



ILLEGAL CONNECTION, ILLICIT DISCHARGE
(IC/ID) AND ILLEGAL DUMPING
RESPONSE PLAN

Procedures and Best Management Practices

December 2013

CTSW-RT-13-999.43.03

California Department of Transportation (Caltrans)
1120 N Street
Sacramento, CA 95814

This page intentionally left blank.



Table of Contents

1	INTRODUCTION.....	1
2	LEGAL AUTHORITY	2
3	IC/ID MANAGEMENT PROCEDURES.....	3
3.1	Definition	3
3.2	Discovery.....	3
3.3	Investigation.....	4
3.4	Reporting	4
3.5	Corrective Actions	5
3.6	Prevention.....	6
3.7	Public Awareness	6
4	ATTACHMENT A - SUPPORT DOCUMENTS	8



This page intentionally left blank.

1 INTRODUCTION

This Illegal Connection/Illicit Discharge (IC/ID) and Illegal Dumping Response Plan has been prepared by Caltrans to describe procedures and best management practices (BMPs) that are used to protect its municipal separate sewer system (MS4) and stormwater quality from potential pollutant loading due to the illicit deposition of solid or liquid materials to the Department's right of way.

Submittal of this IC/ID and Illegal Dumping Response Plan complies with Caltrans' requirement under the *National Pollutant Discharge Elimination System (NPDES) Statewide Storm Water Permit Waste Discharge Requirements (WDRS) for State of California Department of Transportation* (Order No. 2012-0011-DWQ), issued by the California State Water Resources Control Board (SWRCB) on September 19, 2012, (Caltrans Permit) and effective July 1, 2013. Provision E.2.h.4.b.ii of the Caltrans Permit states the following:

“The Department shall develop an *IC/ID AND ILLEGAL DUMPING RESPONSE PLAN* that includes, at a minimum, the following:

- (a) Procedures for investigating reports or discoveries of IC/IDs or incidents of illegal dumping, for remediating or eliminating the IC/IDs, and for clean up of illegal sites.
- (b) Procedures for prevention of illegal dumping at sites subject to repeat or chronic incidents of illegal dumping.
- (c) Procedures for educating the public, raising awareness and changing behaviors regarding illegal dumping, and encouraging the public to contact the appropriate local authorities if they witness illegal dumping.”

Future revisions to this document will be submitted with the revision year Annual Report. The procedures and BMPs described in this plan are not intended to supersede efforts that may be required to ensure public safety or the preservation of the State's transportation system.

2 LEGAL AUTHORITY

Caltrans possesses adequate legal authority over its property, under the Streets and Highways Code, to disconnect or prohibit point source illegal connections to its storm drain systems. Streets and Highways Code §660 defines an encroachment as “any tower, pole, pole line, pipe, pipe line, fence, billboard, stand or building, or any structure, object of any kind or character not particularly mentioned in this section, or special event, which is in, under, or over any portion of the highway...”. Thus, illegal connections to the Caltrans storm drainage system are considered encroachments. Pursuant to Streets and Highways Code §720, “If any encroachment exists in, under or over any State highway, the Department may require the removal of such encroachment...”.

In accordance with Streets and Highways Code §721, Caltrans may immediately remove from any State highway any illicit discharge or illegal connection encroachment which:

- obstructs or prevents the use of such highway by the public,
- consists of refuse, or
- is a non-approved, non-permitted advertising sign of any description.

Illegal dumping is prohibited by state and local laws.

Vehicle Code §23112 provides that no one may throw or deposit on the highway any garbage or substance likely to injure or damage traffic using the highway, or any noisome, nauseous, or offensive matter of any kind. It also prohibits the placement of any rocks, refuse, or dirt within the highway right of way.

Enforcement is provided by the California Highway Patrol and local law enforcement agencies. Caltrans relies primarily upon the CHP for investigation, surveillance, and apprehension of suspects believed to have illegally dumped wastes within the highway system and other Caltrans facilities.

Resolution may involve the removal/elimination of the illegal connection, illicit discharge or illegal dumping, proper permitting, or other appropriate actions including external enforcement and/or regulatory agencies involvement.

3 IC/ID MANAGEMENT PROCEDURES

3.1 DEFINITION

An Illegal Connection is an engineered conveyance that is connected to an MS4 without authorization by local, state, or federal statutes, ordinances, codes or regulations. Illegal connections may carry pollutants from unauthorized drainage, wastewater, or other illicit discharges to the Caltrans storm drain system from adjacent properties. Illegal connections may be intentional or may be unknown to the property owner. Common examples of illegal connections are floor drains, sewer lines or other drain pipes connected to a Caltrans storm drain.

An Illicit Discharge is any discharge to an MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. It includes all non-stormwater discharges except conditionally exempt non-stormwater discharges. It generally includes any discharge, release, or pumping of a pollutant or polluted water (anything other than stormwater) into the Caltrans right of way, properties or facilities including its drainage system. Illicit discharges are considered “illicit” because Municipal Separate Storm Sewer Systems (MS4s) are not designed to accept, process, or discharge non-stormwater wastes. Common examples of illicit discharges include wash water, spilled chemicals, sewage releases, and pollutants from various other sources.

Illegal dumping is discarding or disposal within Caltrans’ right of way, properties or facilities, either intentionally or unintentionally, of trash and other wastes in non-designated areas that may contribute to stormwater pollution.

3.2 DISCOVERY

IC/ID (including illegal dumping) incidences, which do not initiate emergency response protocol, are identified and documented in the following ways:

Caltrans Staff

- Maintenance staff, as part of their routine inspection and maintenance activities of roadway and roadside facilities, are to examine their work areas and report all observed suspected illegal connections, illicit discharges and illegal dumping to their Supervisor. The Supervisor shall review and make the determination to contact the District Maintenance Stormwater Coordinator for investigation of the IC/ID.
- Construction staff and the construction Contractor shall examine the project site prior to and during construction and report any evidence of IC/IDs to the Resident Engineer. The Resident Engineer will notify the Construction Stormwater Coordinator who will notify the District NPDES Coordinator. For projects subject to the Construction General Permit or the Tahoe Construction General Permit, investigation and reporting will be in accordance with the respective Permit’s requirements.

- Other Caltrans staff shall report all observed suspected illegal connections, illicit discharges and illegal dumping to the District NPDES Coordinator for investigation of the IC/ID.

Public

- The public may report suspected IC/IDs by visiting the California Department of Transportation website: www.dot.ca.gov, clicking on the “Contact Us” link and completing a form at the “Maintenance Service Request” link. The Maintenance Service Request (MSR) is forwarded to the District Maintenance Stormwater Coordinator for investigation of the IC/ID.
- The public may call the District Public Information Officer who will collect details of the IC/ID and forward the information to the District Maintenance Stormwater Coordinator for investigation of the IC/ID.

The District Maintenance Hazardous Materials Manager is to be notified by the Maintenance Supervisor or the Maintenance Stormwater Coordinator if suspected hazardous materials or hazardous waste dumping is observed.

3.3 INVESTIGATION

The Division of Maintenance standardized report form MTCE07 is to be completed while conducting the initial investigation at suspected IC/ID sites. A copy of the completed form MTCE07 for a confirmed IC/ID site is forwarded to the District NPDES Coordinator.

The District NPDES Coordinator, District Construction Stormwater Coordinator, District Maintenance Stormwater Coordinator, District Maintenance Hazmat Manager, Maintenance Supervisor, and/or designated staff, as appropriate, will coordinate, as needed, for investigation and documentation of a confirmed IC/ID.

A field investigation to determine the source, substance and duration of the illegal connection or illicit discharge will be conducted.

3.4 REPORTING

Details of an IC/ID investigation are input into the Incident Report Form (IRF) in the Storm Water Multi Application and Report Tracking System (SMARTS) by District staff (e.g., Maintenance Stormwater Coordinator, or NPDES Coordinator). The District NPDES Coordinator reviews the IRF then submits it to the Regional Water Quality Control Board (RWQCB). IC/IDs or illegal dumping that are an immediate threat to water quality or public health are reported directly to the RWQCB and local public health department.

3.5 CORRECTIVE ACTIONS

All IC/IDs will be eliminated as expeditiously as possible.

Caltrans may immediately remove from any State highway any illegal connection or illicit discharge or encroachment which:

- obstructs or prevents the use of such highway by the public,
- consists of refuse,
- is a non-approved, non-permitted advertising sign of any description or
- has not been removed after legal notice.

In the event that illegal connections and illicit discharges to the Caltrans storm sewer system are used to intentionally introduce chemical, biological, radiological or other life threatening agents into the environment (an act of terrorism), corrective actions shall be in accordance with the Caltrans Division of Maintenance Emergency Operations Plan.

When a highway spill (illicit discharge) causes an immediate threat to life, property or the environment and impacts the traveled way, such as a hazardous materials spill, actions taken shall be in accordance with Maintenance Policy Directive Number 0601, *Emergency Highway Spill Clean-up* and applicable sections of the Maintenance Manual Volume 1, Chapter D5. These are spills requiring a multi-agency response.

Removal of illicit discharges consisting of illegal dumping including animal carcasses will be in accordance with California Streets and Highways Code 91.8 and Caltrans Maintenance Manual Volume 1, Chapter D1.

Actions taken to remove illicit discharges due to illegal encampments shall be in accordance with Maintenance Policy Directive Number 1001, *Illegal Encampments*.

Progressive enforcement for removal of IC/IDs may include the following actions:

Written Warning – District staff, where applicable, will issue a “Notice of Illegal Discharge and Demand for Correction Action” letter to the property owner where an illegal connection/illicit discharge is discovered or to the individual responsible for the illegal discharge of material into the Caltrans right-of-way where the responsible party’s identity is ascertained.

Removal of Connection/Discharge – District Maintenance staff or Caltrans designee may remove any IC/ID which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, prior to the expiration of five days from the service of a notice. The standard form TR0213, *Notice of Encroachment* (Red Tag) is to be used.

Other Enforcement Actions – Caltrans is not a typical MS4, such as a city or county, with its own enforcement branch such as police, sheriff, or zoning board.

Without its own enforcement branch, Caltrans relies on other agencies (i.e., California Highway Patrol) for enforcement assistance. Caltrans may also seek the enforcement assistance of the following jurisdictions to correct an IC/ID: U.S. EPA, California EPA, city and county environmental department, city and county law enforcement, and/or municipal MS4s.

Legal Action – Caltrans may pursue legal action, where applicable, to ensure corrective actions are taken to resolve an IC/ID and to recover appropriate costs.

The District NPDES Coordinator will review the IC/ID database on an annual basis to ascertain the number of IC/ID reports, investigations, and abatements that occurred in a given District. District staff will use this information to identify and focus its efforts on areas experiencing elevated IC/IDs, and to determine if more frequent training and/or changes to existing curriculum and training materials are needed.

Maintenance staff follow the Illegal Connection/Illicit Discharge BMP in the Maintenance Staff Guide for detection, investigation, reporting and elimination of IC/IDs.

Construction staff follow Standard Specification 13-4.03E(2), *Illicit Connection and Illegal Discharge Detection and Reporting* in the 2010 Standard Specifications for detection and reporting of IC/IDs. All work relating to construction sites will be regulated as specified in the Construction General Permit or the Tahoe Construction General Permit.

The District NPDES Coordinator is responsible for tracking and reporting of the District's investigation and resolution of IC/IDs.

3.6 PREVENTION

Caltrans Division of Maintenance Supervisors conduct periodic *Road Patrols* within their defined areas of maintenance responsibility. "No Dumping" signs are erected at areas where repetitive cleanups of illegal dumping have been required. Caltrans also posts "No Dumping" signs when dumping becomes a problem at Park and Ride lots, Safety Roadside Rest Areas, and vista points.

The Division of Maintenance erects and maintains security fencing to restrict public access to areas prone to IC/IDs and illegal dumping such as freeway underpasses.

3.7 PUBLIC AWARENESS

To encourage public reporting of IC/IDs, including illegal dumping, Caltrans provides a link allowing the public to report suspected IC/IDs: www.dot.ca.gov/hq/maint/msrsubmit. This location can be accessed by visiting the Caltrans Internet site www.dot.ca.gov and

clicking on the “Contact Us” tab then scrolling down to the “Maintenance Service Request” link.

The Division of Maintenance sponsors *Caltrans Annual Litter Day* each April at the State Capitol in Sacramento. It is an annual media event with sponsors and displays that highlight the need to keep the State’s highway system free from the dumping of trash, litter and debris.

Caltrans’ Adopt-A-Highway Program provides an avenue for individuals, organizations, or businesses to help maintain sections of roadside within California’s State Highway System and raise public awareness. Adopters have District contact staff to report suspected illegal dumping or other noticeable conditions that may indicate an illicit discharge encountered during their roadside clean up activities.

Caltrans periodically uses freeway message sign displays throughout the state to raise litter and illegal dumping awareness.



4 ATTACHMENT A - SUPPORT DOCUMENTS

The following support plans, policies and forms are referenced in this document. They are available at the links provided or on the attached CD.

1. California Streets and Highways Code Section 91.8, 660, 720, and 721
2. California Vehicle Code Section 23112, Throwing, Depositing or Dumping Matter on Highway
<https://www.dmv.ca.gov/pubs/vctop/d11/vc23112.htm>
3. Caltrans IC/ID Form MTCE07
4. Caltrans Emergency Operations Plan
5. Caltrans Maintenance Policy Directive 0601, Emergency Highway Spill Clean Up
6. Caltrans Maintenance Manual Volume 1, Chapter D5
http://www.dot.ca.gov/hq/maint/manual/2014/20_Chpt_D5_July_2014.pdf
7. Caltrans Maintenance Manual Volume 1, Chapter D1
http://www.dot.ca.gov/hq/maint/manual/2014/19_Chpt_D1_July_2014.pdf
8. Caltrans Maintenance Policy Directive 1001, Illegal Encampments
9. Caltrans Notice of Encroachment (Red Tag) Form TR0213
10. Caltrans Maintenance Staff Guide, C.22.3 Illegal Connection and Illicit Discharge Detection and Elimination
11. Caltrans Standard Specification 13-4.03E(2), Illicit Connection and Illegal Discharge Detection and Reporting
http://www.dot.ca.gov/hq/esc/oe/construction_contract_standards/std_specs/2010_StdSpecs/2010_StdSpecs.pdf

