

AGENDA REPORT

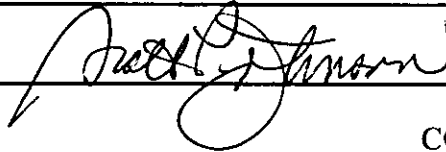
TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, PWA

SUBJECT: Illegal Dumping

DATE: August 26, 2013

City Administrator
Approval



Date:

9/11/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this informational report from the Public Works Agency on (1) efforts to reduce illegal dumping and (2) actions plan to implement innovative ideas to better address illegal dumping in the City of Oakland.

EXECUTIVE SUMMARY

In FY 2012-13 Keep Oakland Clean and Beautiful Division (KOCB) of the Public Works Agency responded to over 17,000 service requests to remove items dumped on public property. This was a 34% increase in the number of requests from the previous year.

This report contains data regarding collection of materials that are illegally dumped in the public right of way including: collection operations to remove illegal dumping quicker from public property; items that are included in the Zero Waste Services Procurement related to offering services that may reduce illegal dumping; use of additional funding in the Fiscal Year (FY) 2013-15 Budget for illegal dumping removal; and enforcement information from the City Attorney's Office.

The behavior of dumping garbage on City streets continues to be a challenging problem. With no current effective enforcement mechanism, dumpers continue to degrade the community and the environment. Additionally, as PWA removes the illegally dumped material, people are conditioned to think that if debris is dumped in the right-of-way, it will be removed by City staff, at no cost. Thus, whether it is a mattress on the sidewalk or a bag of garbage near a litter container, the illegal behavior is not interrupted, but rather perpetuated. This is a low-level crime that continues to plague our community.

OUTCOME

This is an informational report to the Public Works Committee.

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BACKGROUND

In 1992, the City Council approved funding to create dedicated crews to remove debris and take measures to mitigate illegal dumping throughout the City. In 2001, the City established a Litter Enforcement Program. This led to the hiring of eight (8) Litter Enforcement Officers (LEOs), who were trained to conduct enforcement and outreach. The City also received a \$500,000 grant from the State of California to pay for mitigation measures (fencing, signage, surveillance cameras, etc.) and outreach and education.

The early efforts were successful in reducing dumping at many "hot spots" across the City, using tools such as fencing, enhanced lighting, installation of "No Dumping" signs, and towing of abandoned vehicles in areas prone to dumping.

The LEOs used forensic investigative techniques, enforcement, fines, and monitoring/surveillance to address the illegal dumping issues in the public right-of-way. In addition, LEOs performed community outreach and established a partnership to abate the chronic problem of illegal dumping.

The program was set up to collect clean up costs for illegal dumping from individuals whose materials were found in the public right of way. The LEOs looked for evidence in the illegally dumped materials, usually a name or company associated with the items. Issues with this approach included not necessarily targeting the individual doing the illegal dumping, as the person whose identity found in the dumped materials were the ones receiving the invoice. The invoices sent to the "identified" person went largely uncollected. The Office of the City Auditor conducted a PWA Illegal Dumping Accounts Receivable Audit and discovered that the majority of the people issued citations often were deceased, no longer at the listed address, or were able to convince a small claims court of their innocence. The LEO program staffing was reduced over several budget cycles and completely eliminated in FY 2011-13 Budget.

ANALYSIS

Illegal dumping creates a public nuisance, depresses the value of surrounding property and can pose health, safety and environmental threats such as:

- Injury to children playing in or around the dump site;
- Disease carried by mosquitoes, flies and rodents;
- Contamination of creeks and the Bay;
- Contamination of soil and groundwater;
- Degrades the quality of life to nearby communities and residents.

Research has shown that a four pronged approach is necessary to address illegal dumping; clean up, public education and outreach, targeted enforcement, and tracking and evaluation.

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KOCB Illegal Dumping Removal Program

The Keep Oakland Clean and Beautiful Division (KOCB) of the Public Works Agency provides removal of illegally dumped materials. Illegal dumping continues to account for the highest number of calls received by the PWA Call Center. In FY 2012-13, there were 16,958 illegal dumping service requests generated by the Call Center and recorded in the Cityworks Work Management System. This represents 36.4% of all service requests (46,581) received by the Call Center for this timeframe. After the Division receives the service request, it is converted into a work order and distributed to staff. The Cityworks system allows PWA staff to enter data in the field with laptops and receive work orders in real time, which has improved service. Cityworks improved KOCB capacity to track service requests and effectively deploy resources to remove illegally dumped material.

The illegal dumping removal program funding in FY 12-13 was \$3,332,000 for personnel and equipment. This program also is responsible for homeless encampment removal and street litter container maintenance.

The illegal dumping program is a six (6) day a week operation, with up to twelve (12) crews operating throughout the City. Equipment used for illegal dumping removal includes packer trucks, flat beds dump trucks, overhead loaders, and pickup trucks. On Saturday only four (4) crews operate. On an average day, the operation can complete 70 to 80 service requests. Mattresses, appliances, electronic waste (e-waste) and tires are collected and disposed of separately from other debris due to state law requiring these items be source separated and recycled.

For the abatement of illegal dumping, the City has been divided into four Areas and crews are deployed to each area each day. Below, Table 1 describes the four (4) Areas.

Table 1 – Target Areas for Deployment

Areas	Boundaries (East –West)
1	West and North of Lake Merritt to City Limits
2	East of Lake Merritt to High St.
3	From High St. to 82 nd Ave.
4	From 82 nd Ave. to City Limits

The established Performance Measures for illegal dumping removal are shown in Table 2 below. For FY 13-14, the targeted number of work orders to complete is 18,000 at an 85% completion rate in 3 business days. In FY 2010-11 the goal was to resolve 85% of the illegal dumping work orders within five (5) calendar days. In FY 2011-12 the goal was changed to resolve 85% of the illegal dumping work orders within three (3) business days. As the crews were meeting the 5

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calendar day collection goal at 94%, therefore in FY 12-13 the goal for removal response time was decreased to 3 business days to provide better customer service.

Table 2: Illegal Dumping Removal Performance Measures

Year	Target % Completed in 3 business days	Target Achieved	Target for # of Work Orders	# of Work Orders Completed	Percent Increase in Work Orders
2012-13	85%	75%	13,000	17,624	34%
2011-12	85%	94%	12,000	13,194	3%
2010-11	85%	94%	11,000	12,763	-

For FY 12-13 the increase in response time can be contributed to the 34% increase in the number of work orders, the furlough days and the elimination of five (5) FTE positions in February 2012, funded by the Redevelopment Agency. These positions were dedicated to illegal dumping removal.

EFFORTS TO IMPROVE RESPONSE TIME

Operational Plan:

With the loss of five (5) FTE, the elimination of Sunday services, twelve (12) Mandatory Business Shutdown (MBS) Days and a 34% increase in calls for illegal dumping removal service, the operations plan required adjustments to improve KOCB's response time. One adjustment made was blitzing Areas utilizing all KOCB personnel during inclement weather. The benefits for this change are listed below:

- When illegally dumped materials stay on the street for extended periods of time, it attracts additional dumping. As a means to improve response time, "blitzes" have been incorporated into the operational plan. During "blitzes" all crews concentrate their efforts in one (1) Area. These "blitzes" are on rotational basis. For instance, staff may be in Area 1 on Monday, Area 2 on Tuesday, Area 3 on Wednesday, and Area 4 on Thursday.
- During the blitz, crews are designated to go block by block to remove any debris that may not have been reported through the PWA Call Center, proactively removing illegal dumping. This approach also can lead to higher satisfaction with the community in addressing their concerns regarding illegal dumping when an entire area is left clean.

New Programs FY 2013-15

The FY 2013-15 budget allotted for five (5) additional FTE, and \$530,000 for equipment to the Keep Oakland Clean and Beautiful (KOCB) Division to remove illegal dumping and litter. The additional staff will assist with reducing response time to illegal dumping service requests, and the additional equipment will allow the Division to remove large piles of debris throughout the City quicker and litter from gateways leading into the City. By adding these additional resources, it is anticipated that KOCB will be able to reach the goal of resolving illegal dumping work orders within three (3) business days. The deployment of the new staff will be as follows:

- Three (3) FTE will be dedicated to illegal dumping removal, which will increase our response time. These personnel are anticipated to join the Division in the Fall of 2013.
- Two (2) FTE will be dedicated to litter abatement. They will operate in gateways to the City and business/economic corridors. These areas are being targeted to improve the City's image. These personnel are anticipated to join the Division in the Fall of 2013.
- One (1) fourteen (14) cubic yard overhead loader will be purchased to remove large piles of debris throughout the City.
- Two (2) six (6) cubic yard mini-packers will be purchased to remove illegal dumping throughout the City. These vehicles have a larger capacity than a pickup truck, so the trips to the Davis Street Transfer Station (DSTS) will be reduced, and this will allow staff to maximize their time in the field.

Efforts To Reduce Illegal Dumping

Adopt A Spot

- The Public Works Adopt-A-Spot program supports residents and businesses in cleaning and greening their community. These volunteers are key ambassadors to neighborhoods helping to provide information and outreach on proper methods of safely disposing of debris, waste and recyclables, prevention measures to deter illegal dumping, and the correct procedures for reporting illegal dumping. KOCB supports the volunteers of the Adopt-A-Spot program and provides removal and disposal of the litter and trash that can include illegally dumped items that the volunteers collect

Solid Waste and Recycling Franchise Services

The Franchise Agreement with Waste Management of Alameda County (WMAC) provides for services to assist residents in properly disposing of their large bulky items. These existing programs support reduction of illegally dumped items from our streets.

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- *Councilmember and Mayor debris box program:* Each Councilmember and the Mayor is allocated 12 debris boxes annually to use for community clean ups. These boxes may be used for collection of illegally dumped items cleared during neighborhood clean ups.
- *On-call Bulky Item annual collection:* This service for single family residences provides at no extra cost an alternative to illegal dumping. Residents can call WMAC at 510-613-8710 to schedule this service.

Zero Waste Services Contract

As mentioned in previous Council Reports, the Zero Waste Services Procurement provides for several new services in the Garbage and Organics Collection Services Franchise that are designed to help reduce and abate illegal dumping in Oakland. The specific services that are included as part of the new Garbage and Organics Collection Services Franchise are:

- *On-call bulky item collection service:* This provision was added for apartments and condominiums as a standard service embedded in the base rate, and would increase by approximately 60,000 the number of residential units with access to disposal and recycling service for large items that do not fit into a cart or bin. The bulky item collection service includes the types of items typically found illegally dumped on Oakland streets.
- *Pay-as-you go bulky item service:* This provision gives residential property owners and other residential customers direct access to bulky item collection services that meet needs such as recycling or disposal of move-in and move-out debris.
- *Illegal dumping removal:* The Garbage and Organics franchise contractor will pick up four illegal dumping piles each weekday, as directed by the City, supporting City crews in clean up of illegal dumping.
- *Documentation and reporting of illegal dumping to City:* The Garbage and Organics franchise contractor is required to direct its drivers to note addresses where materials have been dumped in an unauthorized manner. New technologies allow for this kind of information to be collected while trucks drive throughout the city, helping to support the City in its efforts to eradicate illegal dumping.

Separate from the service that will be provided by the franchise contracts established through this procurement process, the Zero Waste System Design includes provisions for regulating independent recyclers and haulers of solid waste from construction and demolition sites, including a permit or non-exclusive franchise system. Supplementing the City's efforts in this arena, the Alameda County Waste Management Authority may also apply regulations that require special permitting or licensing of solid waste haulers countywide. While these efforts target waste reduction improvements in the "self-haul" sector, a new regulatory regime might provide new opportunities for the identification of illicit or "fly-by-night" haulers who are often implicated in illegal dumping investigation. This work is commencing and will be conducted over the next 18 months.

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Current Enforcement Efforts

The City Attorney's Office provided the following information on enforcement efforts. The Neighborhood Law Corps unit in the City Attorney's Office has partnered with the Public Works Agency and the City Administrator's Office to issue administrative citations to illegal dumpers. This effort focuses on incidents in which eyewitnesses and photographic evidence identify perpetrators. Prioritizing incidents supported by direct evidence avoids the shortcomings of prior enforcement efforts, which relied heavily on indirect evidence. These prioritized cases are more likely to be upheld by a hearing officer and present a better opportunity for the City to collect its penalties and costs. This approach also addresses illegal dumping much more efficiently than civil actions seeking similar penalties and costs.

The City Attorney is proposing a new ordinance to strengthen the City's ability to take enforcement action against individuals found to be dumping illegally in Oakland.

PUBLIC OUTREACH/INTEREST

Ongoing discussions have occurred with the West Oakland Business Alert, Coliseum Business Alert, Airport Area Business Association, Cal Recycle Illegal Dumping Technical Advisory Committee, Caltrans, BART, Union Pacific Railroad (UPRR), and Business Improvement Districts (BID). The Public Works Agency continues to work with outside entities to address new ideas for dealing with the problem of illegal dumping, and has partnered with Adopt-A-Spot Volunteers, Team Oakland, and Highway to Work to abate illegal dumping.

COORDINATION

The Office of the City Attorney and the Budget Office were consulted for the preparation of this report.

COST SUMMARY/IMPLICATIONS

This is an informational report with no fiscal impacts.

SUSTAINABLE OPPORTUNITIES

Economic: The continued efforts of staff to remove illegal dumping will assist in improving the physical appearance of the City of Oakland, which translates directly into attracting and retaining business and promoting civic pride.

Environmental: A decrease in the amount of dumped materials and litter will lessen the amount of debris that enters the storm-drain systems, polluting our creeks and waterways.

Social Equity: The enhanced efforts of collaboration and partnering with citizenry and business community with the Public Works Agency will improve the quality of life and public safety.

For questions regarding this report, please contact Frank D. Foster, PWA Operations Manager, at (510) 434-5109.

Respectfully submitted,



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Keep Oakland Clean and Beautiful