## IN THE ENVIRONMENTAL APPEALS BOARD IN AND FOR THE STATE OF DELAWARE

DELAWARE SOLID WASTE AUTHORITY,

V.

:

Appellant,

EAB Appeal No. 2019-05

**DSWA** 

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Appellee.

.

## STIPULATION OF DISMISSAL

The Parties, Delaware Solid Waste Authority ("DSWA") and Delaware Department of Natural Resources ("DNREC"), through their undersigned counsel, hereby stipulate and agree to a dismissal of the above captioned appeal for the reasons stated below:

- (1) The Cease and Desist Order from which DSWA appealed expired on July 4, 2019 by operation of 7 *Del. C.* § 6018, and the underlying issues are currently in litigation in the Court of Chancery.
  - (2) The appeal is therefore moot.

## PARKOWSKI, GUERKE & SWAYZE, STATE OF DELAWARE, P.A.

## **DEPARTMENT OF JUSTICE**

/s/ Michael W. Teichman

Michael W. Teichman (Bar Id. No. 3323) 1105 North Market Street, 19th Floor Wilmington, Delaware 19801 Counsel for DSWA

Dated: September 11, 2019

/s/ William J. Kassab\*

William J. Kassab (Bar Id. No. 5914) Deputy Attorney General 391 Lukens Drive New Castle, Delaware 19720 Counsel for DNREC \*e-signed with permission

counsel. Dated: September 11, 2019

Chair, Environmental Appeals Board

SO ORDERED This \_\_day of . the hearing date for EAB Appeal No. 2019-05 DSWA is hereby DISMISSED.

Page 2 of 2