

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS**

DOCUMENT NUMBER: 562-4000-102

TITLE: Increased Operation and Maintenance Costs of Replacement Water Supplies
(on All Coal and Surface Noncoal Sites)

EFFECTIVE DATE: December 2, 2006.

AUTHORITY: Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1 – 1396.31),
Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21),
Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301--3326)

POLICY: The Department will require mine operators to provide for permanent payment of increased operation and maintenance costs for replacement water supplies.

PURPOSE: To describe the process to determine the bond amount needed to assure permanent payment of increased operation and maintenance costs for replacement water supplies and to describe the alternative settlement/release.

APPLICABILITY: This guidance is applicable to all coal and surface noncoal sites where an operator has incurred liability for increased operation and maintenance costs.

DISCLAIMER: The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which the Department shall exercise its administrative discretion in the future. The Department reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH: 12

LOCATION: Volume 12, Tab 28

Background:

Mine operators must restore or replace water supplies affected by their mining operation. This requirement is found in the regulations in sections 77.533 (non-coal surface mines), 87.119 (surface coal mines), 88.107 (anthracite surface mines), 89.145a (bituminous underground mines), and 90.116a (coal refuse disposal). Restoration includes permanently paying for any increases in operation and maintenance (O&M) costs. Technical guidance documents, Water Supply Replacement and Compliance (562-4000-101), and Water Supply Replacement and Permitting (563-2112-605) provide guidance about determining the O&M costs.

A variety of mechanisms have been considered to address the requirement to permanently pay for the increase in O&M costs. The simplest approach is a settlement with the water supply owner after the replacement supply is installed and functioning properly.

The case law interpreting the statutory and regulatory obligation to adequately replace a water supply impacted by mining operations has generally held that:

- the operator must permanently pay the increased O&M costs associated with a replacement water supply,
- calculation of these costs is done on a case-by-case basis using certain guiding principles and,
- the law permits but does not obligate the operator to make a cash settlement with a water supply owner as a means of satisfying the operator's legal obligation to permanently pay the increased O&M costs.

The Department will assure that the operator fulfills its legal obligation to pay increased O&M costs in perpetuity. Permanent payment will be accomplished by the operator actually paying the on-going increased O&M costs and will be assured by the operator posting a bond in an amount sufficient to provide for payment of the increased O&M costs in perpetuity. When the Department determines that an operator has affected a water supply, it will notify the operator, the water supply owner and the operator's water supply replacement insurer of the operator's obligation to cover increased O&M costs.

The obligation for increased O&M costs for a water supply runs with the water supply unless the mine operator and water supply owner reach a settlement and the Department is provided with proper documentation, as described below in the Settlement/Release section. If a settlement is reached by the operator with the current water supply owner (or a future owner) and proper documentation has been provided to and approved by the Department, it is assumed by the Department that adequate compensation has occurred and obligations to the water supply owner have been met. However, if a settlement is not reached with the current water supply owner, the obligation will continue to be owed to subsequent water supply owners, until such time that the water supply owner(s) agree to an alternative settlement or the operator goes out of business and the bond is forfeited.

The bond is an administratively efficient mechanism for providing the Department (and in this case the water supply owner) with assurance that if the operator fails to meet its legal obligation there will be money available to compensate the water supply owner for the increased costs. A recorded settlement/release brings finality to the matter and can result in a satisfactory resolution between the water supply owner and the operator. A recorded settlement/release serves to document the parties' settlement to the Department, thus enabling the Department to assure that the operator's legal obligation has been satisfied

and to provide any subsequent purchaser of the water supply owner's property with adequate notice of the settlement.

Calculating the Increased O&M Costs

Annual increased O&M costs should be calculated using the existing guidance documents to the extent possible. The worksheets that are found at Appendix C of Technical Guidance 562-4000-101, *Water Supply Replacement and Compliance*, and Technical Guidance 563-2112-650, *Water Supply Replacement and Permitting*, provide an annualized dollar amount for the increased O&M costs.

The operator should use a minimum of 6 months of data collected after the permanent water supply is installed (or other period agreed to by the water supply owner and operator) to calculate the increased O&M costs. The operator should consult with the water supply owner regarding the calculation of the increased O&M costs during the data collection period and attempt to reach an agreement with the owner on the amount of these costs. The selected data collection period must be specific to the water supply and include both high and low use periods. The data collection period should not exceed one year.

Within 30 days after the end of the data collection period, the operator should send the O&M worksheet and a plan describing how the increased O&M costs are going to be paid (including to whom the payments will be made, the amount of the payments, and the frequency of payments) to the water supply owner and the Department. The worksheet and plan are essential components of the demonstration that a replacement water supply is adequate. The plan will also provide the water supply owner with an idea of what they should expect. Proof of receipt by the water supply owner, such as a certified mail receipt, is required. It is recommended that the operator meet face-to-face with the water supply owner to facilitate the process and encourage a settlement.

In the following 20 days the water supply owner should submit to the Department his comments and any additional data relevant to the plan and the calculation of the increased O&M costs. In the event that there is a dispute based on the information submitted by the water supply owner then the Department will notify the operator accordingly. The operator must either resolve the dispute or provide additional evidence demonstrating that the information provided by the water supply owner is not correct.

Within 30 days of the submittal of the plan by the operator, the Department will review the operator's information, the water supply owner's information and any other relevant information; and it will determine the amount of the increased O&M costs. The Department will then send a letter to the operator, with a copy to the water supply owner, acknowledging the Department's determination of the amount of the increased O&M costs and the calculated bond amount. The notice will provide the opportunity for an informal conference, upon request by the permittee, pursuant to § 86.152(d). The opportunity to request the informal conference is limited to the permittee. However, the water supply owner may attend an informal conference, if the conference is requested by the permittee. An example of this notice is included with this guidance as Appendix A.

After advising the operator of the required bond amount, the Department will send the operator a second letter formally demanding the submission of a water supply O&M bond. If the operator does not request an informal conference, the Department will send the bond demand letter 30 days after the date of the previous notice. If the operator requests an informal conference, the Department will send the bond demand letter shortly after the informal conference. A bond submittal form should be included with the bond demand letter. The deadline for submittal of the bond should be 30 days from the receipt of the letter by the operator. A template of this notice letter is included as Appendix B to this guidance.

The generic timeline is summarized below:

- 6 months to one year--data collection
- 30 days later – permittee sends the worksheet to the homeowner and DEP
- 20 days later -- comments due from the water supply owner
- 10 days later -- DEP calculates bond amount-notifies permittee and water supply owner of the preliminary calculation and right to informal conference
- 30 days later – DEP sends the formal request for the bond
- 30 days later – the bond is due

Settlement/Release

The operator may opt to satisfy the obligation to permanently pay the increased O&M costs by settling the matter with the affected water supply owner(s). This requires the execution of a settlement/release signed by the water supply owner(s) that documents the settlement to the satisfaction of all parties. A valid, recorded, settlement/release document must be submitted to and approved by the Department as proof that an operator has complied with its obligation to pay O&M costs. The Department will not consider an obligation to pay increased O&M costs to have been satisfied by means of a settlement/release until proper documentation has been submitted by the operator to the Department.

A form, “Release of the Obligation to Pay Increased Operation & Maintenance Costs for an Affected Water Supply” (5600-FM-BMP0445), has been developed to provide an acceptable mechanism to document a settlement/release. The Department will accept a properly executed release form 5600-FM-BMP0445, that is recorded with the deed, as proof that the operator has complied with its legal obligation to pay increased O&M costs for an affected water supply. Upon receipt of the fully executed and recorded release form 5600-FM-BMP0445, the Department will consider the matter of the O&M payment obligation to be satisfied.

The Department will also accept a settlement/release document in the form of a valid voluntary agreement between the operator and the owners of the affected water supply which establishes the means by which an affected water supply will be restored or replaced, and/or provides fair compensation to the water supply owner(s) for harm to a water supply.

For surface mining activities, a properly executed and recorded form 5600-FM-BMP0110, *Consent to Lesser Water Supply Agreement*, will be accepted by the Department as proof that an operator has complied with its legal obligation to pay increased O&M costs for an affected water supply.

Additional Settlement/Release Provisions for Underground Mining Operations

For underground mining operations, the Department will accept either the form developed by the Department for this purpose or a private voluntary settlement/release agreement between the operator and the water supply owner(s) that complies with applicable law, and specifically section 5.3 of the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. § 1406.5c. For settlement/release documents that are not on a Department form, the following elements are required for the documentation to be accepted by the Department as complying with applicable law:

- In general, the settlement/release agreement must be written so that, when executing the document, a water supply owner is giving his informed consent to the release of the water

supply owners' legal rights to an adequate replacement water supply, including the payment of increased O&M costs;

- The settlement/release agreement should be limited to establishing the means by which an affected water supply is to be restored or replaced or fair compensation provided for water supply claims resulting from the operator's underground mining operations and it should state that the agreement is being entered into pursuant to section 5.3 of BMSLCA;
- The settlement/release agreement must clearly describe the water supply owner's legal rights with respect to water supply replacement, as provided by the Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) and Department regulations;
- The settlement/release agreement's description of the water supply owner's legal rights must specifically address right to payment of O&M costs;
- In the settlement/release agreement, the water supply owner(s) must expressly acknowledge that he is releasing the legal rights provided by BMSLCA with respect to water supply replacement, including payment of O&M costs, in exchange for the consideration being rendered pursuant to the settlement/release agreement;
- The settlement/release agreement must describe the underground mining activities which may, or already have, impacted an affected water supply, and the release of the operator's obligation to replace or restore, including payment of O&M costs, must be limited to the mining activities and the harm to water supplies specifically described in the settlement/release document;
- The term of the release in the settlement/release agreement may not exceed thirty-five (35) years in duration;
- The settlement/release agreement must be recorded (recording a memorandum of the settlement/release agreement is not acceptable) and proof of proper recording of the instrument must be provided to the Department;

Upon submission of a settlement/release document which is not on a Department form as the operator's proof that its O&M obligation has been satisfied, the Department will review the document for compliance with applicable law. Settlement/release agreements which are not in compliance with applicable law will be rejected, and the operator's O&M cost obligation for an affected water supply will not be considered satisfied until acceptable documentation has been provided to the Department.

Bond Calculation

In the event the operator and the water supply owner do not reach a settlement, then the operator is required to pay the costs on an on-going basis and to post a bond. The bond serves two purposes:

- It assures that the operator will make the necessary payments.
- It ensures that funds will be available to pay the increased O&M costs in the event the operator defaults on its legal obligation to make the required payments.

To calculate the bond amount, the annual cost amount is determined, it is inflated to the end of the term of the bond and then an additional calculation is done to determine the amount of bond that the operator is to post to assure the payment of the increased O&M costs. This surety or collateral bond is to be submitted on a form prepared by the Department, and is separate from the reclamation and/or subsidence bonds.

The Department will calculate the amount of bond to be posted to assure payment of the O&M costs using a two-step process. The first step is to project the determined annual cost through one year beyond the term of the permit. This is accomplished by adjusting the annual cost amount to take into account inflation through the permit term and one year beyond. The inflation adjusted annual cost (OM_{INFL}) is calculated as follows:

$$OM_{INFL} = (OM)_X(1+E)^{YRS+1}$$

Where:

- OM -- the annual cost increase from the Worksheet.
- YRS -- the number of years for the term of the bond, expressed as a whole number.
- E -- the inflation rate, expressed as a decimal.

Then the inflation-adjusted annual cost (OM_{INFL}) is inserted into the formula described below to calculate the amount of the bond required for the affected water supply.

$$\text{Bond} = OM_{INFL} / \frac{(i - E)}{(1 + E)}$$

Where:

Bond -- the bond amount, which is the amount of money needed to assure payment of increased operation and maintenance costs in perpetuity.

OM_{INFL} -- the inflation-adjusted annual cost.

i -- the interest rate on the investment, expressed as a decimal.

E -- the inflation rate, expressed as a decimal.

The term $\frac{(i - E)}{(1 + E)}$ is needed to account for price changes over time. Bonds pay a nominal interest rate, i , not the real (inflation-adjusted) interest rate. In order to derive the real interest rate, r , the nominal interest rate must be such that a dollar pays $(1 + r)(1 + E)$ dollars next year. This means that $1 + i = (1 + r)(1 + E)$ next year. From this equation it can be derived that $r = \frac{(i - E)}{(1 + E)}$.

If $\frac{(i - E)}{(1 + E)}$ is less than 0.01, the amount of the bond required for the affected water supply will be calculated as $OM_{INFL} / 0.01$.

The inflation rate (E), for the purposes of calculation, is the average rate of inflation based on the average Consumer Price Index for Northeast Urban areas (CPI) for the previous five-year period. The initial five-year period under this guidance includes 2001 through 2005 for an average rate of inflation of 2.95%.

The five-year time period will be used since the bond amounts will be recalculated on a five-year cycle. The most recent available data will be used since the recent past is the best predictor of the immediate future.

The interest rate on the investment (*i*), is the average interest rate for the 20-year Treasury bill (T-bill) for the previous five-year period. The 20-year T-bill was selected as the benchmark because it is a very low-risk investment that is readily accessible. The initial five-year period under this guidance includes 2001 through 2005 for an average interest rate of 20-year T-bills of 5.14%.

Using these values results in a present value factor or “multiplier” of 47.01 to be applied during 2006. The five-year average rate of inflation will be recalculated annually using the CPI for the most recent five years. The five-year average interest rate of 20-year T-bills will be recalculated annually using the interest rates for the most recent previous five years. These numbers will be published each year in the Pennsylvania Bulletin. There will be a time lag after the end of each year until the new numbers are available. The previous year’s numbers are effective until the new number has been published with an effective date. The effective date will be provided in an effort to give the parties some degree of certainty in calculating their potential bond liability. A longer term T-bill may be used if it becomes available.

Example Bond Calculation:

- O&M cost increase from the Worksheet: \$100
- Current year is 2005
- Permit expires in 2007

Step 1

Calculate the cost at the end of permit term plus one year (two years until 2007 plus 1 results in an exponent of 3 for the inflation calculation)

$$(\$100) \times (1.0295)^3 = \$109.11$$

Step 2

Calculate the bond amount

$$(\$109.11) \times (47.01) = \$5,129.26$$

Bond Submittal

When the bond is submitted, it will be processed like other mining bonds. The water supply O&M cost bond will function as a bond adjustment, pursuant to § 86.152(a), of the overall bond posted for a permitted mining operation. The permit will be re-issued after bond approval. Acceptable forms of the bond include surety bonds and collateral bonds. The terms and conditions for surety bonds specified in 25 Pa. Code § 86.157 will be applied to water supply O&M surety bonds. Acceptable forms of collateral for a water supply O&M collateral bond include negotiable securities, annuities, trust funds, letters of credit, certificates of deposit or life or property and casualty insurance. The terms and conditions for collateral bonds specified in 25 Pa. Code § 86.158 will be applied to water supply O&M collateral bonds.

Bond and Rate Adjustments

The Department will review and adjust the amount of the water supply O&M cost bond as necessary, and will do so every five years on a schedule with the permit renewal, including renewal for reclamation only. Calculations at the time of permit renewal will consider:

- The change in the amount of the annual cost increase (if supported by appropriate documentation);
- The revised inflation rate in effect at the time of calculation;
- The revised return rate on the investment in effect at the time of calculation; and
- The revised multiplier in effect at the time of calculation.

The bond amount calculated at permit renewal will be the bond amount required for the succeeding five year permit term. If the amount of bond calculated at the time of permit renewal is more than the amount of bond on hand, the Department may require the operator to post additional bond in accordance with § 86.152(a) (relating to bond adjustments). If the calculated bond amount is less than the amount of bond on hand, the Department may adjust the bond to a lesser amount in accordance with § 86.152(b), which provides for reduction of the required bond amount when circumstances reduce the maximum estimated cost of restoration responsibilities. In the case where an operator seeks an adjustment that will reduce the amount of bond on hand, it should provide the water supply owner with notice and a copy of the updated calculation.

Term of O&M Liability and Bond

The obligation to pay the increased O&M costs of the restored or replaced water supply is perpetual and runs with the water supply. Should ownership of the water supply change, the operator must continue to pay the increased O&M costs or the operator can settle with the new water supply owner. The operator is to maintain the water supply bond until a settlement/release is obtained from the current water supply owner and a copy of the fully executed and recorded settlement/release is provided to and approved by the Department. Following submission of a proper settlement/release for an affected water supply, the Department will return the O&M costs bond for that particular water supply in accordance with § 86.152(b). Return of the water supply O&M costs bond will be considered an adjustment, pursuant to § 86.152, of the total bond posted for a permitted mining operation.

Insurance

Notice is given to the insurer for the water supply replacement insurance upon approval of the plan and the bond. The DMO should contact the BMP Compliance Section to obtain the contact information and

policy number for the insurer. The DMO must include the date that the water supply was affected so the correct insurance certificate can be identified. This is because the insurance is written on an occurrence basis--i.e., the policy in effect at the time the problem occurred is the policy under which a claim must be made. The Compliance Section will provide the DMO with a copy of the certificate of insurance for the time when the water supply was affected.

Bonding For Multiple O&M Obligations

Operators that have the obligation to permanently pay the increased O&M costs for more than one water supply must pay the costs on an on-going basis and may post a bond that covers all O&M costs for every water supply affected by the mining on an individual permit.

The annual increased O&M costs are to be calculated for each water supply as described above. The amount of bond necessary for each water supply is to be determined as described above. The operator is to post one bond for all the water supplies connected to the permit, and that bond is to be of a sufficient amount to provide the money to pay for the increased costs for each water supply in the event the operator defaults on its legal obligation to permanently pay the increased O&M costs.

When the bond covers more than one water supply, the operator is to submit to the Department a periodic report that includes a complete list including each water supply for which the operator is paying the increased O&M cost and the amount of bond coverage for each listed water supply. The list is to include continuing O&M obligations, new O&M obligations incurred since the time of the previous report, and previous O&M obligations that have been resolved through settlements/releases. The bond will include a condition that requires the periodic reporting of the status of the water supplies covered under the bond in order to assure that the bond amount is adequate. The settlement/release described above is to be provided for each O&M obligation that was settled.

The typical reporting period will be quarterly. A longer time period may be approved by the Department based on the number of water supplies that are anticipated to be included under the bond. The list must be updated after 3 more water supplies are added, regardless of the time passed.

The face amount of the bond may be adjusted as necessary to reflect the total O&M costs covered. Rather than adjusting the bond amount every period, the operator can post a bond of a sufficient amount to cover existing and potential future O&M obligations. However, the comprehensive list is still to be submitted to the Department every period to track O&M obligations and to assure the total bond amount is adequate.

Permit Transfer

When a permit is transferred, the transferee/new operator should provide a replacement O&M costs bond pursuant to § 86.56. Alternatively, the new operator can settle with the current water supply owner and obtain and record the release.

Enforcement

In the event the operator fails to meet the timeframes for determining and providing a plan for the increased O & M costs, enforcement action is necessary. The normal systematic, progressive enforcement process should be used. This usually begins with an NOV and progresses to a compliance order or administrative order, failure to abate compliance order, permit suspension/revocation and bond forfeiture.

Civil penalties should be assessed for all orders using the guidance for civil penalty calculations. Enforcement strategy will be determined by the circumstances of each individual case.

In the event the operator fails to meet its obligations under its approved plan to provide for the costs, after the bond is posted, enforcement action is also necessary. This should follow the same progressive enforcement process described above. In some cases, an NOV may not be the appropriate first step. For example, where the operator has declared bankruptcy the regulations at § 86.181 (a)(6) require bond forfeiture.

Bond Forfeitures

In the event that a water supply bond is forfeited because of the operator's failure to continue timely payment of the increased O&M costs, the money will be utilized in accordance with § 86.187(a)(2) and provided to the water supply owner.

The Department has settled a number of cases where there was a bond forfeiture and there were increased O & M costs. The matter was settled through an agreement with the water supply owners with a lump sum payment made pursuant to the agreement. The comptroller signs off on the agreement, it is assigned a contract number and the funds are sent to the water supply owner.

Public water supplies

Replacements with public water will be handled the same as any other water supply. Although replacement with public water will often result in an increased property value, which may more than compensate for increased O&M costs, there is no provision in the regulations or statute to address such increases in property values.

Forms

In order to implement this procedure, the following forms should be used:

- SURETY BOND-MINING (WATER SUPPLY OPERATION AND MAINTENANCE COSTS)
- COLLATERAL BOND-MINING (WATER SUPPLY OPERATION AND MAINTENANCE COSTS)
- COLLATERAL BOND-MINING (MULTIPLE WATER SUPPLY OPERATION AND MAINTENANCE COSTS)
- RELEASE OF THE OBLIGATION TO PAY INCREASED OPERATION AND MAINTENANCE COSTS FOR AN AFFECTED WATER SUPPLY

Appendix A
Notice for Informal Conference

Certified Mail (Revisions to the letter should be made as appropriate to include all water supplies for the permit.)

RE: Proposed Bond Adjustment and Informal Conference (Permit No. _____, _____ Township, _____ County).

Dear Permittee:

The Department has reviewed your plan to permanently pay the increased operation and maintenance (O&M) costs for the _____ water supply and the evidence submitted pertaining to the amount of the increased O&M costs. The Department has determined that the amount of the annual increased O&M costs is _____. Using this amount, the Department has calculated that the appropriate bond for the O&M costs for this water supply identified above is _____.

Therefore, pursuant to 52 P.S. § 1396.4b(f); 52 P.S. §§ 1406.5a(a) and 1406.5b(b)(2); or 52 P.S. § 3311(g) [*insert appropriate statutory section*] and 25 Pa. Code § 86.152(d), the bond for this permit will need to be adjusted. The Department has preliminarily determined that the required bond amount for the water supply increased O&M costs bond is _____.

Pursuant to 25 Pa. Code 86.152(d) you, as the permittee, are entitled to an informal conference concerning the proposed bond adjustment. Please contact _____ at the _____ District Office within fifteen (15) days of receiving this letter if you wish to request an informal conference. Topics which may be discussed at the informal conference include, the amount of the bond adjustment, the assumptions and data used in the Department's calculations, input from the water supply owner, and the alternative to the bond. Specifically, you may find that settling this with the water supply owner is more economically advantageous to you than providing the bond and continuing to make payments in accordance with your approved plan.

If you fail to request a conference in a timely manner, the Department will proceed to determine the required bond amount based upon the information available. In the case where an informal conference is held, after the conference the Department will determine the required bond amount, notify you in writing of that determination and request the necessary bond.

If you have any questions feel free to contact _____ at _____.

Appendix B
Bond Demand Letter

Certified Mail (Revisions to the letter should be made as appropriate.)

RE: Bond Demand (Permit No. _____, _____ Township, _____ County).

Dear Permittee:

The Department has approved your plan to permanently pay the increased operation and maintenance (O&M) costs for the _____ water supply. The Department has calculated that the appropriate bond for the O&M costs for this water supply identified above is _____.

Therefore, the bond for this permit needs to be adjusted and a water supply increased O&M cost bond for the replacement water supply posted in the amount of _____. Within 30 days of receipt of this letter you must post a water supply O&M cost bond pursuant to 52 P.S. § 1396.4b(f); 52 P.S. §§ 1406.5a(a) and 1406.5b(b)(2); or 52 P.S. § 3311(g) [*insert appropriate statutory section*] and 25 Pa. Code § 86.152(a). Please include the enclosed bond submittal form when you submit the water supply O&M cost bond.

If you are aggrieved by the Department's action, you may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Please note the time limit for filing appeals with the Board. You do not need a lawyer to file an appeal with the Board. However, important legal rights are at stake and advice from a lawyer would be prudent to determine if legal representation is necessary. If you cannot afford a lawyer, you may qualify for free representation. Questions regarding the Board's appeal process should be directed to the Secretary to the Board at 717-787-3483.

If you have any questions feel free to contact _____ at _____.

Enclosure (Bond submittal form)