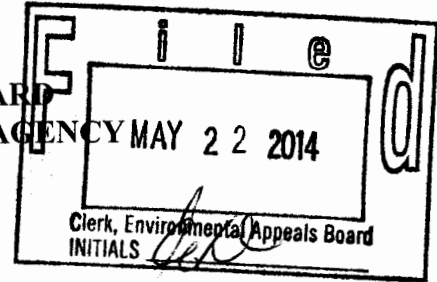


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

**SECOND ORDER CONTINUING STAY OF PROCEEDINGS**

On March 5, 2014, Dico, Inc., and Titan Tire Corporation filed an “Agreed Status Report” relating to the above-captioned appeal, in fulfillment of the Environmental Appeals Board’s October 19, 2012 *Order Continuing Stay of Proceedings*. The Board’s Order had 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 have now informed the Board that, on February 24, 2014, the Southern District of Iowa held Dico and Titan Tire jointly and severally liable as arrangers and imposed \$1,477,787.73 in response costs. The Southern District also held Dico liable for civil penalties and punitive damages and imposed \$3,097,787.73 therefor.

Dico and Titan Tire report that they intend to appeal the Southern District’s final judgment. They further report that they, along with Region 7 of the U.S. Environmental Protection Agency, agree that the existing stay in the above-captioned appeal before the Board should remain in place pending final decision by the federal appellate tribunal.

For good cause shown, the existing stay of proceedings in CERCLA § 106(b) Petition No. 10-01 is continued until such time as the federal appellate proceedings are concluded. For the duration of this stay, the Region, Titan Tire, and Dico are hereby directed to submit to the Board (preferably jointly but separately if need be) quarterly status reports, beginning July 1, 2014, and continuing every three months (i.e., on or around October 1, January 1, April 1, July 1 of each year) advising the Board of the status of appellate litigation. Within two weeks of the conclusion of federal appellate proceedings, the parties are hereby directed to inform the Board of the outcome of the proceedings and to recommend next steps for orderly resolution of the present appeal.

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 appeal, in accordance with its administrative responsibility to manage its docket.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: May 22, 2014

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

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Second 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:

### By Facsimile and First Class U.S. Mail:

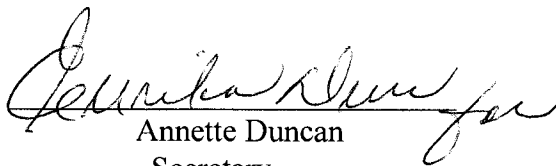
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Date: 5/22/2014

  
Annette Duncan  
Secretary