

Applicant/Violator System Office System Advisory Memorandum



SAM # 18 DATE: January 23, 1998

Subject: ENVIRONMENTAL PROTECTION AGENCY CLEAN WATER ACT VIOLATIONS

Requirements of section 510(c) of the Surface Mining Control and Reclamation Act of 1977 (the Act) include the applicant's listing any and all notices of violations of the Act and any law, rule or regulation governing coal-related air and water requirements, and to permit block applicants with outstanding violations. Over the past several years, the Office of Surface Mining Reclamation and Enforcement (OSM) and the United States Environmental Protection Agency (EPA) have been jointly pursuing the entry of Clean Water Act (CWA) violations in the Applicant/Violator System (AVS). The purpose of this effort is to assist the regulatory authorities in determining whether an applicant has met the violation disclosure requirements of section 510(c).

The AVS Office will begin entry of CWA coal-related violations into AVS based on referrals from EPA's Region III office, which represents the following coal states: Pennsylvania, Virginia, West Virginia and Maryland. In the future, other EPA Regions may also begin providing their outstanding violations for entry into the AVS. At the present time, the AVS Office will be responsible for the loading and maintenance of CWA violations.

Initially, CWA violations will be entered in the State Violation Maintenance option in AVS. All CWA violations can be easily identified by system users as the violation number will always begin with EPA3, which indicates it is a CWA violation received from EPA Region III. A system enhancement is underway to add additional violation types which, when completed, will indicate CWA violation in the Violation Type field and will no longer require entry through the State Violation Maintenance.

Once these violations are entered into AVS, they will become interactive with other application, permit, and violation data and will be used by AVS to generate system and OSMRE recommendations on the permit eligibility of permit applicants. OSM recommendations will be provided according to Federal regulation 30 CFR § 773.15(b)(1) as amended on April 21, 1997.

If a regulatory authority or permit applicant has a question about a CWA violation, please contact the AVS Recommendations Coordinator at 1-800-643-9748. The AVS Recommendations Coordinator can also provide the name of the appropriate

contact person in EPA Region III to assist in resolving an outstanding CWA violation.

Signed; _____

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