

**THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

HOME BUILDERS ASSOCIATION OF	:	No. 200 MAP 2003
CHESTER AND DELAWARE COUNTIES,	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court at Docket Number
	:	980 MD 2002, dated July 9, 2003.
v.	:	
	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION, DAVID E. HESS,	:	
SECRETARY OF ENVIRONMENTAL	:	
PROTECTION, JAMES NEWBOLD, P.E.,	:	
REGIONAL MANAGER, WATER	:	
MANAGEMENT AND MARTHA E.	:	
BLASBERG, SUPERVISORY COUNSEL,	:	
Appellees	:	

**ORDER**

**PER CURIAM:**

**Decided: March 22, 2004**

**AND NOW**, this 22<sup>nd</sup> day of March, 2004, the order of the Commonwealth Court is **AFFIRMED**. Appellant's Application for Oral Argument is **DENIED**.

Mr. Justice Nigro dissents and would grant oral argument.