

# Applicant/Violator System Office System Advisory Memorandum



***SAM # 9 DATE: October 3, 2016***

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## ***Subject: PERMIT-SPECIFIC RELATIONSHIP INFORMATION: OPERATORS, CONTRACTORS, and CONTROLLERS***

This System Advisory Memorandum provides information and guidance concerning permit-specific relationship information that is required to be entered and maintained in the Applicant/Violator System (AVS). This SAM replaces previous SAM # 9, "Permit-Specific Relationship Information: Operators, Contractors and Controllers" dated November 30, 2012.

Permit-specific relationships are business and individual connections to a specific permitted operation that do not extend to other operations of the same permittee. The permit-specific relationship information shown in the AVS on an application or permit record is limited to that application or permit.

The classes of relationship information required for entry and maintenance in AVS on specific application and permit records consists of the following:

- Operators
- Contractors and subcontractors
- A controller of an entire surface coal mining operation or any relevant portion or aspect thereof identified as the result of finding under 30 CFR 774.11(g).

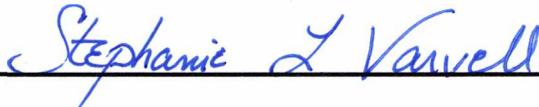
### **Operators, Contractors, and Sub-contractors**

OSMRE treats entities identified as contractors and sub-contractors in applications, permits, regulatory correspondence, and related documents as operators, especially if the contractor or subcontractor meets the regulatory definition of *operator* at 30 CFR 701.5. Therefore, if an applicant or permittee characterizes an entity it hires or otherwise retains to perform activities on a permit that meet the regulatory definition of *operator*, then they are an operator for the purposes of eligibility, inspection, and enforcement and any other relevant aspect of the regulatory program. All operators must be shown in the AVS on the application and/or permit on which they conduct or conducted operations.

### **Maintaining Permit-Specific Relationships**

It is critical that permit-specific relationships are kept up-to-date in the AVS. This data assists in establishing liability under a regulatory program. Beginning and ending dates of a permit-specific relationship are very important and enable reviewers to identify current operator(s). Entities linked by way of a permit-specific relationship to an applicant or permittee responsible for unabated or uncorrected violations will not be affected by violations that pre-date their association with the applicant or permittee. Hence, it is important to maintain accurate beginning and ending dates for permit-specific relationships.

If you have questions regarding permit-specific relationships or entry and maintenance of this information in AVS, please contact your AVS User Assistance Liaison at 1.800.643.9748 or view the AVS Users Guide at <http://www.osmre.gov/programs/avs.shtm>.

**Signed:** 

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Applicant/Violator System Office**