

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
FOR THE STATE OF DELAWARE**

GULAB’S TIRE CENTER, LLC,)	
)	EAB No. 2019-06
Appellant,)	
)	
v.)	
)	
DELAWARE DEPARTMENT OF)	
NATURAL RESOURCES AND)	
ENVIRONMENTAL CONTROL,)	
)	
Appellee.)	

**STIPULATION AND [PROPOSED] ORDER
DISMISSAL OF APPEAL**

COME NOW the parties in the above-captioned appeal, by and through the undersigned counsel and subject to the approval of the Environmental Appeals Board, who hereby stipulate and agree as follows:

1. On July 1, 2019, Kasher Gulab, on behalf of Gulab’s Tire Center, LLC, appealed Secretary’s Order No. 2019-WH-0020 (“Secretary’s Order”), published by the Department of Natural Resources and Environmental Control (“DNREC”) on May 30, 2019. The Secretary’s Order found Gulab’s Tire Center, LLC to be in violation of Chapter 60 of Title 7 of the Delaware Code and the Regulations Governing Solid Waste (“Regulations”) 7 Del. Admin. C. § 1301, related to the storage of scrap tires at Gulab’s Tire Center in Millsboro, Delaware.

2. A hearing on this matter before the Environmental Appeals Board (the “Board”) was scheduled for November 12, 2019.

3. At the hearing on November 12, the parties requested that the Board postpone the hearing until January 28, 2020, to allow Gulab’s Tire Center to submit a claim under DNREC’s Ability To Pay (ATP) process to evaluate Gulab’s Tire Center’s claim that the \$5,000 penalty is a financial hardship. The parties also requested additional time to allow Gulab’s Tire Center to support its ATP claim with financial documentation required by DNREC.

4. The parties have reached an agreement – and do hereby agree – to resolve the Appeal according to the following terms:

a. DNREC will not pursue further enforcement of the violations as detailed in and limited to the Secretary’s Order No. 2019-WH-0020, issued to Appellant, Kasher Gulab, on behalf of Gulab’s Tire Center, LLC. Nothing stated herein should be construed to affect DNREC’s ability to enforce any violations of federal or state law that are not expressly set forth in Secretary’s Order No. 2019-WH-0020.

b. Appellant, Kasher Gulab, on behalf of Gulab’s Tire Center, LLC (collectively referred to as “Gulab’s Tire Center”) agrees that the Board should dismiss with prejudice Gulab’s Tire Center’s Appeal No. 2019-06.

Liguori & Morris

/s/ Gregory A. Morris

Gregory A. Morris (#3014)
46 The Green
Dover, DE 19901

(302) 678-9900

gmorris@lmylaw.com

Counsel for the Appellants

Dated: February 6, 2020

Delaware Department of Justice

/s/ Devera B. Scott

Devera B. Scott, (#4756)
Deputy Attorney General
102 W. Water St., 3rd Floor
Dover, DE 19904

(302) 257-3218

devera.scott@delaware.gov

Counsel for the Appellee

Dated: February 6, 2020

IT IS SO ORDERED this ____ day of _____, 2020.

Chair, Environmental Appeals Board