



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD



CHERYL L. PARKS

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

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EHB Docket No. 2025-012-L

May 5, 2025

**OPINION AND ORDER
DISMISSING APPEAL**

By Bernard A. Labuskes, Jr., Board Member and Judge

Synopsis

The Board dismisses an appeal where the appellant has not perfected her appeal and has not responded to a Board Order or Rule to Show Cause.

OPINION

On March 4, 2025, we received by mail a notice of appeal from Cheryl L. Parks of Stroudsburg, PA, proceeding *pro se*. The notice of appeal form said she was appealing Chapter 102 and 105 permits issued by the Department of Environmental Protection (the “Department”) for a warehouse in Pocono Township, Monroe County. Ms. Parks stated that she did not receive any notice of the Department action under appeal. She said that the warehouse is near her property and she expressed concern about a loss of forest associated with the project and potential impacts on wildlife, aquatic life, wetlands, and water quality. However, in her notice of appeal she did not identify the name or address of the facility, the name of the owner, operator, or permittee of the facility, or any specific information about the permits she was appealing. She also did not indicate that she served her notice of appeal on the permittee of the facility or on the Department.

On March 7, 2025, we issued an Order requiring Ms. Parks to perfect her appeal. In the Order we requested that she supply a description of the action under appeal and provide the name of the permittee and the facility. We also requested that she serve her appeal on the Department and on the permittee. In our Order we informed Ms. Parks that failure to supply this information could result in the dismissal of her appeal. We requested that she provide the Board with the information by March 28, 2025.

When March 28 passed without receiving anything from Ms. Parks, we issued a Rule to Show Cause on April 7, 2025 asking again that she provide the necessary information for the perfection of her appeal, including a description of the action under appeal with the name of the permittee and the permitted facility, and proof of service of the appeal on the Department and the permittee. We again advised her that her appeal could be dismissed for failing to comply. We set a deadline of April 22, 2025 to provide the information. As of this date, Ms. Parks has not responded to our Order or our Rule to Show Cause.

“An appellant’s perfection of its appeal is an important step in proceeding in front of the Board.” *White Tavern v. DEP*, 2022 EHB 180, 182. Obviously providing enough information for us to figure out what exactly is being appealed is an important component of a notice of appeal. The Environmental Hearing Board is an agency independent of the Department of Environmental Protection. We are not aware of all the numerous actions, permitting or otherwise, taken by the Department across the Commonwealth. We do not know what warehouse in Pocono Township is being challenged or what permits are being appealed without being supplied that information by Ms. Parks.

As we stated recently in *Wilkinson v. DEP*, 2024 EHB 401, another case where an appellant did not perfect its appeal despite being ordered to do so:

This Board may impose sanctions – including dismissal of the appeal – for failure to comply with our orders. 25 Pa. Code § 1021.161; *Martin v. DEP*, 1997 EHB 158. Dismissal is warranted where the Appellant clearly demonstrates a lack of intent to pursue the appeal by failing to comply with Board orders. *Blackwood v. DEP*, 2020 EHB 442; *Scottie Walker v. DEP*, 2011 EHB 328; *K H Real Estate, LLC v. DEP*, 2010 EHB 151; *Pearson v. DEP*, 2009 EHB 628; (citing *Bishop v. DEP*, 2009 EHB 260; *Miles v. DEP*, 2009 EHB 179; *RJ Rhodes Transit, Inc. v. DEP*, 2007 EHB 260; *Swistock v. DEP*, 2006 EHB 396; *Sri Venkateswara Temple v. DEP*, 2005 EHB 54).

Id. at 402. Having failed to provide us with the information necessary for the perfection of her appeal for nearly two months and having failed to comply with our Order and Rule to Show Cause, Ms. Parks has indicated that she has is not interested in pursuing this appeal. Accordingly, we dismiss this appeal and issue the Order that follows.



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ORDER

AND NOW, this 5th day of May, 2025, it is hereby ordered that the Appellant's appeal is
dismissed.

ENVIRONMENTAL HEARING BOARD

s/ Steven C. Beckman

STEVEN C. BECKMAN

Chief Judge and Chairperson

s/ Bernard A. Labuskes, Jr.

BERNARD A. LABUSKES, JR.

Board Member and Judge

s/ Sarah L. Clark

SARAH L. CLARK

Board Member and Judge

s/ MaryAnne Wesdock

MARYANNE WESDOCK

Board Member and Judge

s/ Paul J. Bruder, Jr.

PAUL J. BRUDER, JR.

Board Member and Judge



DATED: May 5, 2025

c: DEP, General Law Division:
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(via *electronic mail*)

DEP, Office of Chief Counsel:
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(via *electronic mail*)

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