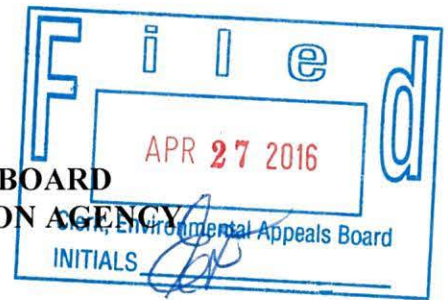


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



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

ORDER CONTINUING STAY OF PROCEEDINGS

On April 21 and 25, 2016, respectively, Region 7 of the U.S. Environmental Protection Agency and Titan Tire Corporation/Dico, Inc. each filed a supplemental status report relating to the above-captioned appeal, in fulfillment of the Environmental Appeals Board's April 8, 2016 *Order Requiring Revised Supplemental Status Report(s)*. The Board's Order had directed the parties to advise the Board as to: (1) the issues pending before the U.S. District Court for the Southern District of Iowa, on remand from the U.S. Court of Appeals for the Eighth Circuit; (2) the existence of any overlap with long-pending yet long-stayed issues before the Board; (3) the litigation schedule in the District Court matter; and (4) other relevant information.

The parties reported that the District Court will conduct a trial beginning September 19, 2016, on the question of "arranger liability" under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), and on questions of response costs and punitive damages. Both the Region and Titan Tire/Dico expressed their views that the issues in the District Court case continue to overlap with the ones pending before the Board. They recommend that the existing stay of proceedings in this matter should remain in place pending final resolution of the District Court proceeding.

For good cause shown, the existing stay of proceedings in CERCLA § 106(b) Petition No. 10-01 is continued until such time as the District Court proceedings are concluded. For the duration of this stay, the Region, Titan Tire, and Dico are directed to submit to the Board (preferably jointly but separately if need be) quarterly status reports, beginning October 1, 2016, and continuing every three months (i.e., on or around January 1, April 1, July 1, October 1 of each year) advising the Board of the status of District Court litigation. Within two weeks of the conclusion of the District Court proceedings, the parties are hereby directed to inform the Board of the outcome of the proceedings and to recommend next steps for orderly resolution of the present appeal.

The Board reserves its right to lift the stay or take other appropriate action in the above-captioned appeal prior to conclusion of the federal court proceedings, in accordance with its administrative responsibility to manage its docket.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 27, 2016

By: Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Continuing Stay of Proceedings** in the matter of *Titan Tire Corp. & Dico, Inc. (Southern Iowa Mechanical Site)*, CERCLA § 106(b) Petition No. 10-01, were sent to the following persons in the manner indicated:

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Date: APR 28 2016


Annette Duncan
Secretary