

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

IN RE: HOMETOWN ANGOLA  
BEACH, LLC/HOMETOWN  
AMERICA COMMUNITIES LIMITED  
PARTNERSHIP; ANGOLA ESTATES  
WASTEWATER TREATMENT  
FACILITY (WWTF);  
  
SPRAY IRRIGATION PERMIT LTS  
5013-86-12; DEN 359000-03.

E.A.B. Appeal No. 2017-11

**STIPULATION AND [PROPOSED] ORDER REGARDING  
ISSUANCE OF PERMIT AND 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 or about July 27, 2017, the Appellants, Hometown Angola Beach, LLC and Hometown Communities Limited Partnership (collectively, "Hometown"), filed an appeal (the "Appeal") from a letter of denial regarding the above-captioned permit application (the "Decision") issued by Virgil R. Holmes, Director of the Division of Water for the State of Delaware Department of Natural Resources and Environmental Control ("DNREC"), dated July 11, 2017, which Decision denied Hometown's application for a construction permit (the "Application") to expand the Angola Beach and Estates Wastewater Treatment Facility (the "WWTF").

2. A hearing on the Appeal (the “Hearing”) before the Environmental Appeals Board (the “Board”) was originally scheduled for January 16, 2018. By stipulation of the parties and with the approval of the Board, the Hearing was postponed and rescheduled for April 24, 2018 in order to allow the parties to explore prospects for resolution of the controversy presented by the Appeal short of adjudication by the Board.

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

(a) Hometown has submitted an amended construction permit application to DNREC. On April 18, 2018, Hometown’s amended construction permit application and DNREC’s draft construction permit were publicly noticed according to *7 Del. C. § 6004*. DNREC’s draft construction permit proposes to approve and issue a permit granting the Application, in the form attached hereto as Exhibit “A” (the “Draft Permit”). Hometown’s Application and the subsequent Final Construction Permit issued by DNREC will be subject to all applicable law, including but not limited to the process required by *7 Del. C. § 6004*.

(b) Hometown agrees to offer the then current owner(s) of the manufactured homes currently located upon the three (3) lots closest to the perimeter of the buffer on the southern side of the spray irrigation field (depicted as Lots H-05, H-06, and H-16) the opportunity to relocate their homes to another lot location within the existing Angola Estates Subdivision, if and when another lot is vacant and available (the “Relocation Offer”). Provided that the current owner accepts the Relocation Offer, Hometown shall cover the costs of relocating the home. Hometown shall only be required to make the Relocation Offer once, to the owner(s) of the manufactured homes in question as of April

6, 2018. Hometown shall have no ongoing obligation or responsibility if the owner(s) decline(s) the Relocation Offer.

4. Upon issuance of a Final Construction Permit with language and requirements that are substantially similar to the Draft Permit attached as Exhibit "A", the Appeal shall be withdrawn, and the Board shall dismiss Hometown's Appeal without prejudice. Pending issuance of the Final Construction Permit, the Appeal shall be stayed.

Baird Mandalas Brockstedt, LLC

Delaware Department of Justice

/s/ John W. Paradee

John W. Paradee, Esquire (#2767)  
6 South State Street  
Dover, DE 19901  
(302) 677-0061  
[john@bmbde.com](mailto:john@bmbde.com)

/s/ Devera B. Scott

Devera B. Scott, Deputy Attorney General (#4756)  
102 W. Water St., 3<sup>rd</sup> Floor  
Dover, DE 19904  
(302) 257-3218  
[devera.scott@state.de.us](mailto:devera.scott@state.de.us)

Counsel for the Appellants

Counsel for the Appellee

Dated: April 20, 2018

Dated: April 20, 2018

IT IS SO ORDERED this 20<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
EAB Board Chair