

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AVENAL POWER CENTER, LLC, )  
)  
Plaintiff, )  
)  
v. )  
)  
U.S. ENVIRONMENTAL PROTECTION )  
AGENCY, *et al.*, )  
)  
Defendants. )

Civ. Action No. 10cv383 (RJL)

ORDER

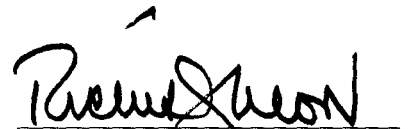
For the reasons set forth in the Memorandum Opinion entered this 26 day of May, 2011, it is hereby

**ORDERED** that plaintiff's Motion for Judgment on the Pleadings [#12] is **GRANTED** in part and **DENIED** in part<sup>1</sup>; and it is further

**ORDERED** that the defendants' Motion for Summary Judgment [#14] is **DENIED**; and it is further

**ORDERED** that the EPA Administrator issue a final agency action, either granting or denying plaintiff's permit application, no later than August 27, 2011.

**SO ORDERED.**

  
RICHARD J. LEON  
United States District Judge

<sup>1</sup> The Court reserves judgment with respect to plaintiff's request for attorney's fees and costs. In addition, in light of the February 4, 2011 declaration by Regina McCarthy, Assistant Administrator of the EPA's Office of Air and Radiation, which was released after plaintiff filed its Motion, as well as subsequent briefs and oral argument, the relief sought by plaintiff has been accordingly revised.