

Applicant/Violator System Office System Advisory Memorandum

SAM # 15 DATE: February 26, 2013



Subject: ENVIRONMENTAL PROTECTION AGENCY CLEAN WATER ACT VIOLATIONS

This System Advisory Memorandum provides operational guidance regarding entry of Environmental Protection Agency (EPA) unabated coal-related Clean Water Act violations that are maintained in the Applicant/Violator System (AVS), and the effect of these violations on the eligibility of applicants for surface coal mining permits. This SAM replaces previous SAM # 16, "Environmental Protection Agency Clean Water Act Violations," dated September 29, 2009.

The Office of Surface Mining Reclamation and Enforcement (OSM) and EPA Region III have agreed to list unabated coal-related violations of the Clean Water Act in the AVS. EPA Region III represents the coal States of Maryland, Pennsylvania, Virginia, and West Virginia. These Clean Water Act violations are matched with the application information in the AVS when applications are evaluated for eligibility for a surface coal mining permit. This interagency effort is intended to strengthen Federal and State implementation of section 510(c) of the Surface Mining Control and Reclamation Act of 1977, as amended, (SMCRA or the Act).

Clean Water Act violations in the AVS

Section 510(c) of SMCRA requires, among other things, that an applicant for a surface coal mining permit must provide to the regulatory authority with its application a listing of "any and all notices of violations of this Act and any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the three-year period prior to the date of application."

Because section 510(c) specifically identifies water violations as a cause for permit denial, OSM and EPA Region III agreed that the AVS would be a practical vehicle in which to list unabated coal-related Clean Water Act violations.

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Entry and maintenance of Clean Water Act violations in the AVS

The AVS Office is responsible for the entry and maintenance of all unabated coal-related Clean Water Act violations into the AVS referred by Region III. These Clean Water Act violations listed in the AVS can be identified by the prefix "EPA" plus the numerical designation of the originating EPA region ("EPA3").

If a State regulatory authority, an applicant for a permit, or other entity subject to an eligibility determination under section 510(c) of the Act wishes to obtain information to resolve a Clean Water Act violation listed in the AVS, they may contact the AVS Office to obtain the appropriate regional contact information.

If you have questions concerning Clean Water Act violations listed in the AVS, please contact your AVS User Assistance Liaison at 1.800.643.9748.

Signed: Debra J. Feheley
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