

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

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NOV 27 2019

ENVIRONMENTAL APPEALS BOARD

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

**JOINT RESPONSE TO BOARD'S NOVEMBER 21, 2019 ORDER**

Petitioners Titan Tire Corporation and Dico, Inc. ("Dico"), by and through their attorneys, Thomas D. Lupo and Michael F. Iasparro of Hinshaw & Culbertson LLP, and Respondent, U.S. Environmental Protection Agency, by and through its attorney, Katherine Gulley, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 7, submit this Joint Response to the Environmental Appeals Board's ("Board") November 21, 2019 *Order Directing Clarification and Continuing Stay of Proceedings*, which noted deficiencies in the parties' November 1, 2019 Joint Status Report. The Board ordered the parties to inform the Board of the status of the parallel federal litigation, recommend next steps for orderly resolution of the Board appeal, and explain whether Titan Tire and Dico filed a petition for a writ of certiorari. Dico has not filed a petition for certiorari, and the deadline to do so has passed.

Due to an inadvertent filing error, the joint status report filed by the parties on November 1, 2019 was missing the second page and was therefore incomplete. As there has been no change in status or to the parties' recommendation for next steps for orderly resolution of the Board appeal, the complete November 1, 2019 Joint Status Report is attached.

Dated: November 27, 2019

By:           /s/ Thomas D. Lupo          

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ATTORNEY FOR RESPONDENT

**CERTIFICATE OF SERVICE**

I hereby certify that on November 27, 2019, the foregoing was filed with the  
Environmental Appeals Board and on November 27, 2019 has been served by U.S. Mail on  
counsel of record.

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