

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Birds Eye Foods, Inc.,)	Docket Nos. MM-05-2018-0002
)	CERCLA-05-2018-0005
)	EPCRA-05-2018-0009
Respondent.)	

COMPLAINANT’S STATUS REPORT AND PRELIMINARY STATEMENT

Complainant, the Branch Chief, Emergency Response Branch 1, Superfund Division, Region 5, United States Environmental Protection Agency (“U.S. EPA,” “Complainant” or “Agency”), through her/his undersigned attorney, hereby files the instant Complainant’s Status Report and Preliminary Statement for this action, pursuant to the Order of the Court dated July 20, 2018.

STATUS REPORT

On July 31, 2018, counsels for the parties discussed the facts and applicable law of this action, as well as potential settlement, in a telephone conference call. On August 8, 2018, the parties met to discuss further relevant facts and additional settlement options. The parties are optimistic they will resolve this action without resort to hearing, but not before Complainant is due to file its Prehearing Exchange on August 31, 2018.

PRELIMINARY STATEMENT

1. Complainant’s Preference for the Location of the Hearing

Complainant’s preference is that the hearing take place in either Minneapolis or St. Paul, Minnesota. The federal courthouses nearest to Respondent’s location in Waseca, Minnesota, are located in Minneapolis and St. Paul, Minnesota.

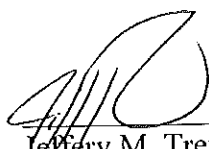
2. Complainant's Consent to Service of Orders and Decisions Issued by this Tribunal, and to Service of Documents Filed by Other Parties, by E-Mail Only During This Proceeding

Complainant hereby consents to the service of orders and decisions by the Presiding Officer, and service of documents by the Respondent and Respondent's counsel, by e-mail during this proceeding.

3. Complainant's Valid E-Mail Address for Service

Complainant's valid e-mail address for service is trevino.jeffery@epa.gov.

Respectfully Submitted,



Jeffery M. Trevino
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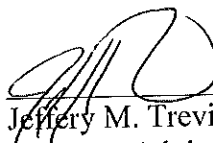
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CERTIFICATE OF SERVICE

I hereby certify that today I filed with the Office of Administrative Law Judge E-Filing System at www.epa.gov/alj, and thus also provided the Presiding Officer Administrative Law Judge Christine Donelian Coughlin a copy of COMPLAINANT'S STATUS REPORT AND PRELIMINARY STATEMENT.

I hereby certify that today I also issued to Jodi Arndt Labs, Counsel to Respondent, via e-mail at jodi@lcojlaw.com, one copy of COMPLAINANT'S STATUS REPORT AND PRELIMINARY STATEMENT.

9 August 2018
Date



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