

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN PETROLEUM  
INSTITUTE,

Plaintiff,

v.

STEPHEN L. JOHNSON,  
Administrator, United States  
Environmental Protection Agency, *et al.*,

Defendants.

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Civil Action No. 02-2247 (PLF)

MARATHON OIL COMPANY,

Plaintiff,

v.

STEPHEN L. JOHNSON,  
Administrator, United States  
Environmental Protection Agency, *et al.*,

Defendants.

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Civil Action No. 02-2254 (PLF)

ORDER

For the reasons set forth in the Opinion issued this same day, it is hereby

ORDERED that the motion of plaintiff American Petroleum Institute for summary judgment ([91] in Civil Action No. 02-2247) is GRANTED in part and DENIED in part; it is

FURTHER ORDERED that the motion of plaintiff Marathon Oil Company for summary judgment ([88] in Civil Action No. 02-2254) is GRANTED in part and DENIED in

part; it is

FURTHER ORDERED that the motions for summary judgment by the United States Environmental Protection Agency ([93] in Civil Action No. 02-2247 and [91] in Civil Action No. 02-2254); the State of New York ([96] in Civil Action No. 02-2247 and [93] in Civil Action No. 02-2254); and the Natural Resources Defense Council and the Sierra Club ([97] in Civil Action No. 02-2247 and [94] in Civil Action No. 02-2254) are DENIED; and it is

FURTHER ORDERED that the regulatory definition of “navigable waters” contained in the Final Rule entitled Oil Pollution Prevention & Response; Non-Transportation-Related Onshore & Offshore Facilities, 67 Fed. Reg. 47,042 (July 17, 2002), codified at 40 C.F.R. § 112, is vacated and these consolidated cases are remanded to the United States Environmental Protection Agency for further proceedings consistent with the Opinion issued this same day.

The Clerk of this Court shall remove Civil Action No. 02-2247 and Civil Action No. 02-2254 from the docket of this Court. This is a final appealable order. See FED. R. APP. P. 4(a).

SO ORDERED.

/s/ \_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: March 31, 2008