

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

IN RE:)	
)	
Southern Iowa Mechanical)	
Superfund Site)	
Ottumwa, Iowa)	Petition No.
)	CERCLA 106(b) 10-01
Titan Tire Corporation)	
)	
and)	Docket No.
)	CERCLA-07-2009-0006
Dico, Inc.,)	
)	
Petitioners)	
)	
Second Petition for Reimbursement Under)	
Section 106(b)(2) of the Comprehensive)	
Environmental Response, Compensation,)	
and Liability Act of 1980, as amended)	
42 U.S.C. § 9606(b)(2))	

Petitioners' Status Report

Petitioners Titan Tire Corporation and Dico, Inc. (“Petitioners”) submit this Status Report pursuant to the Environmental Appeals Board (“EAB”) December 10, 2010, Order Granting Stay of Proceedings (“Order”) in this matter. In the Order, the EAB requested that the parties submit a Status Report (preferably jointly) following the district court’s ruling on the question of Titan Tire and Dico’s liability. EPA did not respond to multiple email messages from Petitioners’ counsel regarding the submission of a joint status report, and instead filed its own a separate report on October 4, 2012.

As noted in EPA’s separate report, the district court entered an order granting Plaintiff’s motion for partial summary judgment on the issue of “arranger liability” on September 24, 2012. The court has not yet ruled on two other pending motions for partial summary judgment. No

final judgment has been entered at this time. Titan Tire and Dico will appeal the court's "arranger liability" ruling as soon as it becomes final and appealable.

Petitioners join in EPA's request for a continuation of the stay of this EAB proceeding while the related judicial action is proceeding through the district and appellate courts.

Petitioners recommend that another status report be filed within two weeks after all proceedings in the district and appellate courts become final.

Respectfully submitted,

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**ATTORNEYS FOR PETITIONERS TITAN
TIRE CORPORATION AND DICO, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2012, I served a true and correct copy of the above Petitioners' Status Report by first class United States Mail addressed to the following:

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