

**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 § 106(b) Petition No. 10-01

CERCLA Administrative Order
No. CERCLA-07-2009-0006

**TITAN TIRE CORPORATION AND DICO, INC'S MOTION TO WITHDRAW
PETITION**

Petitioners, Titan Tire Corporation and Dico, Inc., by and through their attorneys, Thomas D. Lupo and Michael F. Iasparro of Hinshaw & Culbertson LLP, submit this Motion to Withdraw Petition and request dismissal of this action, as follows:

As this Board has been previously informed, on September 15, 2020, a 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). On September 16, 2020 the parties filed with the Board a notice of lodging of the consent decree, requesting that the Board continue the stay then in place, pending conclusion of the public notice and comment period and the entry of the consent decree by the Southern District of Iowa. The public comment period closed and no comments were received.

On October 23, 2020, the United States filed a joint motion to enter the consent decree. On November 2, 2020, the Court requested a joint submission from the parties. The joint submission was filed on December 1, 2020.

On February 1, 2021, the Court entered the consent decree, thereby resolving the claims set forth in the Petition captioned above.

Accordingly, Petitioners withdraw the captioned Petition, agree not to reinstate such Petition, and ask the Board to dismiss this action.

Dated: February 5, 2021

By: /s/ Thomas D. Lupo
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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021, the foregoing was filed with the Environmental Appeals Board and on February 5, 2021 has been served by email on counsel of record.

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/s/ Thomas D. Lupo
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