

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1115 (Salas) – As Amended March 26, 2015

**SUBJECT:** State highways: litter cleanup and abatement

**SUMMARY:** Requires the California Department of Transportation (Caltrans) to use litter traps in drains and any other effective technology in carrying out its responsibilities related to litter cleanup and abatement on highways near waterways.

**EXISTING LAW:**

- 1) Designates Caltrans as the owner and operator of the state highway system.
- 2) Requires Caltrans to place a high priority on litter pickup on highways adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas.
- 3) Allows Caltrans to use litter traps in drains and any other effective technology in its litter cleanup and abatement efforts.

**FISCAL EFFECT:** Unknown

**COMMENTS:** Caltrans installed in-drain litter traps in the southern California region as a result of litigation between Caltrans and the United States Environmental Protection Agency, among others. That litigation resulted in a requirement that Caltrans develop a Best Management Practice (BMP) Retrofit Pilot Program in Caltrans Districts 7 (Los Angeles) and 11 (San Diego). The objective of the program was to acquire experience in the installation and operation of a wide range of structural BMPs for treating stormwater runoff from existing Caltrans facilities and to evaluate the performance and costs of these devices.

A study team made up of representatives from the parties to the lawsuit, their attorneys, local vector control agencies, and outside technical experts provided oversight of the retrofit pilot program. This study was designed to allow the parties to gain experience with the actual design, installation, operation, and maintenance of structural BMPs in the setting of the freeway system in southern California. Many BMPs have been used in other parts of the country, but cost, performance, and operation data were not generally available for retrofit implementation, especially in a semi-arid highway environment.

The study included in-drain litter traps, as would be required to be used by this bill. Data collected during the study indicated that the in-drain litter traps cannot be operated unattended because of hydraulic limitations that resulted in flooding on a number of occasions and clogging that caused bypass of untreated runoff. Further, the study found, "Their pollutant removal was also minimal. The absolute number of maintenance hours was not large; however, the timing of maintenance was critical, right before and during storm events. Because of their frequent maintenance requirements and safety considerations (access along active freeways and highways), implementation on roadsides would not be appropriate. Installation at maintenance stations might be considered safer; however, timely maintenance is often infeasible due to other

maintenance activities required during storm events. In addition, they were only marginally effective, with constituent removal generally less than 10%." As a result of the study, Caltrans found the in-drain litter traps were not effective and, consequently, it does not use them anywhere else in the state.

Provisions requiring Caltrans to prioritize litter pickup along highways near sensitive areas, such as waterways, were added by AB 260 (Jackson), Chapter 489, Statutes of 2003. AB 260 reportedly stemmed from an episode where heavy rain caused trash and blight along highways in Santa Barbara and Ventura Counties to be swept into the ocean via storm drains and other natural waterways. Recognizing Caltrans' maintenance budget restrictions, the author included provisions in AB 260 to allow litter abatement by means of physical intervention, such as litter traps in drains and any other relevant and effective technology, with the idea that physical intervention of the litter could be a cost-effective alternative.

In 2013, Caltrans spent about \$62 million statewide cleaning up litter and collecting more 155,000 cubic yards of trash enough to fill more than 1,000 swimming pools with 30,000 gallons of water in each. Clearly, litter continues to plague the state highway system and increasingly stringent stormwater runoff requirements will eventually prohibit *any* litter from getting into the stormwater runoff system.

*Committee concerns:* AB 1115 mandates, rather than allows, in-drain litter traps, a technology that has been found to be ineffective. The Legislature should not direct Caltrans to use a litter abatement technology that does not work, especially given that ever tighter stormwater regulations loom on the horizon.

*Previous legislation:* AB 260 (Jackson), Chapter 489, Statutes of 2003, required Caltrans to prioritize litter pickup along highways near sensitive areas, such as waterways.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file

##### **Opposition**

None on file

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