

United States Environmental Protection Agency**Region III****STANDING ORDER****Order Authorizing Electronic Service of Certain Part 22 Documents**

Effective Date: May 22, 2020

Background/Legal Authority: Rule 22.5(b)(2) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Part 22 Rules”), 40 C.F.R. § 22.5(b)(2), provides, in pertinent part, that “[a]ll documents filed by a party other than the complaint.....shall be served by the filing party on all other parties. Service may be made by facsimile or other electronic means, including but not necessarily limited to email, if service by such electronic means is consented to in writing. ... In addition, the Presiding Officer may by order authorize or require service by facsimile, email or other electronic means, subject to any appropriate conditions and limitations.”

Order: Pursuant to my authority as the Regional Judicial and Presiding Officer of EPA Region III, in accordance with the Part 22 Rules, and subject to the conditions and limitations set forth below, I authorize the use of facsimile, email or other electronic means for the service of documents, other than Complaints, in proceedings subject to the Part 22 Rules.

The use of the electronic service of documents is subject to the following conditions and limitations:

- **Administrative Complaints**– Complaints filed in connection with Part 22 proceedings are not covered by this Standing Order. Service of Complaints must be accomplished in accordance with the Part 22 Rules. *See* Rule 22.5(b)(1), 40 C.F.R. § 22.5(b)(1).
- **Applicability of Standing Order** – Unless a proceeding is subject to the provisions of Subpart I of the Part 22 Rules, the applicability of this Standing Order as to a particular proceeding shall end upon: the filing of an Answer with the RHC pursuant to Rule 22.15, 40 C.F.R. § 22.15; the issuance of an Initial Decision and Default Order pursuant to Rule 22.17, 40 C.F.R. § 22.17; or the conclusion of the matter pursuant to the filing of a Final Order pursuant to Rule 22.18, 40 C.F.R. § 22.18. With regard to proceedings subject to Subpart I of the Part 22 Rules, this Standing Order shall be applicable during the duration of the proceeding unless revoked or modified by the Regional Judicial and Presiding Officer. This Standing Order also does not apply to the service of documents that are filed with the EPA Office of Administrative Law Judges (“OALJ”) or the EPA Environmental Appeals Board (“EAB”). Please check the OALJ and EAB websites for electronic service procedures and requirements for proceedings before those entities.

- **Reasonable Efforts for Service** – A party using electronic service for documents, other than Complaints, shall undertake reasonable efforts to obtain valid contact information from the party being served (e.g., email address, facsimile number).
- **Completion of Service** – Pursuant to Rule 22.7(c), 40 C.F.R. § 22.7(c), for documents served electronically, service of such documents is complete upon transmission.
- **Copy of Standing Order to Respondents** – A copy of this Standing Order is to be made an attachment to any Complaint filed in EPA Region III after the effective date of this Standing Order. The Standing Order will be provided to Respondent(s) as part of the service of the Complaint. For any pending matter for which a Complaint was filed prior to the effective date of this Standing Order, Complainant is required to serve in a timely manner a copy of this Standing Order upon each Respondent(s).
- **Certificate of Service** – The Certificate of Service accompanying a document served electronically must indicate the specific method utilized for purposes of electronically serving the document.
- **Use of Electronic Service is Discretionary** – This Standing Order authorizes the use of electronic service, it does not require the use of electronic service. Part 22 documents may still be served in accordance with other approved methods set forth in Rule 22.5, 40 C.F.R. § 22.5.
- **Part 22 Rules Control** – To the extent that this Standing Order conflicts with the Part 22 Rules, the Part 22 Rules control.

The conditions and limitations set forth herein may be amended or revoked generally or in regard to a specific case or group of cases by further order of the Regional Judicial and Presiding Officer in his or her sole discretion at any time. In addition, the Regional Judicial and Presiding Officer may issue an order modifying these conditions and limitations if deemed appropriate in his or her discretion.

Termination Date of Standing Order: This Standing Order will remain in effect until terminated in writing by the Regional Judicial and Presiding Officer of EPA Region III.

Date: May 22, 2020

Joseph J. Lisa
 Regional Judicial and Presiding Officer
 U.S. EPA Region III