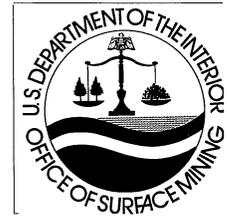


# *Applicant/Violator System Office System Advisory Memorandum*



**SAM # 9**    **DATE: June 19, 2009**

---

**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 # 11, "Operator, Mineral Owner, and other Permit-Specific Ownership or Control Information" dated January 23, 1998.

**Why is this guidance necessary?**

In 2007, we, the Office of Surface Mining and Reclamation (OSM) promulgated rules that revised the previous definitions of *control* or *controller* and *own*, *owner*, or *ownership*. The effect of the revised definitions<sup>1</sup> on the scope of information previously referred to as "ownership and control" information is significant. The scope of information required from applicants and permittees in applications for permits and subsequent permitting actions is now more properly referred to, particularly with respect to AVS operation, as relationship information. Under our revised rules, what we previously referred to as "ownership and control" information is now a subset of all relationship information. These rule changes affect the scope of information required for entry as permit-specific information in AVS.

**What are permit-specific relationships?**

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

**What permit-specific relationship information is required in AVS application and permit records?**

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

---

<sup>1</sup> The definitions of *control* or *controller* and *own*, *owner*, or *ownership* are found in the Federal regulations at 30 CFR 701.5

- 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

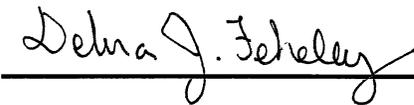
OSM considers entities identified as contractors and sub-contractors in applications, permits, regulatory correspondence, and related documents to be analogous to operators, especially if the contractor or subcontractor meets the regulatory definition of *operator* at 30 CFR 701.5. Therefore, if an applicant 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 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 AVS. These data assist 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.

#### **Where can I obtain more information on permit-specific relationships and the entry and maintenance of this information?**

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.

**Signed:**   

---

**Debra J. Feheley, Chief  
Applicant/Violator System Office**