

**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

RECEIVED
U.S. E.P.A.
OCT 1 2014
2014 SEP 31 AM 11:24
ENVIR. APPEALS BOARD

U.S. ENVIRONMENTAL PROTECTION AGENCY STATUS REPORT

The Respondent, Region VII of the U.S. Environmental Protection Agency (“EPA”), by and through its Office of Regional Counsel, submits this Status Report pursuant to the Environmental Appeals Board (“EAB”) May 22, 2014, Second Order Continuing Stay of Proceedings. In the May 22, 2014 Order, the EAB requested quarterly status reports advising the EAB of the status of appellate litigation regard for the matter initiated in the United States District Court for the Southern District of Iowa.

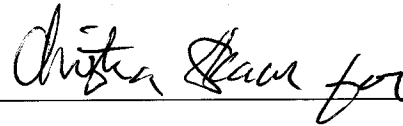
Following the District Court’s issuance of the Order on Bench Trial on February 24, 2014, entering judgment against Dico, Inc. and Titan Tire Corporation, the Defendants filed a Motion to Amend Findings of Fact and Judgment Regarding Length of Penalty Period (“Motion”) on March 25, 2014. The filing of the Motion effectively stayed Defendant’s sixty (60) day appeal period of the District Court’s decisions. On May 22, 2014, the District Court issued an Order denying Defendant’s Motion, beginning the sixty (60) day appeals period.

Appellants Dico and Titan Tire were originally required to file their initial brief to the Appeals Court on September 15, 2014. Upon Appellant’s August 28, 2014 Unopposed Motion to Extend Time to File Brief, the Appeals Court extended the time for Appellants to file their initial brief to October 15, 2014. Appellee United States will have thirty days after receiving notice of the filing of Appellant’s brief to respond.

Dated this 1st day of October, 2014.

Respectively Submitted

By:

A handwritten signature in black ink, appearing to read "J. Scott Pemberton", written over a horizontal line.

J. Scott Pemberton

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. EPA, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219