



BEFORE THE UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 841 Chestnut Building
 Philadelphia, Pennsylvania 19107



IN THE Matter of:)
) Docket No. FIFRA-3-2000-001
)
 Advanced Skin Technologies)
 7143 Bernville Road)
 Bernville, PA 19506,)
)
 Respondent)

ORDER AUTHORIZING ELECTRONIC FILING

The parties in this action have reached a settlement under 40 C.F.R. § 22.18(b), and have both executed a Consent Agreement. They have presented this Consent Agreement to me with a proposed Final Order that will resolve the matter. The Consent Agreement before me includes an electronic facsimile of page 3, which bears the signature line for the Respondent. It appears that Respondent's representative signed the Consent Agreement on March 20, 2000, but it has not yet been received by Counsel for Complainant.

In all other respects, the Consent Agreement conforms to the requirements of 40 C.F.R. § 22.18(b), but the absence of an original signature runs afoul of the requirement that the original document be signed the party, its attorney or other representative. 40 C.F.R. § 22.5((c)(3).

However, 40 C.F.R. § 22.5(b)(2) allows the Presiding Officer to authorize facsimile or electronic **service** by order subject to appropriate conditions and limitations. The preamble to this section of the Consolidated Rules indicates that the Presiding Officer has authority to allow facsimile or electronic "**service and/or filing**" on a case by case basis. 64 *Fed. Reg.* 40138, 40147 (July 23, 1999).

Accordingly, I am authorizing the filing of the Consent Agreement with a facsimile of page 3 apparently bearing the signature of Respondent's representative, subject to:

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1. Counsel for Complainant shall notify me immediately upon her receipt of the original page 3 of the Consent Agreement, and then file said original with the Regional Hearing Clerk within 24 hours.

2. If Complainant's counsel does not receive the original page 3 of the Consent Agreement within 10 days of the date of this Order, she shall obtain a duplicate original signed by Respondent's representative and file it within 30 days of the date of this Order.

Dated: March 28, 2000

/S/
BENJAMIN KALKSTEIN
Presiding Officer