

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Emergency Planning and Community Right To Know Act, and the Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that a consent decree in *United States and the State of Delaware v. Formosa Plastics Corporation, Delaware*, Civil Action No. 05-443 (D. Del.) was lodged with the court on June 28, 2005.

The proposed consent decree resolves alleged violations of the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Emergency Planning and Community Right to Know Act and the Comprehensive Environmental Response, Compensation and Liability Act that occurred at Formosa's Delaware City, Delaware PVC manufacturing facility. It requires the defendant to pay a civil penalty of \$225,000 to the United States and \$225,000 to the State; to meet detailed requirements designed to prevent future violations of each of the above statutes; to reduce emissions of vinyl chloride to the ambient Air to levels substantially below those otherwise allowed by law; and to carry out a supplemental environmental project that will protect against the chance of an accidental release of vinyl chloride gas.

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, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 2004, and should refer to *United States and the State of Delaware v. Formosa Plastics Corporation, Delaware*, Civil Action No. 05-443 (D. Del.), DOJ Ref. # 90-5-2-1-08297.

The proposed consent decree may be examined and copied at the Office of the United States Attorney, 1007 North Orange Street, Suite 700, Wilmington, DE 19899-2046; or at the Region III Office of the Environmental Protection Agency, c/o Joyce Howell, Senior Assistant Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the amended 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 amended 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.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax No. (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 \$13.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 05-13388 Filed 7-6-05; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act**

Under 28 CFR 50.7 notice is hereby given that on June 27, 2005, a proposed Consent Decree in *United States v. Metal Masters Foodservice Equipment Company, Inc.*, Civil Action No. 05-430 was lodged with the United States District Court for the District of Delaware.

In this action the United States sought reimbursement of response costs incurred in connection with property known as the Tyler Site located at 655 Glenwood Avenue in Smyrna, Delaware. The Consent Decree provides that the defendant pay \$100,000 to the EPA Hazardous Substance Superfund to resolve its liability in connection with its releases of hazardous substances at the Tyler Site.

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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Metal Masters Foodservice Equipment Company, Inc.*, D.J. Ref. 90-11-3-06700.

The Consent Decree may be examined at the Office of the United States Attorney, District of Delaware, 1007 Orange Street, Suite 700, Wilmington, Delaware 19801, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (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 \$68.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. In requesting a copy exclusive of exhibits, please enclose a check in the amount of \$5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 05-13387 Filed 7-6-05; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to the Clean Air Act**

Notice is hereby given that on June 16, 2005, a proposed consent decree in *United States v. Morton Int'l, Inc.*, Civil Action No. 05-3088 (DMC), was lodged with the United States District Court for the District of New Jersey.

The proposed consent decree will settle the United States' claims for failure to comply with the general duty clause of the Clean Air Act, 42 U.S.C. 7412(r)(1), on behalf of the Environmental Protection Agency ("EPA") against Morton International, Inc. ("Morton"), relating to its violations of regulations applicable at its former facility in Patterson, New Jersey, which occurred through April 1998. Pursuant to the proposed consent decree, Morton will pay \$50,000.00 as a civil penalty and complete a Supplemental Environmental Project ("SEP") of up to \$200,000.00 by supplying Passaic County Department of Health with equipment that is useful in identifying potentially dangerous circumstances and in responding thereto. Should the SEP cost less than \$200,000, the difference between that amount and the actual cost of SEP will be paid as an additional civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication accept comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environmental and

Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Morton Int'l, Inc.*, Civil Action No. 05-3088 (DMC), D.J. Ref. 90-5-2-1-07513.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102. During the public comment period, the proposed 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 proposed 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.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy of the proposed consent decree, please so note and enclose a check in the amount of \$5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 05-13386 Filed 7-6-05; 8:45 am]

BILLING CODE 4410-15-M

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

[Civil No.: 04-CV-5829]

**Public Comment and Response on Proposed Final Judgment United States v. Eastern Mushroom Marketing Cooperative, Inc.**

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States of America hereby publishes below the comment received on the proposed Final Judgment in *United States v. Eastern Mushroom Marketing Cooperative, Inc.*, Civil Action No.: 04-CV-5829 (TNO), which was filed in the United States District Court for the Eastern District of Pennsylvania, together with the United States's response to the comment.

Copies of the comment and response are available for inspection at the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Room 200, Washington, DC 20530, (telephone: (202) 514-2481), and at the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, Pennsylvania 19106-

1797. Copies of any of these materials may be obtained upon request and payment of a copying fee.

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

1/5/05

Roger W. Fones,

*Chief, Transportation, Energy & Agriculture Section, U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Suite 500, Washington DC 20530*

Dear Mr. Fones: This letter is in response to the investigation of the Eastern Mushroom Marketing Cooperative (EMMC). These grower packers have pulled the wool over the eyes of the customers, consumers, and the Department of Justice. This group has forced many members to be in the EMMC or they would not do business with them. In the community each company would sell fresh mushrooms to each other to fill daily needs. If you were not a member a great deal of pressure was put on these people. From not selling to overcharging and even trying to limit the picking containers they could pick in. Any one that tried to start to sell fresh mushrooms in the new period of the EMMC were shut down in other means within the industry. This has not been an ethical business plan.

As far as the growing houses (Farms) what the U.S. Government has come up with is a token. These growing houses have been pillaged stripped to no value to any one new that wants to purchase as a growing facility. The grower farmers are very smart and only will give information to the government that it wants them to know. No fault of the government which would have no way of knowing anything about the growing facilities.

First this group purchased the growing farms. Threatened anyone that competed for the facilities. The Group would go into the marketing area and give out low quotes on fresh mushrooms even when they were raising the pricing in the home markets.

Second when they acquired these growing farms they would go in and strip the houses of anything useful to grow mushrooms and just leave the walls. This was a guarantee no one would start these back up. This is the insurance police on top of the restriction. Growing of mushrooms is a specialized process. Not just planting in field. Must be air conditioned and very sanitary. Compost facilities with specialized equipment. Not something that is easy. This is why pulling the restrictions mean absolutely nothing. The damage is done when they take all the special equipment out.

Currently this group is trying to purchase the Money's farms that are shutting down but waiting for them to close. The plan is to purchase these farms and pillage so they will never be able to grow mushrooms again. This is a way to get what they want and insult the U.S. Government. Think about it. Many businesses have suffered and many consumers have overpaid for mushrooms. They have created a false market. If this was not true how can people purchase for millions and sit on them if they are not

taking an unfair advantage of the market place.

JUST SIT BACK AND ASK THE QUESTION OF HOW AND WHY THESE PEOPLE ARE DOING THIS. PURE GREED  
Judge: Thomas N. O'Neill, Jr.

**Response of the United States to Public Comments on the Proposed Final Judgment**

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) ("Tunney Act"), the United States of America hereby files comments received from a member of the public concerning the proposed Final Judgment in this civil antitrust action and the Response of the United States to those comments. The United States continues to believe that the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violations alleged in the Complaint. The United States will move the Court for entry of the proposed Final Judgment after the public comment and Response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d).

**I. Factual Background**

*A. The Defendant, the Eastern Mushroom Marketing Cooperative ("EMMC").*

The EMMC was incorporated in the Commonwealth of Pennsylvania on December 21, 2000, and began operations in January 2001. At the time the Complaint was filed in this case, the EMMC had 15 members with a single staff person, an executive director. The EMMC is made up of entities that grow, buy, package, and ship Agaricus and specialty mushrooms to retail and food service outlets across the United States. The EMMC members each grow some of their own product, but they also buy mushrooms from each other and from nonmembers. Shortly after it began operations, the EMMC adopted minimum prices at which its members could sell their mushrooms to customers in various geographic regions throughout the United States. The minimum prices, with periodic adjustments, were published regularly among members.

According to the United States Department of Agriculture, 844 million pounds of mushrooms were produced nationwide during the 2001-2002 growing season with an approximate value of \$908 million. The EMMC members' estimated collective share of that national market was 60%, with their share estimated to be higher in the East region.