UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPALACHIAN VOICES, et al.,	
Plaintiffs,	
v.	Civil Action No. 12-0523 (RBW)
GINA MCCARTHY,[1] In her official capacity as Administrator, United States Environmental Protection Agency,	Consolidated Case Nos. 12-0585 (RBW) 12-0629 (RBW)
Defendant, and	
UTILITY SOLID WASTE ACTIVITIES GROUP, and	
NATIONAL MINING ASSOCIATION,	
Intervenor-Defendants.	

ORDER

For the reasons to be set forth in the Memorandum Opinion to be issued by the Court within the next thirty days, absent extraordinary circumstances, the Court will grant summary judgment to Appalachian Voices, et al., on their second claim for relief, grant in part and deny in part summary judgment to Headwaters Resources, Inc. and Boral Material Technologies on their sole claim for relief, and grant summary judgment to the EPA and the defendant-intervenors on Appalachian Voices, et al.'s first and third claims for relief in a final Order that will be issued contemporaneously with the forthcoming Memorandum Opinion. Accordingly,

it is

[1] The plaintiffs filed suit against Lisa P. Jackson, then Administrator of the United States Environmental Protection Agency, in her official capacity. Pursuant to Federal Rule of Civil Procedure 25(d), the Court substitutes Gina McCarthy, who succeeded Jackson as Administrator.

ORDERED that Appalachian Voices, et al.'s motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. It is further

ORDERED that Headwaters Resources, Inc.'s and Boral Material Technologies Inc.'s motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. It is further

ORDERED that the EPA's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. It is further

ORDERED that the Utility Solid Waste Activities Group's and National Mining Association's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**. It is further

ORDERED this Order is not a final Order subject to appeal. [2]

SO ORDERED this 30th day of September, 2013.

REGGIE B. WALTON
United States District Judge

[2] To ensure that there is no confusion about the import of this Order, the Court notes for the benefit of the litigants that this Order is not a "final decision" as that term is used in 28 U.S.C. § 1291. See St. Marks Place Hous. Co. v. U.S. Dep't of Hous. and Urban Dev., 610 F.3d 75, 79 (D.C. Cir. 2010) ("[A]ppeals may be taken (with certain exceptions not relevant here) only from 'final decisions.'"); id. at 80 (concluding that "district courts can choose when to decide their cases," and when an order states that it "shall not be deemed . . . final," the Court should be "take[n] . . . at its word"). Rather, this Order reflects the Court's disposition of the motions, which was reached only after carefully and thoughtfully considering the arguments of the parties as set forth in their submissions, conducting a thorough review of the record, and drafting a memorandum opinion which explains the Court's rationale in appropriate detail. With only non-substantive tasks (e.g. reviewing citations to ensure conformity with The Bluebook) remaining before the memorandum opinion can be released to the parties and the public, this matter no longer requires this Court's "judicial attention," and therefore the Court finds it appropriate to issue this Order expressing its disposition of the matter. See id. (questioning the "propriety" of resolving a motion which "still require[s] judicial attention").