

ENVIRONMENTAL HEARING BOARD
GUIDANCE FOR ELECTRONIC FILING AND SERVICE

The Board has adopted rules mandating electronic filing and service at 25 Pa. Code Chapter 1021. This guidance is for the use of the Board's electronic filing system and to facilitate use of this system by all registered users.

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 and will accept filings of legal documents by electronic transmission from registered users. Each registered user will be assigned a password for use on the system. The docket system will register the time and date of any filings 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 and the web site will be available to all members of the public.
2. Use of the electronic filing system is mandatory for all Pennsylvania lawyers and counsel from other states as permitted by the Board to represent a party for purposes of a specific case. The electronic filing system is also available, but not mandatory, for use by all registered *pro se* filers. Registration may be made by filling out the registration form provided on the Board's website at <http://ehb.courtapps.com/efile/userRegistration.php>.
3. For documents that may not be filed electronically, see 25 Pa. Code § 1021.32(a). Notices of appeal may be filed electronically by registered attorney users or conventionally filed (i.e., delivering the notice of appeal to the Board in person or sending the notice of appeal to the Board via U.S. Mail or facsimile). Non-attorneys **may** register to file electronically but may not electronically file a notice of appeal, complaint or petition to intervene. An electronic filing will be deemed the equivalent of the original document.
4. All documents to be filed electronically must be in Microsoft Word or PDF format.
5. 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.
6. The electronic filing of a document by registered users constitutes a certification that the original hard copy was signed and, where applicable, verified.
7. A party who electronically files any legal paper with the Board shall be responsible for:

- A. An objective description of the document filed consistent with the title placed on the document and in conformity with the guidelines provided on the web site regarding document descriptions. This description will appear on the Board's docket and can be viewed by the general public.
 - 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 registered users must also be willing to cooperate in excusing transmission failures or deficiencies and supplying other registered users 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.
8. 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.
 9. 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.
 10. Subpoenas and any bond or check required to be filed with an appeal of a penalty assessment may not be filed electronically. A copy of the bond or check shall be filed electronically, and the hard copy placed in the mail.
 11. Registered users shall take precautions to assure that their transmissions will not result in disruption to the system such as the transmission of computer viruses. Registered users shall undertake to advise the Board and all other counsel and/or *pro se* filers in the case of any risk of such disruption.
 12. 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. 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.
 13. Material subject to a protective order, issued by the Board upon motion of a party, may be electronically filed under seal.