

DRMS Directive 5000.6

DRMS-G

November 2, 2000

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS  
(Supplementation is prohibited.)

A. REFERENCES.

1. DoD 4160.21-M, Defense Reutilization and Marketing Manual, Chapter 10.
2. DLAR 1000.22, Environmental Considerations in DLA Actions in the United States.
3. DLAR 1000.29, Environmental Considerations in DLA Actions Abroad.
4. DLAR 1406.1, Maintaining Discipline.
5. DRMS-I 6050.1, Instructions for Environmental Compliance for the DRMS Hazardous Property Program.
6. DRMS-R 5000.6, Compliance with Environmental Laws and Regulations, May 17, 1989, (hereby superseded).

B. PURPOSE.

1. This directive supersedes reference A6 above.
2. This directive prescribes environmental compliance requirements for all DRMS personnel, including military, civilian, and local national, regardless of grade or assignment.

C. APPLICABILITY AND SCOPE.

1. This directive provides guidance for HQ DRMS, DRMS Commands and all field activities.
2. To the extent this directive conflicts with any Federal laws, the Federal law shall take precedence.

D. DEFINITIONS. (Reserved for future use.)

E. POLICY.

1. It is DRMS policy to carry out its mission in compliance with applicable environmental laws and regulations. It is the responsibility of each DRMS employee to ensure that actions taken by him or her on behalf of the agency comply with applicable environmental laws and regulations.

2. DRMS employees who violate environmental laws and regulations or who disregard environmental laws and regulations in carrying out their duties may be subject to disciplinary action and/or criminal sanctions.

3. Enclosure 1 contains examples of the types of environmental conduct which is/are prohibited and which may subject DRMS employees to disciplinary action and/or criminal sanctions. Other conduct which does not conform with environmental laws and regulations may also subject DRMS employees to disciplinary action and/or criminal sanctions.

#### F. RESPONSIBILITIES.

##### 1. DRMS-Wide

###### a. All DRMS Employees will:

(1) Become familiar with the environmental laws and regulations that apply to their official duties.

(2) Perform their duties in compliance with applicable environmental laws and regulations.

(3) Not take or recommend any action involving DRMS that would violate environmental laws and regulations.

(4) Report all known or suspected violations of environmental laws and regulations involving DRMS to their immediate supervisors.

###### b. All DRMS Supervisors will:

(1) Ensure that their subordinates obtain the training required as outlined in DRMS' training plan to carry out their duties in compliance with environmental laws and regulations.

(2) Review all reports of suspected environmental violations received from employees and other sources, initiate corrective action, and forward available information to DRMS-LH.

##### 2. DRMS Headquarters

a. The Commander (DRMS-D) will establish and maintain an environmental compliance program to ensure that personnel DRMS-wide comply with those environmental laws and regulations applicable to their position responsibilities.

###### b. The Program Manager of Environmental Services (DRMS-LH) will:

(1) Exercise primary staff responsibility for the DRMS environmental compliance program and serve as the primary point of contact on matters relating to the program.

(2) Staff, approve, and publish environmental compliance guidance for use by DRMS field activity personnel.

(3) Provide assistance and advice to HQ DRMS staff elements and DRMS field activities on environmental compliance matters.

(4) Establish and maintain an effective environmental compliance training program for DRMS employees.

(5) Ensure that funds are requested and that available funds are applied to the DRMS environmental program to assure compliance with the law.

###### c. The Counsel (DRMS-G) will:

(1) Provide legal advice and assistance in support of the DRMS environmental compliance program.

(2) Receive and review all correspondence from regulatory agencies and other sources which indicates a DRMS field activity is operating in violation of applicable environmental laws and regulations.

(3) Provide legal assistance to resolve environmental compliance disputes involving DRMS field activities.

(4) Maintain this directive in a current status and review it biennially.

3. The DRMS National Command (DRMS-N) will:

- a. Apply the policies and procedures set forth in this directive to programs, functions, and actions within its area of responsibility.
- b. Coordinate with DRMS-LH and DRMS-G all regulations, manuals, and other policy publications that have environmental implications.
- c. Provide on-site environmental compliance assistance and guidance to DRMO personnel.
- d. Visit DRMOs to review hazardous property receipt, storage, handling, and disposal practices for environmental compliance.
- e. Coordinate with the host installation and with Federal, state, local, and foreign environmental officials as appropriate to ensure compliance with applicable laws and regulations.
- f. Notify DRMS-LH and DRMS-G when regulatory agencies or other sources identify areas of noncompliance at DRMOs.
- g. Provide environmental compliance training to DRMO personnel whose duties require such training.
- h. Initiate corrective action in instances where personnel are found to have violated applicable environmental laws and regulations.

4. The DRMS International Command (DRMSI) will:

- a. Apply the policies and procedures set forth in this directive to programs, functions, and actions within its area of responsibility.
- b. Coordinate with DRMS-LH and DRMSI-DG all regulations, manuals, and other policy publications that have environmental implications.
- c. Provide on-site environmental compliance assistance and guidance to DRMO personnel.
- d. Visit DRMOs to review hazardous property receipt, storage, handling, and disposal practices for environmental compliance.
- e. Coordinate with the host installation, the DoD Executive Agent, and foreign environmental officials as appropriate to ensure compliance with applicable laws and regulations.
- f. Notify DRMS-LH and DRMSI-DG when environmental officials or other sources identify areas of noncompliance at DRMOs.
- g. Provide environmental compliance training to DRMO personnel whose duties require such training.
- h. Initiate corrective action in instances where personnel are found to have violated applicable environmental laws and regulations.

5. Defense Reutilization and Marketing Offices (DRMOs) will:

- a. Operate under established environmental policies and procedures and in compliance with applicable environmental laws and regulations.
- b. Immediately notify DRMS-LH when environmental regulatory agencies or other sources identify areas of noncompliance at the DRMO. Notification will be made in accordance with DRMS-I 6050.1, Chapter XII.
- c. Ensure that only trained personnel are engaged in the handling of hazardous property.
- d. Maintain environmental records and file environmental reports as required by law and agency policies and procedures.
- e. Initiate corrective action in instances where DRMO personnel have violated applicable environmental laws and regulations.

G. EFFECTIVE DATE AND IMPLEMENTATION. This directive is effective immediately and shall be implemented promptly upon distribution.

H. INFORMATION REQUIREMENTS. (Reserved for future use.)

BY ORDER OF THE COMMANDER

/s/  
JANINE DES VOIGNES  
Executive Assistant

1 Encl  
Examples of Prohibited  
Conduct and Sanctions.

EXAMPLES OF PROHIBITED CONDUCT AND SANCTIONS

A. PROHIBITED CONDUCT:

1. Failure to immediately notify proper authorities of a release of a reportable quantity of a hazardous substance.
2. Reporting false or misleading information about spills of hazardous substances.
3. Transporting or causing hazardous waste to be transported to an unpermitted facility.
4. Treating, storing, or disposing of hazardous waste without a permit, in violation of material permit condition or requirement, in violation of a material condition or requirement or interim status regulations or standards, or in violation of any applicable law or regulation.
5. Omitting material information or making a false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with regulations.
6. Transporting, storing, or disposing of any hazardous waste in a manner that places another person in imminent danger of death or serious bodily injury.
7. Conduct that significantly endangers or results in significant damage to the environment.

B. CRIMINAL SANCTIONS: Criminal sanctions, including substantial fines and/or imprisonment, may be imposed when DRMS employees knowingly engage in prohibited conduct in violation of environmental laws and regulations. For example, a knowing violation under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6928, could result in a fine of up to \$50,000 per day of the violation and/or imprisonment, in some instances, of up to 5 years for a first offense.

C. DISCIPLINARY ACTION: DRMS employees who do not perform their duties in compliance with environmental laws and regulations may be subject to disciplinary action, including reprimand, suspension, removal, or demotion. Significant noncompliance may result in removal for a first offense.

