



COMMONWEALTH OF PENNSYLVANIA
 ENVIRONMENTAL HEARING BOARD
 2ND FLOOR - RACHEL CARSON STATE OFFICE BUILDING
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 EHB.COURTAPPS.COM

WILLIAM T. PHILLIPY IV
 SECRETARY TO THE BOARD

HOMES OF DISTINCTION, INC.

v.

COMMONWEALTH OF PENNSYLVANIA,
 DEPARTMENT OF ENVIRONMENTAL
 PROTECTION

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EHB Docket No. 2000-265-K

ORDER

AND NOW, this 23rd day of May, 2001, in consideration of the Appellant's letter of May 14, 2001, informing the Board that the parties have agreed to termination of this proceeding as a result of a settlement agreement, and have provided the Board with a copy of the Stipulation for Settlement for inclusion in the record of the case, a copy of which is attached to and made a part of this Order, IT IS ORDERED that the appeal of Homes of Distinction, Inc. is hereby dismissed without prejudice to the right of Homes of Distinction, Inc. to raise any and all factual or legal issues raised in the appeal docketed at EHB Docket No. 2000-265-K in any proceeding seeking civil or criminal penalties for the violation alleged in the Department's November 3, 2000 Compliance Order. The docket is marked settled and this proceeding terminated.

ENVIRONMENTAL HEARING BOARD

George J. Miller
 GEORGE J. MILLER
 Administrative Law Judge
 Chairman



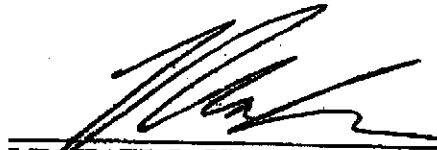
THOMAS W. RENWAND
Administrative Law Judge
Member



MICHELLE A. COLEMAN
Administrative Law Judge
Member



BERNARD A. LABUSKES, JR.
Administrative Law Judge
Member



MICHAEL L. KRANCER
Administrative Law Judge
Member

DATED: May 23, 2001

c: For the Commonwealth, DEP:
Joseph S. Cigan, Esquire
Northeast Regional Counsel

For Appellant[Defendant]:
Terry R. Bossert, Esquire
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COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD
SECOND FLOOR
RACHEL CARSON STATE OFFICE BUILDING
400 MARKET STREET
P.O. BOX 8457
HARRISBURG, PA 17105-8457

HOMES OF DISTINCTION, INC., : EHB Docket No. 2000-265-K
Appellant :
 :
v. :
 :
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
ENVIRONMENTAL PROTECTION, :
Appellee :

STIPULATION FOR SETTLEMENT

WHEREAS, Homes of Distinction, Inc. (hereinafter "Homes") filed an Appeal on November 30, 2000, challenging a Compliance Order issued by the Department of Environmental Protection (hereinafter "Department") on November 3, 2000, which Compliance Order, inter alia, required Homes to cease earth moving activities and to apply for an NPDES permit for storm water discharges related to construction activity; and

WHEREAS, Homes did cease earth moving activity and applied for said NPDES permit and on or about April 9, 2001, the Department granted an NPDES permit to Homes; and

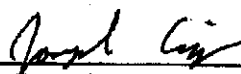
WHEREAS, Homes has no further objections to the requirements of the Compliance Order, but wishes to preserve the factual and legal issues raised in its appeal should the Department seek civil or criminal penalties for the violations alleged in said Compliance Order; and

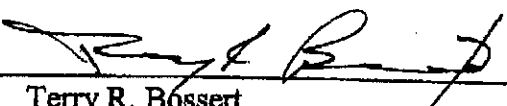
WHEREAS, the Department has indicated that it does not presently intend to seek penalties based on said Compliance Order, but does not object to preserving the issues raised in this appeal in the event that penalties should be sought.

NOW, THEREFORE, the parties stipulate to the entry of the following Order, if satisfactory to the Board, resolving this appeal:

1. The appeal of Homes of Distinction, Inc., is hereby dismissed without prejudice to the right of Homes to raise any and all factual or legal issues raised in the appeal docketed at Docket No. 2000-265-K in any proceeding seeking civil or criminal penalties for the violation alleged in the Department's November 3, 2000, Compliance Order.

Respectfully submitted,

By 
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