

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>TELFORD BOROUGH AUTHORITY, <i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., <i>Defendants.</i></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>CIVIL ACTION NO. 12-6548</p>
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ORDER

AND NOW, this 27th day of April, 2023, upon consideration of Defendants’ Partial Motion to Dismiss (ECF No. 216), and Plaintiff’s response in opposition (ECF No. 217), it is hereby **ORDERED** that Defendants’ Motion to Dismiss is **GRANTED in part and DENIED in part** as follows:

1. Defendants’ Motion is **DENIED** as to Count Five;
2. Defendants’ Motion is **GRANTED** as to Counts Six, Seven, Eight and Nine and those claims are **DISMISSED with prejudice**;
3. Defendants’ Motion is **GRANTED** as to Count Thirteen and that claim is **DISMISSED without prejudice**. **Within thirty (30) days of the date this Order**, Plaintiff may file a Second Amended Complaint to cure, if it can do so in good faith, the deficiencies outlined in the accompanying Memorandum Opinion as to Count Thirteen.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.