

- **Dirt, Rocks, Sediment, Vegetation Matter** and much more when discharged into the POW pose a significant risk to public safety. Although the material may be natural, the volume and quantity that exists within the man-made environment is highly disruptive to local aquatic ecosystems. Even if storm debris is passing through your property, you have an obligation to mitigate that discharge. If clean-up is required consider your own safety, that potential POW encroachment permits may be required and never use a leaf blower within the POW. Leaf blowers create fugitive dust and a significant traffic safety issue.
- **Trash** (e.g., litter or anything from the man-made environment, including leaves and grass clippings) that is released both on and off site is the responsibility of the generator and/or property owner. **Property owners must maintain the area abutting their site, including the sidewalk free of debris, trash and other materials generated from their site and/or from site activities.** Have these areas cleaned weekly and daily if necessary.
- **Premises Liability** - is a legal concept that typically comes into play in personal injury cases where the injury was caused by some type of unsafe or defective condition on someone's property and/or immediately off their property caused by activities and/or negligence creating the unsafe condition. Most personal injury cases are based on negligence, and premises liability cases are no exception. In general, negligence means that the property owner failed to use reasonable care in connection with the management and oversight of their property and/or site activities. Some of the main types of

premises liability include slip and fall, inadequate maintenance of the premises, defective conditions created by site activities, water leaks or flooding, dust generation and much more.

- **Street and Highway Code Section §5610** - The owners of lots or portions of lots fronting on any portion of a POW or place ..., shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas

QUESTIONS OR TO REPORT

Discharge or spill of **HAZARDOUS MATERIALS** call 911.

Discharge or spill of **SEWAGE** (*Known or suspected*) call the City of Marina's Wastewater Collection Department at (831) 384-6131, 24 hours a day, 7 days a week.

For other emergencies call **911**.

Discharge or spill of **OTHER LIQUID MATERIALS** (*Non-sewage / Non-hazardous*) contact our Dispatch Non-Emergency Hotline at (831) 384-7575.

OTHER EMERGENCIES call 911.

The tips contained in this brochure are to inform residents and property owners of their obligation related to Public Right of Ways and common sources of environmental pollution. If you should have suggestions contact us at www.ci.marina.ca.us.

MORE INFORMATION

Call (831) 884-1212, or visit our website at: www.ci.marina.ca.us



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Stormwater Management Program

ILLICIT DISCHARGES

IN THE PUBLIC RIGHT OF WAY

(Clean-Up, Develop Practices to Prevent & Implement)

Illicit Discharge POW Overview

The discharge of anything other than pure clean rainwater into the public right of way (POW, e.g., sidewalk, gutter, street, dedicated easement) is strictly prohibited. **Prohibited discharges are commonly known as illicit or illegal discharges.** Common examples include the release of bacteria, chemicals, debris, dust, fecal matter, nutrients (*excess fertilizers*), oil, potable water (*irrigation run-off*), rocks, sediment, trash (*litter or anything from the man-made environment*), vegetation matter and much more.

Now most would view dirt, dust, sediment as naturally occurring materials which they are, however, when discharged into a public right of way (*dedicated easement, gutter, sidewalk and/or street*) and/or into a stormwater conveyance system (*drainage channel, gutter, storm drain inlet, street and/or etcetera*) they are not natural and pose a risk to the quality of water within local lakes. Not only does the discharge of these materials within the POW pose a water quality risk, but also a significant and avoidable public and traffic safety risk.

FOR MORE INFORMATION

Call (831) 884-1212, or visit

www.ci.marina.ca.us

PUBLIC RIGHT OF WAY AND ILLICIT DISCHARGES

PUBLIC / TRAFFIC SAFETY RISK

The routine discharge of potable water from excess irrigation or concentrated storm water drainage may cause the growth of mold and moss resulting in a slip and fall hazard on a sidewalk. This type of discharge is often the direct result of an illicit connection that pipes storm water and/or any other liquid to a location that either creates a risk to the environment and/or a public safety hazard. Also, the release of dirt, rock sediment and vegetation matter within a POW creates an avoidable slip and fall risk to pedestrians and a traffic safety hazard. Even the release of dust particulates creates a significant risk to motorists. The routine discharge of these materials within the POW creates a completely avoidable risk to the public. *The City makes every effort to address these issues, but ultimately the property owner must take reasonable and prudent steps to implement activities on their site that will not create an unsafe condition within the POW.*

ACTIONS REQUIRED

Discharges of any material within the POW require the site owner / operator to immediately clean-up the discharge¹ and implement on-site control measures (e.g., *Best Management Practices, AKA BMP²*) within 24-hours to prevent future discharges. Routine and/or recurring discharges will result in the issuance of a Notice of Violation and possibly the levying of fines.

¹ Note activities within the POW may require an encroachment permit with the City. Check with Public Works personnel at (831) 884-1212 prior to taking any action within the POW.

² BMPs include a schedule of routines and/or activities to prevent the discharge of pollutants. In addition, BMPs may include discontinuing past practices that may pose a risk to discharge pollutants.

The failure to promptly clean-up an illicit discharge within the POW by the responsible party will require the City to clean-up the discharge, back charge the responsible party for all cost(s), plus an administrative overhead fee and a fine.

Common types of discharges include:

- **Illicit Connections / Discharges** - Many property owners / site operators to better manage on-site storm water concerns have installed private storm drains that discharge onto a sidewalk. Unfortunately, this situation creates a significant public safety issue. Specifically, *the routine discharge of storm water, irrigation water and exterior wash water onto a sidewalk can result in the growth of mold and/or moss on the sidewalk.* This creates a slippery or other unsafe condition for pedestrians and thus is not permissible. Continuous flows can result in pooling water and/or saturated soil creating a breeding ground for various vectors, including mosquitoes. Concentrated discharges into the City's stormwater conveyance system is a violation of local, state, and federal water quality regulations. Some corrections may require the submission of plans to the city and/or obtain necessary permits.
- **Chemicals** - Discharges of chemicals of any type: fuel, gas, hydrocarbons, oil, paints and etcetera whether intentional or not must be cleaned up immediately. Vehicles routinely leak oil on the street, thus the responsible party must clean up the discharge immediately and dispose of it properly. Absorbent material, such as industrial "kitty litter" is often used to absorb recent oil discharges. Never

perform any automotive and/or equipment repair within the POW.

- **Debris & Accumulated Discards** - Debris is something discarded and/or the accumulation of broken or destroyed material (e.g., *appliances, furniture, and/or etcetera*). The placement of debris (e.g., *green waste or tree limbs*) and/or other materials within the POW is prohibited. As rainwater flows over these items it picks up and transports various pollutants to local waterways.
- **Dust Generation** (*known as Fugitive Dust Generation*) is the *generation and release of dust particulates that cross property lines.* This category of illegal discharge also brings with it strict liability. Traffic accidents that occur because of visual obstruction caused by dust generation are a significant concern and even more a significant liability for the generator. Dust particles also transport various pollutants and when they settle on the ground water then transports them into local waterways.
- **Potable water** (e.g., *irrigation run-off*): Continuous and/or recurring excess irrigation run-off poses a significant concern. The routine discharge of irrigation water onto a sidewalk and/or into the gutter can create the generation of mold and moss, thus creating a significant slip and fall issue. In addition, when irrigation water creates pooling water and continuously saturates soil, this results in a breeding ground for various vectors, such as mosquitoes. Irrigation runoff also transports various pollutants to the City's stormwater conveyance system and is a violation of local and state regulations.