

## MOB Environmental Program Illicit Discharge Standard Operating Procedure:

The purpose of this document is to provide a Standard Operating Procedure (SOP) of illicit discharge reporting for MOB District to Environmental Program Stormwater Technicians. This SOP applies to VTrans Highway Right of Way where 19 V.S.A. § 1111 and TS4 permitting is enforced.

### Regulatory Background:

Due to new environmental regulations it is VTrans MOB Water Quality Unit's duty to develop, implement, and enforce a program to detect and eliminate illicit discharges into the Transportation Separate Storm Sewer System (TS4). TS4 is composed of any VTrans owned or controlled state highways, sidewalks, multi-use pedestrian paths, welcome centers, airports, gravel pits, mineral mining facilities, maintenance facilities, park & rides, truck weigh stations, and other impervious surfaces, and VTrans owned facilities leased to third parties, except for rail lines, rail yards, public transit facilities, and rail trails.

An illicit discharge is any discharge, release or random illegal dumping into the stormwater management system or into VTrans Right-of-Way. VTrans stormwater management system or non-road land holdings that is not composed entirely of stormwater, this may also be referred to as "non-stormwater discharge". Non-Stormwater discharges include but are not limited to floor drains, septic wastewater, or grey water. Non-stormwater discharges can include both direct discharge (via end of pipe) and non-point source (via sheet flow or ditches).

An illegal discharge is an unpermitted release of stormwater or uncontaminated water, this can include but is not limited to water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges from firefighting activities.

There is existing state regulations to protect access to the State Highway Right of Way, this can be found in the Vermont Statute Title 19: Highways Chapter 011: Protection of Highways § 1111 Permitted use of the right-of-way. "It shall be unlawful to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the Agency, in the case of State highways." 19 V.S.A. § 1111.

Any and all non-VTrans stormwater and suspected illicit (non-stormwater) discharges originating outside the State right-of-way and entering the VTrans stormwater conveyance system must be reported to the VTrans MOB Environmental Stormwater Technicians for investigation, corrective action consideration, and potential enforcement actions. Corrective actions may require the non-VTrans property owner(s) to obtain Title 19, Section 1111 Permit coverage, implementation of acceptable erosion prevention and sediment controls to treat stormwater prior to entering the State right-of-way, or disconnecting an unauthorized discharge into the right-of way from a non-VTrans property.

This procedure does not address run on. Stormwater run on is the discharge of surface water (runoff) that flows from another property onto VTrans ROW or non-road property. Run on, even if comprised entirely of stormwater, can cause problems for VTrans highway infrastructure especially if land form is altered outside the ROW causing increased and concentrated flows into the ROW or VTrans non-road property. Run on can be regulated under the Title 19 Section 1111 provisions. For more information on how to address run on please contact MOB Stormwater Technician in the Water Quality Unit.

## MOB Environmental Program Illicit Discharge Standard Operating Procedure:

This procedure has been created with the guidance found in TS4, Common Law, and S1111 Regulations. The purpose of this process is to develop a structured procedure on reporting discharges that may be linked to floor drains, septic wastewater, or grey water.

- I. Possible illicit discharge is found
- II. Record Location
  - a. Route, Town, Mile Marker (any additional specific location information to narrow down search time)
  - b. Picture if possible
  - c. Description of pipe and discharge
    - i. Color of pipe
    - ii. Color of discharge if applicable
- III. Contact the Regional Stormwater Technician with above information. Link to map below.

<http://vtrans.vermont.gov/sites/aot/files/operations/documents/techservices/MOB%20Envl%20SWTECH%20Regions%20Map%202017.pdf>

Districts 1 & 3: Dexter Puls (802)461-9822 | [dexter.puls@vermont.gov](mailto:dexter.puls@vermont.gov)

Districts 2 & 4: Michael Johnson (802)249-6906 | [michael.k.johnson@vermont.gov](mailto:michael.k.johnson@vermont.gov)

Districts 5 & 8: Tyler Hanson (802)461-6440 | [tyler.hanson@vermont.gov](mailto:tyler.hanson@vermont.gov)

Districts 7 & 9: Alysha Kane (802)461-6556 | [alysha.kane@vermont.gov](mailto:alysha.kane@vermont.gov)

- IV. The water quality technician will document the possible illicit discharge in MOB\_EPWQ\_IllicitDischargeReporting database. Data can be viewed on ArcGIS Online (AGO), the name of the map is **Illegal Connections & Illicit Discharges:**  
<http://vtrans.maps.arcgis.com/apps/webappviewer/index.html?id=df9091f0a35d4da0b85b468d7185473b>
- V. The technician will collect a grab sample of the discharge within a reasonable time and bring it to the Vermont Department of Health Laboratory to be analyzed within 24 hours of collection. If source is obviously sewer or poses a safety concern then it will be reported without a sample taken. Phone call reports should be reserved from emergencies.

Physical:  
Vermont Department of Health Laboratory  
359 South Park Drive  
Colchester, VT 05446

Mailing:  
Vermont Department of Health Laboratory  
PO Box 1125  
Burlington, VT 05402-1125

- VI. The lab results will fall into one of two categories, positive or negative.
  - a. If the results return positive (testing above the allowable concentration threshold 235 E.coli/100ml) the water quality technician will forward the results and location to ANR Environmental Enforcement Officer and Town Health Officer/Select Board, as well as the District.
  - b. If the results return negative (testing below the allowable concentration threshold, suggesting the discharge is stormwater) the water quality tech will forward results to the district or appropriate enforcement authority at the current time, ie S1111 permitting process and TS4 permit.
- VII. The lab results will also be documented in the database and map. The Stormwater Techs will follow up with ANR Enforcement/Town Health Officer and record when the discharge has been eliminated, some coordination with the District Techs may be necessary. When discharge has been eliminated all parties involved will be notified. To document progress a status table will be submitted in the TS4 Annual Report.