



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Joe DeVries
Deputy City Administrator
and Chief Resilience Officer

SUBJECT: Supplemental Environmental Project
Authorizations

DATE: April 8, 2024

City Administrator Approval


Jestin Johnson (May 9, 2024 21:02 PDT)

Date: May 9, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Implement, As Part Of A Stipulation With The State Of California For Entry Of Final Judgement, Three Supplemental Environmental Projects That Advance Environmental Improvement Efforts, Which Include: 1) A Grant Agreement In The Amount of \$298,720 Between The City And The Rose Foundation For Communities And The Environment; 2) The Purchase And Installation Of Surveillance Cameras With License Plate Reading Capabilities At Chronic Illegal Dumping Hotspots for \$160,000; And 3) The Purchase And Construction Of A Universal Waste Storage Shed For \$16,280

EXECUTIVE SUMMARY

In April 2024, the City of Oakland (City) and the State of California (State) entered into a Stipulation and Entry of Final Judgement for Civil Penalties and Permanent Injunction on Consent (Stipulation Agreement), resolving a case brought against the City for alleged environmental compliance violations. The agreement in the case; *People of the State of California, ex rel. Meredith Williams, Director of the California Department of Toxic Substances Control, People of the State of California, ex rel. Pamela Y. Price, Alameda County District Attorney v. City of Oakland* (City Attorney File No.: OFD-190014) was reported out of Closed Session at the May 7, 2024 City Council meeting. In addition to civil penalties, the City must pay \$475,000 to fund three court-approved supplemental environmental projects (SEPs), one of which has been chosen by the State. This proposed resolution authorizes the City Administrator to implement these SEPs, which include: 1) entry into a State-chosen grant agreement with the Rose Foundation for Communities and the Environment (the Rose Foundation), whereby the City would award them \$298,720 to carry out their New Voices Are Rising's Green Teens, Clean Streams (Green Teens, Clean Streams) project; 2) the City's purchase and installation of surveillance cameras with license plate reading capabilities at chronic illegal dumping hotspots for \$160,000; and 3) the City's purchase and construction of a universal waste storage shed for \$16,280.

City Council
May 21, 2024

BACKGROUND / LEGISLATIVE HISTORY

The City and the State entered a Stipulation Agreement in April 2024. The Stipulation Agreement resolves a case brought by the California Department of Toxic Substances Control (DTSC) and the Alameda County District Attorney (District Attorney) against the City for alleged environmental compliance violations mainly related to improper hazardous waste disposal practices. Urban runoff, carrying sediments and toxins, threatens human and environmental health in the region. In Oakland, toxic runoff from a number of sources, including but not limited to illegal dumping and improper hazardous waste disposal, enters its complex network of free-flowing and culverted creeks and eventually empties into the San Francisco Bay (Bay) through more than 12,000 storm drains. The Stipulation Agreement specifies that the City shall pay civil penalties totaling \$475,000 to DTSC and the District Attorney. Additionally, the City shall pay \$475,000 to fund three SEPs that advance environmental improvement efforts in the region. One of the SEPs was selected by the state, while the City chose the others.

ANALYSIS AND POLICY ALTERNATIVES

The State-selected SEP involves the City entering into a grant agreement with the Rose Foundation, thereby awarding them \$298,720 to carry out their Green Teens, Clean Streams project over a two-year period. A 501(c)(3) non-profit based in Oakland, the Rose Foundation offers programming that empowers youth from under-represented communities to engage in civic action around environmental justice issues, such as the disproportionate pollution burdens experienced in frontline communities. The Green Teens, Clean Streams project is two pronged. It focuses on: 1) educating youth from CalEnviroScreen-designated pollution burdened areas about the spread of toxins into the Bay via urban runoff and its public and ecosystem health implications; and 2) engaging these youth in hands-on water quality testing and creek and Bay restoration activities, helping to mitigate toxic contamination of adjacent waters.

The grant will help fund a summer program and a school-year program in each of the two years. During the summer, students will engage in water monitoring at Lake Merritt, and they will also take part in either a hands-on restoration activity aimed at improving the water quality of the Bay, or possibly a tree-planting aimed at reducing stormwater flows in a heavily impacted neighborhood. The program throughout the school year will include three stages. Stage 1 involves the students monitoring water quality in Lake Merritt, the Oakland Estuary, Arroyo Viejo Creek, and Arrowhead Marsh, conducting toxic substances home audits, and identifying concerns among BIPOC (Black, Indigenous, and people of color) youth about current and looming water threats. In Stage 2, students will develop a youth driven vision for Oakland to reduce toxic home products and stormwater flows to the Bay. They will also design a creek-side outdoor classroom at Castlemont High School that helps to address toxic stormwater runoff from its campus (Castlemont High School is located next to Arroyo Viejo Creek). Stage 3 involves sharing the visioning documents and designs with decision makers, including Oakland Unified School District (OUSD) Facilities, OUSD Board of Directors, East Bay Municipal Utility District Board of Directors, City of Oakland Planning Commission and Oakland City Council, and State DTSC.

The second and third SEPs deal primarily with the improper disposal of hazardous materials, which imbue toxins into urban runoff. The second SEP would, for \$160,000, address the City's need for illegal dumping enforcement by installing surveillance cameras with license plate

reading capabilities at chronic dumping hotspots. Over 7,000 tons of material, including hazardous material, are illegally dumped in Oakland annually, costing the City millions of dollars to remove, and leading to human health hazards, environmental contamination, and aesthetic blights. In 2022, the City launched a pilot project, purchasing and deploying 15 moveable surveillance cameras at dumping hotspots. It became evident that these surveillance cameras could not read license plate numbers, making it more difficult to produce supporting information to prosecute those illegally dumping and prevent them from doing so in the future. To resolve this issue, the SEP would allow the City to retrofit the existing 15 surveillance cameras with license plate reading capabilities (~\$3,500 each). Additionally, this project would authorize the purchase of up to eight additional complete license plate recognition-equipped camera systems (~\$13,500 each).

Finally, the third SEP aims to prevent improper disposal of universal waste materials, which can release hazardous substances into the environment, including into bodies of water, via urban runoff. Universal waste materials include items such as household batteries, computers, printers, tablets, monitors, keyboards, mice, speakers, printers, scanners, fax machines, cameras, power supplies, cables, telephones, other electronic devices, and mercury-containing devices. The \$16,280 purchase and erection of a universal waste storage shed at the City's Municipal Services Center would provide a dedicated space for the safe containment of these materials until they can be appropriately disposed of or recycled.

The Green Teens, Clean Streams SEP is a holistic approach to mitigating toxins in the waterways, which focuses on educating and engaging with youth from pollution burdened communities and carrying out restoration activities in flatland neighborhoods. The other two SEPs are concerned with immediately addressing improper waste disposal and its impacts on water quality.

Green Teens, Clean Streams offer the City an impactful opportunity to partner with an environmental justice community-based organization (CBO) to help foster the next generation of environmentally aware residents. Additionally, the project, through its engagement with frontline youth, its equity focus, and its emphasis on hands-on restoration projects, aligns with the Equitable Climate Action Plan's (ECAP's) Action CR-3 "Rehabilitate Riparian Areas and Open Space." This action calls for "funding to continue and expand programs to restore creeks and provide ecosystem services in coordination with stormwater management planning, prioritizing investment that reduces climate risks in frontline communities."

Millions of dollars are spent annually removing hazardous material from illegal dumping sites. This is also an equity issue, as illegal dumping hotspots are more likely to be in frontline neighborhoods or near unhoused encampments, where residents are already facing the most acute climate risks and less likely, due to structural racism and disinvestment, to have the time and resources to be able to deal with this problem. The surveillance cameras with license plate recognition would help disrupt the cycle of repeat perpetrators, and more City resources could then be focused on investing back into the communities experiencing rampant illegal dumping.

Not funding these SEPs would result in the City paying an additional \$475,000 in civil penalties.

This proposed resolution advances these Citywide Priorities: *Holistic Community Safety* by reducing dangerous toxins in the environment, *Vibrant, Sustainable Infrastructure* by reducing the incidence of illegal dumping in the right-of-way, and *Responsive, Trustworthy Government*

by utilizing these dollars to sponsor a youth education campaign that addresses environmental injustice in the communities where it has occurred.

FISCAL IMPACT

The total settlement cost is \$950,000 but and the three SEPs authorized in this resolution equate to half of that settlement agreement: \$475,000.

PUBLIC OUTREACH / INTEREST

The City has consulted with the Rose Foundation about the Green Teens, Clean Streams Project.

COORDINATION

Staff from Oakland Public Works' Environmental Services, Keep Oakland Clean and Beautiful, and Facilities Services Divisions and those from the City Administrator's Office coordinated the planning of these SEPs. This report and resolution have been reviewed for form and legality by the Office of the City Attorney and Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: With less money spent on clearing illegal dumping, the City can focus on investing in more holistic creek revitalization projects in the flatlands, creating jobs and/or volunteer opportunities. A cleaner Oakland will also encourage more businesses to stay or return, creating economic opportunities for Oakland residents.

Environmental: These SEPs would reduce illegal dumping and help keep toxins out of waterways, which is of the utmost importance for local ecosystems and residents that recreate on these waterways.

Race & Equity: These SEPs would improve public health in frontline communities. The CBO project would engage youth from traditionally disinvested, pollution-burdened areas, increasing equity through youth programming, education, and environmental stewardship.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed SEPs and the action being undertaken to implement them are exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines Sections: Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15303 (construction of small structures); Section 15304 (minor alterations to land); Section 15306 (information collection); Section 15311 (accessory structures); Section 15330 (minor actions to prevent release of hazardous waste/substances); and Section 15333 (small habitat restoration projects), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Implement, As Part Of A Stipulation With The State Of California For Entry Of Final Judgement, Three Supplemental Environmental Projects That Advance Environmental Improvement Efforts, Which Include: 1) A Grant Agreement In The Amount of \$298,720 Between The City And The Rose Foundation For Communities And The Environment; 2) The Purchase And Installation Of Surveillance Cameras With License Plate Reading Capabilities At Chronic Illegal Dumping Hotspots for \$160,000; And 3) The Purchase And Construction Of A Universal Waste Storage Shed For \$16,280

For questions regarding this report, please contact Joe DeVries, Deputy City Administrator and Chief Resilience Officer, at (510) 238-3083.

Respectfully submitted,



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