



DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND-PACIFIC
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
745 WRIGHT AVENUE, BUILDING 107, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5000

AMIM-HWP-E

MEMORANDUM FOR ALL Military Personnel, Department of Defense (DOD) Civilian Employees, DoD Contractors, Family Members Within and Civilian Visitors to United States Army Garrison, Hawaii (USAG-HI) Installations

SUBJECT: Policy Memorandum USAG-HI-30, Illicit Discharge Detection and Elimination Enforcement Program

1. References.

- a. Army Regulation (AR) 200-1, Environmental Protection and Enhancement, 13 Dec 07.
- b. USAG-HI National Pollutant Discharge Elimination System (NPDES) Permit HI S000090.
- c. Hawaii Administrative Rules Title 11, Chapter 54 Water Quality Standards and Chapter 55 Water Pollution Control, 15 Nov 14.
- d. Title 40 Code of Federal Regulations, Part 112, Oil and Pollution Prevention, 11 Dec 73, unless otherwise noted.

2. Purpose. To provide a formal, written Illicit Discharge Detection and Elimination Program enforcement policy statement to ensure that Garrison facilities and activities are in compliance with the requirements of the USAG-HI NPDES Permit HI S000090.

3. Background. The State Department of Health (SDOH), Clean Water Branch (CWB) issued USAG-HI an NPDES Municipal Separate Storm Sewer System (MS4) Permit, HI S000090, effective 01 Nov 20. This policy is prepared in compliance with Part D.1.c. (5) of the permit, which requires USAG-HI to perform the following:

“Establish policies for enforcement and penalties for entities found to be in non-compliance with requirements developed in accordance with part D.1.c.(1), including for persons illegally discharging pollutants to its MS4, and pursue enforcement actions against entities in non-compliance with its requirements, with illegal drain connections, and illegally discharging pollutants to its MS4 without direct connections.”

4. Applicability. This policy applies to all Soldiers, Civilians, Family Members, contractors, and other personnel who work on, reside on, or visit any USAG-HI installation, facility, or work site in the State of Hawaii.

5. General. The USAG-HI developed and implemented a Storm Water Management Plan with procedures to reduce the discharge of pollutants to the Maximum Extent Practicable from its MS4 to waters of the State, as per NPDES Permit HI S000090. Any discharge of pollutants to the storm sewer system that is not specifically listed as an allowable non-storm water discharge in Part B.2 of NPDES Permit HI S000090 is an illicit discharge. Examples of illicit discharges

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that enter the storm sewer system are wastewater spills from sewage systems, Petroleum Oil and Lubricants (POL) fluids from automobiles or equipment, and wash or rinse water from painting and other construction activities.

a. Prohibitions.

(1) No person shall dump or discard materials into the storm sewer, drainage ditch, stream, or any other water of the State.

(2) No person shall illegally connect to the storm sewer, drainage ditch, stream, or any other water of the State.

(3) No person shall perform Privately Owned Vehicle (POV) maintenance activities on Army properties, except at an established Auto Skills Center. Schofield Barracks has an Auto Skills Center established for vehicle maintenance purposes. However, replacement of flat tires, windshield wipers, window washer fluid, bulbs/lamps, air filters, or batteries can take place anywhere on the installation.

(4) No person shall wash POVs anywhere on the installation with the exception of individual residential driveways, designated charity car wash areas, or authorized car wash facilities. According to the SDOH, barracks parking lots are not considered individual driveways; therefore, POV washing is not authorized in barracks parking lots.

b. Notification. Anyone who witnesses or receives a report of a violation of NPDES Permit HI S000090, specifically the discharge of a non-authorized substance, shall communicate the finding to the DPW Environmental Division at 656-1111 within 24 hours of discovery.

c. Enforcement. The DPW Clean Water Program will investigate the suspected illegal dumping, connection, POV maintenance, or POV washing in non-designated areas by conducting a site visit to the facility or area. If it is determined that an illicit discharge or connection has occurred or is occurring, the following enforcement procedure will be initiated:

(1) The tenant will be notified of the deficiency on the spot, and the tenant shall immediately correct the deficiency.

(2) If the deficiency cannot be corrected immediately, the DPW Clean Water Program will issue a written finding, including copies of the field notes, correspondence, photographs, and sampling results, if applicable, to the tenant point of contact within five (5) working days. The tenant shall correct the deficiency and provide a written response to the DPW Environmental Division according to the response date specified in the report. The required response date will be dependent on the severity of the deficiency. The response should address what actions were taken to correct the deficiency and when they were completed. The tenant is responsible for all associated costs, fines, and penalties. The DPW Clean Water Program will conduct a re-inspection as needed to ensure that deficiencies have been corrected.

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(3) Military Law Enforcement has the ability to enforce Hawaii state laws through the Assimilative Crimes Act (ACA). The ACA is a federal statute (18 U.S.C. § 13), which provides adoption by Congress of state criminal laws for areas of exclusive or concurrent federal jurisdiction if the crime is not punishable under federal law. State law will apply to the offense under the ACA when a criminal offense has been committed on land or buildings that have been reserved or acquired by the federal government, and the offense is not a federal offense. The military policy can enforce Hawaii Revised Statute (HRS) Chapter 342D, Water Pollution, and HRS § 708- 829, Criminal Littering.

(4) In the event all options have been exhausted and a facility or tenant cannot be brought into compliance with this policy and NPDES Permit S000090, or otherwise deems the facility or activity an immediate and significant threat to water quality, the Permittee shall provide email notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination. Email notification shall be followed by written notification and include a copy of all inspection checklists, notes, photographs, and related correspondence within two (2) weeks of the determination. All resulting cost, fines, and penalties shall be the responsibility of the inspected tenant/activity.

d. Record Keeping. The DPW Environmental Division shall keep findings and inspection reports on file. Records shall be kept for five (5) years in accordance with NPDES Permit HI S000090.

6. The Illicit Discharge Detection and Elimination Enforcement Program policy shall be given widest dissemination. This policy memorandum will be available for download at <https://home.army.mil/hawaii/index.php/about/command-pubs> and be made available to the public upon request.

7. This policy supersedes Policy Memorandum USAG-HI-30, Illicit Discharge Detection and Elimination Enforcement Program, dated 14 December 2020, and remains in effect until rescinded or superseded in writing.

8. Proponent. DPW Clean Water Program Manager, at 808-656-7001, is the proponent for the administration of the USAG-HI Illicit Discharge Detection and Elimination Enforcement Program policy.

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Commanding

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