



REPLY TO
ATTENTION OF:

IMHW-ZA

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND, PACIFIC REGION
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
851 WRIGHT AVENUE, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5000

29 AUG 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison, Hawaii Enforcement Procedures and Actions for Construction Storm Water Management

1. United States Army Garrison, Hawaii (USAG-HI) holds a National Pollutant Discharge Elimination System (NPDES) permit, issued by the Hawaii State Department of Health, Clean Water Branch. Within the permit, USAG-HI must develop, implement and enforce a program for construction storm water management. The enclosed enforcement policy document describes the enforcement procedures and actions of the USAG-HI program for construction storm water management and satisfies the requirements of the NPDES permit.
2. The point of contact for this action is Shane Bourke, Clean Water Specialist, Environmental Division, Directorate of Public Works, Tel. (808) 656-3105/E-mail: shane.j.bourke.civ@mail.mil.

Encl
as


DANIEL W. WHITNEY
COL, SF
Commanding

DISTRIBUTION:
US ARMY CORPS OF ENGINEERS ENGINEERING & CONSTRUCTION DIVISION (CEPOH-EC)
LEND LEASE/ISLAND PALM COMMUNITIES LLC (ATTN: Mark Frey, Project Director)
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(IMHW-PWO)

**ENFORCEMENT PROCEDURES AND ACTIONS FOR
CONSTRUCTION STORM WATER MANAGEMENT**

as required by State Department of Health, Clean Water Branch

in accordance with

the U.S. Army Garrison, Hawaii

National Pollutant Discharge Elimination System Permit No. S000090



Prepared by

Directorate of Public Works, Environmental Division

August 2013

**ENFORCEMENT PROCEDURES AND ACTIONS FOR CONSTRUCTION
STORM WATER MANGEMENT**

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BACKGROUND

The State Department of Health (SDOH), Clean Water Branch (CWB) issued U.S. Army Garrison, Hawaii (USAG-HI) a National Pollutant Discharge Elimination System (NPDES) permit effective February 7, 2007. This document is being prepared in compliance with Part C, Section 2.d. and Section 2.d.i of the USAG-HI NPDES permit. It describes the USAG-HI program for construction storm water management implementation and enforcement.

Part C, Section 2.d. of the NPDES permit requires USAG-HI to perform the following:

“The Permittee shall develop, implement and enforce a program to reduce pollutants in storm water runoff from construction activities disturbing one (1) acre or more, including construction activities less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more, that at a minimum, includes the following:

i. Establishment of installation-wide instructions, directives, or other regulatory mechanism, including enforcement procedures and actions, that require erosion and sediment controls.”

In addition, Hawaii Administrative Rules (HAR) Chapter 11-55, requires that NPDES General Permit coverage be obtained from the SDOH prior to the start of construction activities that disturb one acre or more, or that are part of a larger plan that would disturb one acre or more.

As identified in the USAG-HI NPDES permit Annual Report, the following City and County of Honolulu design documents serve as guidelines for design, construction and inspections of erosion and sediment controls on the USAG-HI Installation. They are:

- Department of Planning and Permitting, City and County of Honolulu. “Rules Relating to Erosion Control Standards and Guidelines.” Amended December 2012.
- Department of Environmental Services, City and County of Honolulu. “Storm Water Best Management Practice Manual: Construction.” November 2011.

ENFORCEMENT PROCEDURES AND ACTIONS FOR CONSTRUCTION STORM WATER MANAGEMENT (cont)

PURPOSE

The purpose of this enforcement policy is to ensure that the design and construction agents (DCA) comply with the requirements of the USAG-HI NPDES permit and the State's General Permit for construction activities disturbing larger than one acre. The intent of this policy is to include all construction activity in order to improve water quality at all USAG-HI installations and ensure that construction storm water management measures are properly designed, installed, and maintained.

This enforcement policy will be updated annually or as needed.

IMPLEMENTATION

In accordance with HAR 11-55, and in support of the USAG-HI NPDES permit requirements, NPDES General Permit coverage must be obtained prior to the start of construction activities that disturb one acre or more, or are part of a larger plan that will disturb one acre or more.

To obtain NPDES Permit coverage, an application must be submitted to the SDOH. As of 1 April 2011, the SDOH requires submittal of a Site-Specific Construction Best Management Practice (SSCBMP) Plan. Application forms and a SSCBMP Plan template are available from the SDOH website: <http://health.hawaii.gov/cwb/site-map/home/forms/>.

The NPDES General Permit application must include a Drainage System Owner Approval to Discharge (i.e., letter of authorization). This must be obtained from the USAG-HI Directorate of Public Works (DPW), Environmental Division. In addition, the SSCBMP plan must be submitted with the request for a letter of authorization. In accordance with the NPDES General Permit, erosion and sediment control best management practices must be in place and functional before earth moving operations begin, and inspected and maintained as required by the permit.

The construction that occurs on USAG-HI consists primarily of three categories. They are Military Construction-Army administered by the Army Corps of Engineers (COE), Residential Communities Initiative currently awarded to Lend Lease/Island Palm Communities LLC (IPC) and Sustainment Restoration and Modernization. In addition, this policy applies to the following: Army Commands, Army Service Component Commands, Direct Reporting Units; Army Air Force Exchange Service (AAFES); Defense Commissary Agency (DECA); and non-appropriated activities, Army privatization initiatives programs; and all tenant activities.

Military Construction-Army

COE shall ensure that the design/build request for proposal (RFP) for construction activities disturbing one acre or more includes the requirement to obtain NPDES General Permit coverage in accordance with HAR 11-55. The RFP shall also include

ENFORCEMENT PROCEDURES AND ACTIONS FOR CONSTRUCTION STORM WATER MANAGEMENT (cont)

the requirement to comply with NPDES General Permit conditions, including implementation, inspection, and maintenance of erosion and sediment controls.

Lend Lease/IPC

As required, construction activities disturbing one acre or more shall obtain NPDES General Permit coverage in accordance with HAR 11-55. Construction activities shall comply with NPDES General Permit conditions, including implementation, inspection, and maintenance of erosion and sediment controls.

Sustainment Restoration and Modernization

DPW Engineering Division shall ensure that the RFP for construction activities disturbing one acre or more includes the requirement to obtain NPDES General Permit coverage in accordance with HAR 11-55. The RFP shall also include the requirement to comply with NPDES General Permit conditions, including implementation, inspection, and maintenance of erosion and sediment controls.

DPW Master Planning Division

DPW Master Planning Division shall include construction storm water management and permitting requirements in project development, scope and funding, including project charrettes and 1391 documents.

DPW Environmental Division

DPW Environmental personnel shall conduct outreach activities to educate design and construction personnel on construction storm water management regulatory requirements, available technical guidance resources and best management practices.

DPW Environmental personnel shall review all new development and redevelopment project plans and specifications to ensure compliance with HAR 11-55.

DPW Environmental personnel shall maintain a file on all current construction activities disturbing one acre or more.

DPW Environmental personnel shall issue letters of authorization to be submitted with site-specific Construction BMP Plans.

General Contractors

General contractors overseeing construction activities that disturb one acre or more, or are part of a larger plan that will disturb one acre or more, must obtain NPDES General Permit Coverage prior to construction, and must comply with NPDES General Permit conditions, including implementation, inspection, and maintenance of erosion and sediment controls.

General contractors must coordinate with the DCA or Lend Lease/IPC representative to ensure that DPW, Environmental Division is contacted:

- To obtain a letter of authorization.

ENFORCEMENT PROCEDURES AND ACTIONS FOR CONSTRUCTION STORM WATER MANAGEMENT (cont)

- When a Notice of General Permit Coverage has been issued by the SDOH.
- A minimum of 72 hours prior to the start of construction activities.
- A maximum of 72 hours following the end of construction activities.

INSPECTIONS

DPW Environmental personnel shall conduct inspections quarterly, and upon complaints from citizens or concerned groups, for all Military Construction-Army, Lend Lease/IPC, and Sustainment Restoration and Modernization construction activities disturbing one acre or more. For each inspection, a checklist will be completed and follow-up actions identified. A follow-up inspection will be conducted as needed.

ENFORCEMENT

1. For all projects, inconsistencies between the approved SSCBMP plan and the site conditions will be identified on site between the DPW Environmental inspector, site superintendant and DCA or Lend Lease/IPC representative. The DCA or Lend Lease/IPC representative will have two weeks to make the corrective action. If the corrective measures are satisfactory, then no further action is required.
2. For all projects, if the corrective measures are not completed, then the deficiency will be elevated to the DPW Director. A written correspondence will be sent to the DCA Commander in the case of the COE or to the principal executive officer within Lend Lease/IPC requesting a timeline and resolution.
3. In the case of the COE, if a resolution is not provided, then the contracting officer will issue a cure notice in accordance with the Defense Federal Acquisition Regulations/Federal Acquisition Regulations. If the contractor has not remedied the situation, then the contracting officer has several options, which may include stopping work, termination for convenience or default.
4. In the case of Lend Lease/IPC, provisions identified in the "Ground Lease" and Municipal Services Agreement will be implemented to remedy the situation and shall be resolved at the lowest level.
5. In the event that the deficiency is not resolved, then the SDOH, CWB Enforcement section will be notified and details of the infraction will be provided.
6. An annual summary of construction inspection findings will be prepared and sent to both COE and IPC.

RECORD KEEPING

Inspection reports shall be kept on file with the DPW, Environmental Division. Records shall be kept for three (3) years in accordance with the NPDES permit.

**ENFORCEMENT PROCEDURES AND ACTIONS FOR CONSTRUCTION STORM
WATER MANAGEMENT (cont)**

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



DANIEL W. WHITNEY
COL, SF
Commanding

22 AUG 13

Date