

**ENVIRONMENTAL HEARING BOARD
GUIDANCE FOR ELECTRONIC FILING
AND SERVICE**

This guidance is for counsel desiring to use electronic filing. The Board has adopted rules governing electronic filing and service at 25 Pa. Code §§ 1021.32(d) – (f) and 1021.34(d) to facilitate the use of this system by all Pennsylvania counsel.

The following is a general description of the rules as they are administered by the Board. In case of doubt, the published rules should be consulted and followed:

1. The Board will maintain the docket on its web site available to all members of the public and will accept filings of legal documents by electronic transmission from registered users. Each registered user will be assigned a password for use of the system for filing and service. The docket system will register the time and date of any such filing and will provide a status message to the parties when the document is filed. The electronic file will be available on the Board's web site. The Board will also maintain a hard copy file which will be available to the public for inspection and copying during the Board's office hours to the extent consistent with the proper discharge of the Board's duties.
2. Use of electronic filing and service will be limited to those Pennsylvania lawyers, or other counsel permitted by Board order to represent a party for purposes of the case, who have registered for use. Registration may be made only by filing a letter registration statement on the attorney's professional or organization letterhead with the Board. The form of such a registration statement is attached.
3. All legal documents other than the initial notice of appeal or complaint may be filed electronically. An electronic filing will be deemed the equivalent of the original document. If the document with electronic exhibits exceeds 50 pages in length, the party must also file the document in hard copy. In addition, a party may also elect to file any legal document by hard copy.
4. All attachments to an electronic filing, such as exhibits, may be filed by hard copy rather than by electronic means. However, the filing of any such legal document or attachments by hard copy must be mailed to the Board on the same date as the electronic transmission of the related legal document.
5. Filings must be made through WordPerfect for Windows or Microsoft Word for Windows at or before the time they are due to be filed.

6. Retroactive electronic filing of documents will not be permitted. However, delay in the receipt of a timely transmission by the Board or other counsel will not be a basis for dismissal or other imposition of sanctions.
7. The electronic filing of a document by counsel constitutes a certification that the original hard copy was signed and, where applicable, verified.
8. A party who files any legal paper with the Board through the Board's web site shall be responsible for:
 - A. An objective description of the document filed consistent with the title placed on the document since this is the description that will appear on the Board's docket.
 - B. any delay, disruption, interruption of the electronic signals and readability of the document, and
 - C. any risk that a document filed by means of electronic filing may not be properly or timely filed with the Board.

The Board will be liberal in excusing transmission failures and deficiencies, and all counsel must also be willing to cooperate in excusing transmission failures or deficiencies and supplying other counsel with hard copy of electronically filed documents in the event of a filing or service deficiency. However, intentional failure to file or serve on a timely basis will not be tolerated by the Board.

9. An executed hard copy of the filing, with verifications if required, shall be maintained by the filing party and produced on request of the Board or any other party within 14 days of the request.
10. The filing of a registration statement requires the registrant to accept electronic service of all legal papers permitted to be filed in the proceeding by electronic means. This election may be changed for purposes of a particular case or for all purposes by filing an amendment to the attorney's registration statement with the Board.
11. Subpoenas and any bond or check required to be filed with an appeal of a penalty assessment may not be filed electronically.
12. Counsel shall take precautions to assure that their transmissions will not result in disruption to the system such as the transmission of computer viruses. Counsel shall undertake to advise the Board and all other counsel in the case of any risk of such a disruption.
13. The Board will release all proper filings for docketing and service and send a confirmation message to the parties within 24 working hours of filing. The filing will be accepted as of the filing date. Service of the filing on those

willing to accept electronic service will be effective when the Board so releases the filing. In the unlikely event a filing is not accepted from qualified counsel, counsel will be notified of any such problems and will be given a reasonable amount of time to make any necessary curative filing.

14. Material subject to a protective order, issued by the Board upon motion of a party, may not be electronically filed but must be filed with the Board under seal.