

Issued: June 20, 2003.

Marilyn R. Abbott,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Public Meeting Concerning Heavy Duty Diesel Engine Consent Decrees

The Department of Justice and the Environmental Protection Agency will hold a public meeting on Tuesday, July 15, 2003, at 10 a.m. at the Department of Justice, 1425 New York Avenue, NW., Washington, DC, 13th Floor Conference Room. The subject of the meeting will be the status of the implementation of the provisions of the seven consent decrees signed by the United States and diesel engine manufacturers and entered by the United States District Court for the District of Columbia on July 1, 1999. (*United States v. Caterpillar*, Case No. 1:98CV02544; *United States v. Navistar International Transportation Corporation*, Case No. 1:98CV02545; *United States v. Cummins Engine Company*, Case No. 1:98CV02546; *United States v. Detroit Diesel Corporation*, Case No. 1:98CV02548; *United States v. Volvo Truck Corporation*, Case No. 1:98CV02547; *United States v. Mack Trucks, Inc.*, Case No. 1:98CV01495; and *United States v. Renault Vehicles Industries, S.A.*, Case No. 1:98CV02543). In supporting entry by the court of the decrees, the United States committed to meet with States, industry groups, environmental groups, and concerned citizens to discuss consent decree implementation issues. This is the eighth such public meeting.

Future meetings will be announced here and on EPA's Diesel Engine Settlement Web site at: <http://www.epa.gov/compliance/civil/programs/caa/diesel/index.html>.

Interested parties may contact the Environmental Protection Agency prior to the meeting at the address listed below with questions or suggestions for topics of discussion.

Agenda (times are approximate)

1. Panel remarks 10 a.m.

Remarks by DOJ and EPA regarding implementation of the provisions of the diesel engine consent decrees.

2. Public comments and questions.

Adjourn 12 p.m.

For further information, please

contact: Anne Wick, EPA Diesel Engine Consent Decree Coordinator, U.S. Environmental Protection Agency (Mail Code 2242A), 1200 Pennsylvania

Avenue, NW., Washington, DC 20460, e-mail: wick.anne@epa.gov.

Karen S. Dworkin,

Assistant Chief, Environment & Natural Resources Division, Environmental Enforcement Section.

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decrees

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two proposed consent decrees in *United States v. David P. Burkel, Sr., Douglas Ackling and Duane Moench*, Civ. Act. No. A3-00-165, were lodged with the United States District Court for the District of North Dakota on June 18, 2003. These proposed Consent Decrees concern a complaint filed by the United States of America against Defendants David P. Burkel, Sr., Douglas Ackling and Duane Moench, pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, to obtain injunctive relief and impose civil penalties against the Defendants for discharging dredged or fill material into waters of the United States without a permit. In addition, the complaint seeks injunctive relief and civil penalties against Defendant David P. Burkel, Sr., pursuant to section 308 of the Clean Water Act, 33 U.S.C. 1318, for failure to adequately respond to information requests propounded by the United States Environmental Protection Agency.

The first Consent Decree is entered into between the United States and Defendant David P. Burkel, Sr. That Consent Decree (a) prohibits Defendant Burkel from discharging any pollutant into waters of the United States without complying with the Clean Water Act or its implementing regulations; (b) requires him to perform a restoration/mitigation plan; and (c) requires him to pay a civil penalty.

The second Consent Decree is entered into between the United States and Defendants Douglas Ackling and Duane Moench. That Consent Decree (a) prohibits Defendants Ackling and Moench from discharging any pollutant into waters of the United States without complying with the Clean Water Act or its implementing regulations, and (b) requires them each to pay a civil penalty.

The Department of Justice will accept written comments relating to these proposed Consent Decrees for thirty (30) days from the date of publication of this

notice. Please address comments to Daniel W. Pinkston, Environmental Defense Section, U.S. Department of Justice, 999—18th Street, Suite 945 North, Denver, Colorado 80202, and refer to *United States v. David P. Burkel, Sr., et al.*, Civ. Act. No. A3-00-165 (D.N.D.), DJ # 90-5-1-1-05709.

The proposed Consent Decrees may be examined at the Clerk's Office, United States District Court for the District of North Dakota, Quentin N. Burdick United States Courthouse, 655 1st Avenue, North, Room 130, Fargo, North Dakota 58102-4932. In addition, the proposed Consent Decrees may be viewed on the World Wide Web at <http://www.usdoj.gov/enrd/open.html>.

Scott Schachter,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Amendment to Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on June 16, 2003, a proposed First Amendment to Consent Decree in *United States v. Conoco Inc.*, Civil Action No. H-01-4430, was lodged with the United States District Court for the Southern District of Texas. The proposed amendment addresses several issues, primarily the change in ownership of the Denver refinery, which is being sold to Suncor Energy (U.S.A.) Inc. It also addresses changes to the requirements of the catalyst additive trials at the Conoco facilities, adjustment to emission reduction totals for heaters and boilers, and modification of certain emission monitoring requirements.

In this action the United States sought civil penalties and injunctive relief against Conoco Inc. ("Conoco") pursuant to section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) (1983), amended by, 42 U.S.C. 7413(b) (Supp. 1991), alleged violations at Conoco's four refineries in Colorado, Montana, Oklahoma and Louisiana.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the First Amendment to 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*