

# Applicant/Violator System Office System Advisory Memorandum



SAM # 2 DATE: February 8, 2000

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Subject: PERMIT ELIGIBILITY DETERMINATIONS

This System Advisory Memorandum (SAM) provides guidance to you, the Federal and State regulatory authorities, when using the Applicant/Violator System (AVS) to assist you in making permit eligibility determinations.

## **How do I use the AVS to help me determine if an applicant is permit eligible?**

The EVALUATE AN APPLICATION OR ENTITY option from the AVS main menu will allow you to obtain an evaluation report for pending applications, existing permits, or entities. The report provides information on outstanding violations on surface coal mining operations owned or controlled by the applicant, permittee, or entity. It also provides information on outstanding violations linked to the applicant, permittee, or entity through owners or controllers for those of you who continue to use such information for eligibility determinations.

## **When should I request an evaluation report from the AVS?**

We, the AVS Office, recommend that you evaluate each permit application in AVS on at least two occasions:

- 1) The first evaluation report should be requested soon after a pending application is determined to be administratively complete and the application record has been created in the AVS.
- 2) A final evaluation report should be requested within 5 days prior to issuing a permit. This is especially important if the application has remained pending for several months, because changes in ownership or control or violation status may occur. You should also request additional evaluation reports periodically if any compliance problems were identified in the first report, and/or to determine if any new problems are identified.

## **When can I expect to receive a quality check report of the evaluation report?**

Based on your request, we will conduct a quality check of each evaluation report to ensure the accuracy of system data. We will provide findings in a report format within 2 business days of receiving your request. You can view our quality check report by accessing EVALUATED REPORT [F7 function key] from EVALUATE AN APPLICATION OR ENTITY option from the AVS main menu. See Section G of the AVS Users Guide for more specific information on the evaluation report.

**What should I do if compliance problems are identified in an evaluation report?**

If, at any time, you determine that compliance problems exist, you should notify the applicant. The notification gives the applicant the opportunity to remedy the problems by:

(1) resolving the violations (i.e., abate the violations, pay debts, or enter into agreements to abate or pay);

(2) challenging the ownership or control of the violation or the link to the violation; or

(3) requesting that AVS information be updated or corrected, and providing any necessary documentation.

**How do I obtain more information concerning this SAM?**

Questions about obtaining an evaluation report or informing applicants of compliance problems should be directed to the AVS Evaluation Coordinator at 1-800-643-9748.

**Does this SAM effect other documents?**

This document supersedes SAM #2, "Use of the Applicant/Violator System and Informing Applicants of Compliance Problems," dated January 23, 1998.

**Signed;** \_\_\_\_\_

**Earl D. Bandy, Jr., Chief,  
AVS Office, Lexington**