



REPLY TO  
ATTENTION OF:

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

AUG 26 2016

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MEMORANDUM FOR ALL Military Personnel and Department of Defense Civilian Employees within 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 Permit Number HI S000090, 7 Apr 14.

c. Hawaii Administrative Rules, Title 11 Department of Health, Chapter 54, Water Quality Standards (HAR 11-54) and Chapter 55, Water Pollution Control (HAR 11-55), 15 Nov 14.

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 National Pollutant Discharge Elimination System (NPDES) permit.

3. Background. The State Department of Health (SDOH), Clean Water Branch (CWB) issued USAG-HI an NPDES Municipal Separate Storm Sewer System (MS4) permit effective 7 Apr 14. 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 US Army installation, facility, or work site in the State of Hawaii.

5. General. The USAG-HI holds an NPDES permit issued by the SDOH CWB. The permit requires the USAG-HI to develop and implement a Storm Water Management

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5. General. The USAG-HI holds an NPDES permit issued by the SDOH CWB. The permit requires the USAG-HI to develop and implement a Storm Water Management Plan and procedures to reduce the discharge of pollutants to the Maximum Extent Practicable from its MS4 to waters of the State.

An illicit discharge is 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 the USAG-HI NPDES permit. Common examples of illicit discharges 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. No person shall illegally dump or discard materials into the storm sewer, drainage ditch, stream, or any other water of the State. No person shall illegally connect to the storm sewer, drainage ditch, stream, or any other water of the State.

a. Notification. Any Directorate of Public Works (DPW) employee, Environmental Compliance Officer, Soldier, Contractor, Civilian or any other person who witnesses or receives a report of a violation of the USAG-HI NPDES permit, specifically the discharge of a non-authorized substance, shall communicate the finding to the DPW Clean Water Program Manager at 656-2878 or 656-1111 within 24 hours of discovery.

b. Enforcement. The DPW Clean Water Program will investigate the suspected illegal dumping or connection 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 within ten (10) calendar days from the date of notification. The response should address what actions were taken to correct the deficiency and when they were completed. The tenant is responsible for all cost, fines, and penalties associated with the illicit discharge.

(3) As needed, the DPW Clean Water Program will conduct a re-inspection to ensure that the deficiency has been corrected.

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(4) In the event all options have been exhausted and a facility or tenant cannot be brought into compliance with this policy and permit, or it is deemed that the facility or activity poses an immediate and significant threat to water quality, an email notification will be submitted to the SDOH CWB in accordance with Part D.1.g.(7) of the USAG-HI NPDES permit.

(5) 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. Code § 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. In short, 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, state law will apply to the offense under the ACA. The military police can enforce Hawaii Revised Statute (HRS) Chapter 342D, Water Pollution and HRS § 708-829, Criminal Littering.

c. Record Keeping. Findings and inspection reports shall be kept on file with the DPW Environmental Division. Records shall be kept for five (5) years in accordance with the permit.

6. The Illicit Discharge Detection and Elimination Enforcement Program policy shall be given widest dissemination. This policy memorandum will be available for download at: [www.garrison.hawaii.army.mil/sites/policies/policies.asp](http://www.garrison.hawaii.army.mil/sites/policies/policies.asp) and available to the public upon request.

7. This policy supersedes Policy Memorandum USAG-HI-59, SAB, dated 22 Dec 15, and remains in effect until rescinded or superseded in writing.

8. Proponent. The proponent for administration of the USAG-HI Illicit Discharge Detection and Elimination Enforcement Program policy is the DPW Environmental Division, at 656-5790.



STEPHEN E. DAWSON  
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