

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

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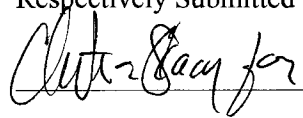
In re:)
Titan Tire Corporation & Dico, Inc.)
 (Southern Iowa Mechanical Superfund Site)) CERCLA § 106(b) Petition No. 07-01
)
)
CERCLA Administrative Order)
 No. CERCLA-07-2009-0006)

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’s (“EAB”) May 22, 2014, Second Order Continuing Stay of Proceedings. In the May 22, 2014 Order, the EAB requested a quarterly status report advising the EAB of the status of appellate litigation for the matter initiated in the United States District Court for the Southern District of Iowa and appealed to the Eighth Circuit Court of Appeals.

The matter is still before the United States Court of Appeals. Appellants Dico, Inc. and Titan Tire Corporation filed their appellants brief on November 10, 2014. Appellee, United States, filed its Response Brief on January 12, 2015. Appellants filed their Reply Brief on March 5, 2015. The Appellate Court originally set oral arguments for April 14, 2015, but at the request of Appellants (due to a conflict), this date was cancelled. To Region VII’s knowledge no new date for oral arguments has been set.

Dated this 1 day of April 2015.

Respectively Submitted
By: 
J. Scott Pemberton
Senior Assistant Regional Counsel
Office of Regional Counsel