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W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 04-6058 Filed 3-17-04; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act and the Resource Conservation and Recovery Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on March 4, 2004, a proposed consent decree in *United States and Kansas Department of Health and Environment, ex rel. State of Kansas v. Coffeyville Resources Refining & Marketing, LLC and Coffeyville Resources Terminal, LLC*, Docket No. 04-1064-MLB, was lodged with the United States District Court for the District of Kansas. In this action brought pursuant to the Clean Air Act ("CAA") and the Resource Conservation and Recovery Act ("RCRA"), the United States has requested the imposition of injunctive relief on the defendants. This action arose out of the defendants' recent acquisition of certain assets of Farmland Industries, Inc., including a refinery in Coffeyville, Kansas, and a terminal in Phillipsburg, Kansas. The United States has alleged that the refinery and terminal failed to meet several requirements of CAA and RCRA over a period of several years.

The Consent Decree requires the defendants to perform CAA injunctive relief at the refinery, and to provide financial assurance pursuant to RCRA for the refinery and the terminal. The Consent Decree obliges the defendants to, among other things: (1) Install Best Available Control Technology emissions controls, specifically a Wet Gas Scrubber to control sulfur dioxide emissions and Selective Catalytic Reduction to control NO_x emissions, by 2010; (2) implement interim measures to reduce emissions of sulfur dioxide and NO_x; (3) implement a program for controlling benzene emissions; (4) control particulate and VOC emissions;

and (5) provide financial assurance for RCRA corrective action totaling \$15 million.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, United States Department of Justice, Environment and Natural Resources Division, Post Office Box 7611, Ben Franklin Station, Washington, DC 20044-7611 and should refer to *United States and State of Kansas v. Coffeyville Resources*, D.J. Ref. No. 90-5-2-1-07459/1.

The proposed consent decree may be examined at the office of the United States Environmental Protection Agency Region 7, 901 N. 5th Street, Kansas City, Kansas 66101. During the comment period the consent decree may be examined on the 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, Post Office Box 7611, Ben Franklin Station, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax number (202) 514-0097, telephone confirmation number (202) 514-1547. In requesting a copy by mail, please enclose a check in the amount of \$27.00 for *United States and State of Kansas v. Coffeyville Resources* (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert E. Maher, Jr.

Assistant Section Chief, Environmental Enforcement Section.

[FR Doc. 04-6059 Filed 3-17-04; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy and 28 CFR 50.7, the Department of Justice gives notice that a proposed Consent Decree with Crown EG, Inc. ("Crown") in the case captioned *United States and the State of Indiana v. Guide Corporation and Crown EG, Inc.*, Civil Action No. IP00-0702-C-Y/F (S.D. Ind.) was lodged with the United States District Court for the Southern District of Indiana on March 1, 2004. The proposed Consent Decree relates to a massive fish kill that occurred in the White River in December 1999 and

January 2000, from the City of Anderson, Indiana downstream past the City of Indianapolis, Indiana. The Defendants—Guide Corporation and Crown—are alleged to have discharged industrial wastewater that caused the fish kill. A separate Consent Decree with Guide Corporation was finalized in September 2001.

The proposed Consent Decree would resolve civil claims of the United States and the State of Indiana against Crown under: (1) The Clean Water Act (the "CWA"), 33 U.S.C. 1251 *et seq.*, and corresponding state law; (2) the natural resource damage provisions of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, CWA section 311(f), and corresponding State law; (3) the response cost recovery provisions of CERCLA section 107 and corresponding state law; and (4) state common law. To the extent provided by the proposed Consent Decree, certain specified benefits of the settlement would also extend to two Crown shareholders.

In the near future, Crown will be required to pay \$250,000 into a Court Registry Account administered by United States District Court for the Southern District of Indiana. If the proposed Consent Decree is approved and entered by the Court, that \$250,000 would be paid into a "White River Restoration Fund" established by the State, to fund fish restocking and river restoration projects.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. 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 and the State of Indiana v. Guide Corporation and Crown EG, Inc.*, Civil Action No. IP-00-0702-C-Y/F (E.D. Wis.) and D.J. Ref. 90-5-2-1-07043.

The Consent Decree may be examined at: (1) The Offices of the United States Attorney, 10 West Market Street, Suite 2100, Indianapolis, Indiana; and (2) the offices of EPA Region 5, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. 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