



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
DIRECTORATE OF PUBLIC WORKS
947 WRIGHT AVENUE, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5013

AMIM-HWP-E (400b)

12 May 2022

MEMORANDUM FOR ALL Military Personnel and Department of Defense Civilian Employees within United State Army Garrison, Hawaii (USAG-HI) Installations

SUBJECT: Construction Site Runoff Control Program Policy

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 Number HI S000090, 14 Sep 2020.
- c. Hawaii Administrative Rules (HAR) Title 11, Chapter 54, Water Quality Standards (HAR 11-54), 22 Oct 2021.
- d. HAR Title 11, Chapter 55, Water Pollution Control (HAR 11-55), 15 Jan 2022.
- e. City and County of Honolulu Storm Water Best Management Practice (BMP) Manual, Construction, Nov 11.

2. Purpose. To provide a formal, written Construction Site Runoff Control Program Policy to ensure that USAG-HI facilities and activities are in compliance with the requirements of Reference 1.b. and the Hawaii State Department of Health's (SDOH) Notice of General Permit Coverage (NGPC) or individual permit(s) for construction activities.

3. Background. The Hawaii SDOH, Clean Water Branch (CWB) issued the USAG-HI an NPDES Municipal Separate Storm Sewer System (MS4) permit effective 14 Sep 2020. Part D.1.d.(5) of the permit requires USAG-HI to establish policies for enforcement and penalties for entities found to be in non-compliance with its Construction Site Runoff Control Program.

4. Applicability. This policy applies to all Soldiers, Civilians, Family members, contractors, subcontractors, and other personnel who work on, reside on, or visit an USAG-HI installation that is permitted by Reference 1.b. For clarification on which areas are inside or outside, please contact the proponent in Section 6.

5. General. The Construction Site Runoff Control Program Policy requirements vary based on the size of a project and whether the project is within the USAG-HI's permitted MS4 area.

- a. "Large projects" for the purpose of this Construction Site Runoff Control Program are those that disturb one acre or more of total land area, or are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total

AMIM-HWP-E

SUBJECT: Construction Site Runoff Control Enforcement Program Policy

land area. Further clarifying definitions are provided by SDOH CWB in Reference 1.d., Appendix C, Subchapters 1.1. and 1.4.

(1) Permit coverage. Large projects are required to obtain permit coverage in accordance with Reference 1.d., Appendix C. If other activities are to be included (for example, hydrotesting or dewatering), additional permit considerations may be required in accordance with Reference 1.d. Full descriptions of SDOH CWB's individual permit and NGPC offerings are available from their website at <http://health.hawaii.gov/cwb/clean-water-branch-home-page/forms/>.

(2) Use of BMPs. The USAG-HI has adopted Reference 1.f., which provides standards for temporary BMP installation and maintenance that shall be adhered to for installation and maintenance of BMPs.

(3) Storm Water Pollution Prevention Plan (SWPPP). To fulfill permit or NGPC requirements, the project will be required to create a SWPPP. The SWPPP shall be submitted to the Directorate of Public Works (DPW) Environmental Clean Water Program for review and acceptance prior to the commencement of construction.

(4) Letter of Authorization (LOA). Individual permit or NGPC applications require connection approval from the MS4 owner. For storm water discharges into the USAG-HI's permitted MS4, the DPW will issue an LOA in accordance with Reference 1.b., Part D.1.d.(4)(ii) as a prerequisite to construction activity. The LOA will only be issued after proof of application for and individual permit or NGPC and acceptance of the SWPPP by DPW Environmental.

(5) Inspections will be performed by a qualified inspector from DPW Environmental Clean Water Program staff familiar with the project SWPPP. These inspections do not take the place of the recurring inspections the project's individual permit or NGPC require and are instead performed as a compliance requirement to Reference 1.b.

(a) Initial BMP inspection. An initial BMP inspection shall be scheduled with DPW Environmental Clean Water Program staff after BMPs are placed and before ground disturbing activities occur. Documentation of pre-construction site conditions are the responsibility of the contractor, and should be provided to DPW Environmental Clean Water Program staff before the first inspection.

(b) Monthly inspections. Monthly BMP inspections shall be scheduled with DPW Environmental during the course of the project. Upon three qualifying monthly inspections of no deficiencies observed, the frequency of inspection may be extended to a quarterly schedule, at the discretion of DPW Environmental, in accordance with Reference 1.b., Part D.1.d.(4)(ii).

(c) Final BMP inspection. A final BMP inspection shall be scheduled with DPW Environmental Clean Water Program staff at the end of the project. Typically, this final inspection occurs after DPW Environmental determines that post-construction stabilization has been achieved and grants permission to remove BMPs. Ground disturbance due to the project will need adequate revegetation or final stabilization to close out the project. The standard for

AMIM-HWP-E

SUBJECT: Construction Site Runoff Control Enforcement Program Policy

revegetation is 70% or greater uniform coverage based on preconstruction conditions. The standard for non-vegetative stabilization is to use non-vegetative cover on exposed portions of the site. Pre-construction documentation will be used to verify revegetation or final stabilization has been met for project close out.

(d) An inspection checklist will be sent to the project proponent within 48 hours of the inspection (normal business days). Deficiencies will be corrected in accordance with the Reference 1.b., Part D.1.d.(5)(ii). Namely, all critical deficiencies shall be identified on-site and corrected or addressed before the close of business on the day of the inspection at which the deficiency is identified. Additionally, all critical deficiencies will be reported to SDOH by DPW Environmental Clean Water Program staff. All major deficiencies shall be corrected or addressed as soon as possible, but no later than seven (7) calendar days after the inspection at which the deficiency is identified or before the next forecasted precipitation, whichever is sooner. All minor deficiencies shall be corrected within seven (7) calendar days from the inspection at which the deficiency is identified. All deficiencies are required to be corrected and documented within seven (7) calendar days of the date of inspection.

(e) DPW Environmental qualified inspectors reserve the right to conduct follow-up inspections as needed to ensure site deficiencies have been properly addressed and all storm water controls are in proper working order.

(6) Notice of Cessation (NOC). The Certifying Person from the project shall sign and have submitted a NOC to DOH CWB according to the timeline prescribed by the individual permit or NGPC. Projects must supply a copy of the NOC submitted to DOH CWB for DPW Environmental's records.

(7) Non-compliance and Enforcement. If the project does not correct deficiencies identified during inspections or other notices of non-compliance brought forward by DPW Environmental staff, the issue will be elevated to the DPW Director, who is the USAG-HI Authorized Representative for Reference 1.b. A written correspondence will be sent to the relevant Contracting Officer, DPW Division Chief, and/or Owner Representative of the project requesting a timeline and resolution.

(a) If a resolution is not provided, then the Contracting Officer has several options that may include withholding payment, stopping work, or termination for convenience or default.

(b) In the event that the non-compliance has not been resolved and DPW has exhausted its use of sanctions and cannot bring a construction site or construction operator into compliance with its policies, standards, or Reference 1.b., or if the DPW believes the site poses an immediate and significant threat to water quality, DPW Environmental shall, in accordance with Reference 1.b., Part D.1.d.(7), provide an e-mail notification to cleanwaterbranch@doh.hawaii.gov, Attn: Enforcement Section Supervisor within one (1) week of such determination.

(c) For all projects, the contractor shall be solely responsible for remedying all Federal, State, and local environmental and safety violations or non-compliance and any payment of

AMIM-HWP-E

SUBJECT: Construction Site Runoff Control Enforcement Program Policy

finances, penalties, and fees levied as a result of the non-compliance. The government reserves the right to withhold payment in the amount of the fines, penalties, and fees levied if not paid by the contractor. Violation of the Clean Water Act can result in fines of up to \$25,000 per violation per day and/or criminal enforcement actions including imprisonment.

b. "Small projects" for the purpose of this Construction Site Runoff Control Program are those that result in the disturbance of less than one acre of total land area or are not part of a larger common plan that would make them considered a larger project, per 5.a of this policy.

(1) Use of BMPs. The USAG-HI has adopted Reference 1.f., which provides standards for temporary BMP installation and maintenance that shall be adhered to for installation and maintenance of BMPs.

(2) All small projects are eligible for announced or unannounced inspections as determined by DPW Environmental staff. Non-compliance and enforcement actions will follow the provisions outlined in 5.a.(7).

(3) All small projects should have an Environmental Protection Plan (EPP) or Best Management Practice (BMP) Plan. The EPP/ BMP Plan shall be submitted to the Directorate of Public Works (DPW) Environmental office for review and acceptance prior to the commencement of construction.

c. Projects outside the permitted MS4 area regulated by Reference 1.b. will still be eligible for announced or unannounced inspections as determined by DPW Environmental staff. Non-compliance and enforcement actions will follow the provisions outlined in 5.a.(7) of this policy.

6. Proponent. The proponent for the administration of the USAG-HI Construction Site Runoff Control Program is the DPW Environmental Division, Clean Water Program Manager, at (808) 656-7001.

NISIT A. GAINEY
Director of Public Works

DISTRIBTUION
Electronic Media