

**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

JOINT SEPTEMBER 16, 2020 NOTICE OF LODGING OF CONSENT DECREE

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 September 16, 2020 Notice of Lodging of Consent Decree. This status report is being submitted pursuant to the Environmental Appeals Board’s (“Board”) May 20, 2020 Order, which states that “[t]he parties must notify the Board within seven days of the lodging of a consent decree in the U.S. District Court for the Southern District of Iowa. At that same time, the parties must recommend next steps for orderly resolution of the appeal still pending before the Board. The stay will remain in effect until such time as the Board issues an order lifting the stay.”

On September 15, 2020, the consent decree was lodged with the U.S. District Court for the Southern District of Iowa in *United States v. Dico*, 4:10-CV-00503 (S.D. Iowa). The parties request that the Board continue the stay, pending conclusion of the public notice and comment period and the entry of the consent decree by the Southern District of Iowa. The parties will notify the Board within seven days of entry of the consent decree. Pursuant to the lodged consent

decree, no later than 30 days after the effective date, Dico will withdraw its CERCLA Section 106(b) petition in the present appeal and agree not to reinstate such petition.

Dated: September 16, 2020

By: /s/ Thomas D. Lupo
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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2020, the foregoing was filed with the Environmental Appeals Board and on September 16, 2020 has been served by email on counsel of record.

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