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**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on January 27, 2005, a Consent Decree in *United States, et al. v. ConocoPhillips Company*, Civil Action No. H-05-0258, was lodged with the United States District Court for the Southern District of Texas.

In a complaint that was filed simultaneously with the Consent Decree, the United States, the State of Illinois, the State of Louisiana, the State of New Jersey, the Commonwealth of Pennsylvania, and the Northwest Clean Air Agency in the State of Washington sought injunctive relief and penalties against ConocoPhillips Company ("COPC"), pursuant to sections 113(b) and 304(a) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b), 7604(a), for alleged CAA violations and violations of the corollary provisions in State laws occurring at the following refineries owned and operated by COPC: Roxanna/Hartford, Illinois; Belle Chasse, Louisiana; Linden, New Jersey; Trainer, Pennsylvania; Ferndale, Washington; Carson/Wilmington, California; Rodeo/Santa Maria, California; Borger, Texas; and Sweeny, Texas.

Under the settlement, COPC will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. COPC also will adopt facility-wide enhanced benzene waste monitoring and fugitive emission controls programs. In addition, COPC will pay a civil penalty of \$4.525 million for settlement of the claims in the complaint. Finally, COPC will undertake both Federal and State environmentally-beneficial projects worth more than \$10 million including covering and oil/water separator at its New Jersey refinery; purchasing a foam aerial apparatus for mutual, emergency

response aid in and around its Illinois refinery; donating \$400,000 to a local emergency planning committee to fund radio systems and an emergency broadcast radio system in the area of COPC's Pennsylvania refinery; donating \$400,000 to the Louisiana Department of Environmental Quality to support collection and recycling of household hazardous waste; purchasing a fire truck for mutual aid response in and around COPC's Washington refinery; replacing old fireplaces and wood stoves with new clean-burning fireplaces or certified wood stoves for low income households in the vicinity of the Washington refinery; and developing emissions inventories and targets for air pollution reduction by participating cities and towns in the vicinity of the Washington refinery.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al. v. ConocoPhillips Company*, D.J. Ref. No. 90-5-2-1-06722/1.

The Consent Decree may be examined at the Office of the United States Attorney, 910 Travis St., Suite 1500, Houston, Texas 77208, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwoodusdoj.gov](mailto:tonia.fleetwoodusdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$73.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Proposed Final Judgment and Competitive Impact Statement; *United States v. Eastern Mushroom Marketing Cooperative, Inc.*

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a Complaint, proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the Eastern District of Pennsylvania in *United States v. Eastern Mushroom Marketing Cooperative, Inc.*, Civil Case No. 04 CV 5829. The proposed Final Judgment is subject to approval by the Court after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), including expiration of the statutory 60-day public comment period.

On December 16, 2004, The United States filed a Complaint alleging that the Eastern Mushroom Marketing Cooperative, Inc., in order to support its price increases, acquired certain mushroom farms, then filed deed restrictions on the properties as part of an agreement among the cooperative members to restrict, forestall, and exclude competition from nonmember farmers in an unreasonable restraint of trade in violation of Section 1 of the Sherman Act. The Eastern Mushroom Marketing Cooperative, whose members grow, sell, and ship mushrooms to retail and food service outlets, is the largest mushroom cooperative in the United States. During the 2001-2002 growing season, the cooperative had approximately 19 members with control of more than 500 million pounds of mushrooms valued in excess of \$425 million. The cooperative controlled over 60 percent of all agaricus mushrooms grown in the United States during the 2001-2002 growing season and approximately 90 percent of all agaricus mushrooms grown in the eastern United States during the same growing season.

To restore competition, the proposed Final Judgment filed with the Complaint will require the cooperative to remove the deed restrictions already filed and will enjoin and restrain the cooperative from creating, filing, or enforcing any mushroom deed restrictions with respect to any real property in which the cooperative has an ownership or leasehold interest of any kind. A Competitive Impact Statement, filed by the United States, describes the Complaint, the proposed Final Judgment, and the remedies available to