

Chapter XII

Notification of Suspected Environmental Violations

A. GENERAL.

DRMS employees are subject to the environmental laws of the United States. Those laws and employee responsibilities are described in DRMS Regulation 5000.6, Compliance with Environmental Laws and Regulations. Suspected violations of these laws require reports to regulatory agencies, for example, U.S. EPA, state regulatory officials, local officials, or DRMS/DRMSI legal counsel. See DRMS-D 5500.10, Combating Fraud in DRMS Operations. Overseas employees should contact DRMSI legal counsel for information on their rights and responsibilities under host nation law and the applicable Status of Forces Agreements (SOFA).

B. PROCEDURES.

Suspected violations MUST be reported within 24 hours. Suspected violations will usually arise from one of four sources: tracking of invoices, sale contractor surveillance visits, DRMO self-inspections, and other sources. Reportable violations that may result in significant or widespread harm to the environment, represent a trend or systematic problem within DRMS, or may be politically highly visible will be reported to DRMS-NP or DRMSI Environmental Division Supervisor.

1. **Tracking of Invoices and Sales Contractor Surveillance Visits** violations must be reported as outlined in the Operating Instruction at Enclosure 2.

2. DRMO Self-Inspections.

a. Suspected noncompliance matters in a DRMO facility will be reported by the DRMO Chief to the host installation environmental office with an e-mail copy sent DRMS-NP or DRMSI Environmental Division Supervisor. For exam-

ple, spills or temporary warehousing of hazardous property while a waste storage facility is repaired.

b. The DRMO Chief will ensure notification procedures follow the host spill plan and the host hazardous waste permit. These notifications will be documented and coordinated with the host. A follow up in writing will be provided to the DRMS-NP or DRMSI Environmental Division Supervisor. Additional information on host notification see DRMS-I 6050.1, Chapter IV, paragraph D4.

3. Other Sources.

a. DRMS employees with information concerning a possible violation of environmental laws should report them to their supervisor or to the DRMS-NP or DRMSI Environmental Division Supervisor. Employees will not be penalized for "good faith" reporting of suspected environmental violations.

b. If it is not possible to discuss the suspected environmental violation with a supervisor, DRMS-NP or DRMSI Environmental Division Supervisor, the employee may provide a report in writing to the DRMS-NP or DRMSI Environmental Division Supervisor.

c. The DRMS-NP or DRMSI Environmental Division Supervisor will determine if the violation needs to be reported to a regulatory agency. The issue will be coordinated with legal counsel and appropriate program offices.

C. ADMINISTRATIVE NOTIFICATION ACTIONS.

1. Administrative notification actions are including but not limited to notices of violation (NOV), warning letters, notices of noncompliance (NON), administrative complaints, requests for hearings, or other matters regarding suspected or apparent violations of environmental laws or

regulations. If an action is issued directly to a DRMS employees from any Federal, state, or local authorities it must be transmitted within 24 hours of receipt to the DRMS-NP or DRMSI Environmental Division Supervisor. The DRMS-NP or DRMSI Environmental Division Supervisor will immediately provide copies to legal counsel. Normally, facsimile transmissions followed by routine postal procedures should be used.

2. The DRMS-NP or DRMSI Environmental Division Supervisor and legal counsel will review and determine the action office responsible for responding to the notice. No action or response (written or oral) is to be taken in response to an administrative notification action until advice has been received from DRMS-NP/DRMSI, after coordination with legal counsel, unless immediate action is required to prevent significant or widespread harm to the environment. Where immediate action is required to prevent significant or widespread harm to the environment, an after action report shall be immediately transmitted to the DRMS-NP or DRMSI Environmental Division Supervisor and legal counsel.

3. Federal, state or local authorities that request advice regarding where an administrative notification action should be served will be directed to legal counsel.

4. Administrative notification actions associated with DRMO activities that are issued to the host installation should follow the procedures provided in DRMS-I 6050.1, Chapter IV, Paragraph V6.