



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

FILING INSTRUCTIONS

Filing a Notice of Appeal

One **original** and two copies of a Notice of Appeal shall be filed with the *Secretary to the Board* at the following address:

Environmental Hearing Board
2nd Floor – Rachel Carson State Office Building
400 Market Street – P.O. Box 8457
Harrisburg, PA 17105-8457

When filing a new appeal, an appellant should specify any related appeal already pending before the Board, in accordance with the Notice of Appeal form.

A Notice of Appeal filed by *mail, hand or other delivery service* that is received after the close of the business day at 4:30 PM Eastern Time shall be deemed to be filed on the following business day. A Notice of Appeal filed by *facsimile* shall be deemed filed on the day it is received by the Board. A notice of appeal filed by facsimile should be followed up with a hard copy. A Notice of Appeal may not be filed by electronic mail.

A copy of the Notice of Appeal shall be served on (delivered to) the appropriate persons and the agencies taking the action from which the appeal is filed, in accordance with the proof of service page in the Notice of Appeal form. This means that in addition to filing the notice of appeal with the Board, a copy must be sent to the following:

(1) The office of the Department of Environmental Protection (or other agency) that took the action being challenged. If an appellant does not know the correct address for the agency office involved in the appeal, he should contact that agency directly, or may contact the Board Secretary to obtain the appropriate address.

(2) The Department of Environmental Protection Office of Chief Counsel at the following address:

Department of Environmental Protection
Office of Chief Counsel, Litigation Support Unit
Attention: Glenda Davidson
9th Floor, Rachel Carson State Office Building
400 Market Street, P.O. Box 8464
Harrisburg, PA 17105-8464

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FILING INSTRUCTIONS**

(3) In certain appeals, it is also necessary to serve the recipient of the action (for example, the holder of a permit or license) with a copy of the Notice of Appeal in accordance with the Board's rules at 25 Pa. Code § 1021.51(g)-(h).

Appeals Involving a Penalty Assessment

In the case of a penalty assessment, many environmental statutes require that the amount of the penalty or a bond in that amount be submitted within the 30-day period required for the filing of the appeal.

Where the statute requires that the prepayment be made to the Board, the appellant shall submit to the Board with the appeal a check in the amount of the penalty or an appropriate bond securing payment of the penalty as required by statute. A check shall be made payable to the Commonwealth of Pennsylvania; a bond shall be in favor of the Board, and these shall be sent to the following address:

Environmental Hearing Board
2nd Floor, Rachel Carson State Office Building
400 Market Street, P.O. Box 8457
Harrisburg, PA 17105-8457

Where the statute requires that prepayment be made to the Department of Environmental Protection, the appellant shall submit the prepayment to the Department at the following address in accordance with the Department's instructions:

Department of Environmental Protection
Office of Chief Counsel
Litigation Support Unit
Attention: Glenda Davidson
9th Floor, Rachel Carson State Office Building
400 Market Street, P.O. Box 8464
Harrisburg, PA 17105-8464

If the appellant claims an inability to prepay, that claim must be submitted within the 30-day period by a verified statement either with the notice of appeal or in a supplementary document.

Filing All Other Documents

Except in the case of electronically filed documents, the following number of copies shall be filed with the *Secretary to the Board* at the address above:

Complaints, ¹ Answers	One original and 2 copies
Dispositive motions, responses and replies; post-hearing briefs	One original and 2 copies

¹ Complaints *may not* be filed by electronic mail.
Revised: January 2012

**ENVIRONMENTAL HEARING BOARD
FILING INSTRUCTIONS**

Pre-hearing memoranda; petitions for supersedeas; nondispositive motions or petitions	One original and 1 copy
All other documents	One original

A document filed by mail, hand or other delivery service that is received after the close of the business day at 4:30 PM Eastern Time shall be deemed to be filed on the following business day. Documents filed by facsimile or electronic mail shall be deemed filed on the day they are received by the Board.

While the Board has a fax machine available for the convenience of parties faced with time constraints, fax transmission should not be used as a substitute for routine filing by mail or delivery services. With respect to motions, petitions, memoranda of law, post-hearing briefs and similar filings, the fax transmission should not exceed 10 pages in length. If a document exceeds 10 pages in length, the 10-page facsimile shall consist of the first 5 pages and the last 5 pages of the document and the certificate of service; the entire original document shall be deposited in the mail on the same day. Multiple copies of filings should not be transmitted via fax.

Copies of all filed documents must also be served on (delivered to) all other parties to the action in accordance with the Board's rules. Judges in Pittsburgh and Philadelphia may also require that they be served with courtesy copies of all filings.