



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works Department

SUBJECT: Waste Management's Contractual
Obligations to the City of Oakland

DATE: November 3, 2021

City Administrator Approval

Date: Nov 17, 2021

RECOMMENDATION

Staff Recommends That The Public Works Committee Receive An Informational Report On Waste Management's Contractual Obligations To The City Of Oakland, Including Information On Thirty (30) Illegal Dumping Pick-Ups Per Day, Street Cans, And The Number Of Businesses Operating In Oakland Without Waste Management Service.

EXECUTIVE SUMMARY

The City Administrator was directed to prepare an informational report at the October 7, 2021, Rules and Legislation Committee that addresses the responsibilities of Waste Management of Alameda County (WMAC) under its contract with the City of Oakland (City) and provide information on (30) illegal dumping pick-ups per day, street can service, and businesses operating in Oakland without a contracted way to properly dispose of waste.

This report, prepared by the Oakland Public Works (OPW) department, provides analyzed data regarding WMAC's performance in these areas.

BACKGROUND / LEGISLATIVE HISTORY

On October 9, 2015, the City of Oakland entered into a contract with WMAC to collect mixed materials and organics, the Mixed Materials & Organics (MM&O) Collection Services Contract, pursuant to City Ordinance No. 13258 C.M.S. On July 1, 2015, WMAC commenced the performance of services.¹

The contract was set for a 10-year term beginning July 1, 2015, and terminating on June 30, 2025. In its sole discretion, the City has the option to extend the contract for up to two additional

¹ WMAC and the City hold an additional contract regarding Disposal Services, which is a twenty (20) year contract that protects the health, safety, and well being of the public. The Disposal Services contract went into execution on July 1, 2015 and expires June 30, 2035 – with two (2), 5-year extension options at the City's discretion.

5-year periods (through 2030 and 2035, respectively). Terms of the contract regarding renewal or termination information are included in the Waste Management Contract (**Attachment A**) and the First Amendment to Waste Management Contract (**Attachment B**).

ANALYSIS AND POLICY ALTERNATIVES

As stated in the MM&O Collection Services Contract, WMAC agreed to, among other things, (1) conduct up to thirty (30) illegal dumping pick-ups a day; (2) service 1200 street litter containers once daily; and (3) serve commercial customers, each as discussed below.

Thirty (30) Illegal Dumping Pick-ups Per Day

Prior to November 15, 2021, WMAC was responsible for up to thirty (30) illegal dumping pick-ups a day. Those pick-ups could be anywhere in the City; the process was inefficient, and the City also has its own illegal dumping crews. Therefore, the City negotiated a revision to Exhibit 14 of the MM&O Collection Services Contract to significantly increase bulky waste services as described below, and the 30 illegal dumping pick-ups will be conducted by existing City OPW crews that currently process work orders for illegal dumping. Therefore, Waste Management is no longer responsible for the 30 illegal dumping pick-ups.

Specifically, OPW staff negotiated with WMAC to utilize WMAC's illegal dumping crews to pick up fifty (50) bulky item collections per day, and effective November 15, 2021, all Oakland residents will be allowed to schedule a curbside bulky pick-up or drop-off to Waste Management's Davis Street Resource Recovery Complex in San Leandro. Renters no longer need a landlord's approval to schedule a curbside bulky pick-up.

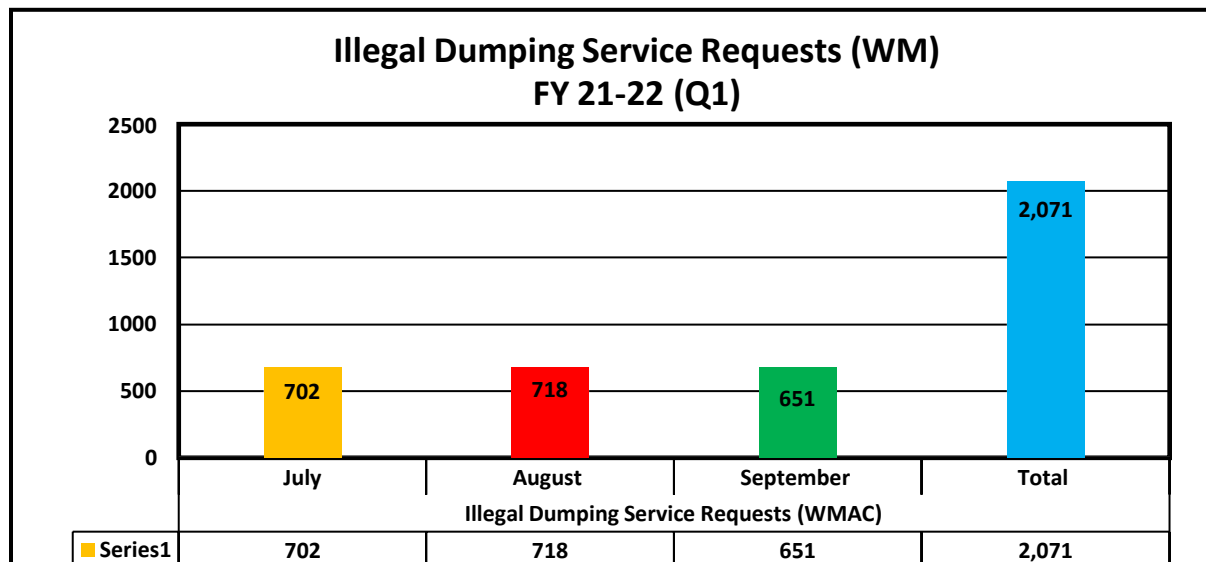
To combat illegal dumping, the Waste Management and City collaboration will let renters and property owners drop off or set out up to four (4) cubic yards of non-hazardous bulky trash, plus a limited amount of recyclable items such as mattresses, tires and rims, appliances and other items. The resident will be charged for trash that exceeds four (4) cubic yards – additional stipulations apply and are outlined in the amendment.

Bulky pick-up appointments will be available Monday-Friday. Appointments can be scheduled by telephone (1-888-WM-Bulky) or online (www.OaklandRecycles.com/bulky). Appointments at buildings with five or more units will be scheduled in the last week of the month. Waste Management will try to schedule all other appointments within two weeks of the request.

Historical Data

Under the MM&O Collection Services Contract (Prior to Exhibit 14), the process was as follows: OPW dispatched up to 30 illegal dumping service requests a day to WMAC and serviced the remainder. WMAC provided collection services at the requested site and picked up illegally disposed of garbage not exceeding three (3) cubic yards per address. **Table 1** shows the number of WMAC service requests processed through OAK311 for FY 2021-22 (Quarter 1). **Attachment C**, Heat Map of Illegal Dumping Service Requests, depicts the locations of these service requests.

Table 1: Illegal Dumping Service Request Completed by WMAC



Street Litter Container Service: WMAC services all street litter containers located in service areas Monday through Friday. Per the contract, Saturday and Sunday service is at the direction of the City. The City has directed that WMAC services half of the containers in high-frequency areas on Saturdays, and the City services the other half. On Sundays, the City services all containers in high-frequency areas.

The City is currently working with WMAC to develop a portal that tracks the frequency and accuracy of litter container service. WMAC is also obligated to service the container and collect overflow material around the container. In addition, if WMAC observes illegally-dumped trash within the service area, it is required that the location(s) be reported to the City by the contractor within three (3) working days; WMAC is meeting this requirement. The City has not added any cans during the term of the contract.

The Master Can List, Exhibit 4 within the contract, lists the addresses being serviced by WMAC. The Master Can List may be changed at the authority of the City. Residential and commercial customers must make requests in writing. Such requests need to comply with the ten (10) can limit – no more than ten additional cans can be added to the list during any given contractual year. **Attachment D**, Litter Containers by Council District, shows each Council District's locations currently being serviced.

Businesses Operating without a WMAC Contract: The City reached out to WMAC and requested that they provide data on commercial accounts without service. However, the WMAC database only includes account information for customers with service.

The City and WMAC currently partner to ensure existing customers maintain service. When a commercial business cancels service or has inadequate service Environmental Enforcement Officers (EEOs) conduct an onsite visit to determine:

1. Is the business in operation?
2. Does the business have adequate trash service?
3. Whether a citation is warranted?
4. Has service resumed?

WMAC and the City are currently developing a database portal that cross-references land use, business license, and WMAC customer service data to determine businesses without commercial trash service. The City's EEOs proactively identify businesses without trash service by conducting zone walks in business corridors, visiting businesses, and examining the level of trash service. However, when the WMAC portal is complete, the EEOs will be able to pinpoint businesses without service, write them a citation and refer them to WMAC to have them immediately sign up for commercial services.

Another method to ensure commercial businesses have trash service is to ensure all new businesses prove that they have signed up for trash service before receiving their final certificate of occupancy and business license or on their annual business license. OPW and the Planning and Building Department are in the early stages of developing a departmental process that will verify businesses currently licensed to operate in the City of Oakland and have commercial garbage collection service, and the businesses that do not but notified of the requirement to establish commercial collection service, and cited if collection service is not initiated with the waste collection provider.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures because this is an Informational Report.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: When the City and the community work together to keep waste off the streets, it lessens the burden of unnecessary costs associated with discarding it.

Environmental: A stable and consistent trash removal program minimizes the effects that garbage on streets has on the health and safety of the community. It enhances the aesthetics and makes the City more habitable.

Edward D. Reiskin, City Administrator

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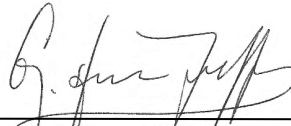
Race & Equity: WMAC and the City provides equal services to residential and commercial customers alike. Therefore, there are no Race and Equity opportunities associated with this Informational Report. The City will continue to analyze data related to waste on the street and make adjustments to service plans and objectives as needed and approved by City Council further.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The Public Works Committee Receive An Informational Report On Waste Management's Contractual Obligations To The City Of Oakland, Including Information On Thirty (30) Illegal Dumping Pick-Ups Per Day, And The Number Of Businesses Operating In Oakland Without Waste Management Service.

For questions regarding this report, please contact Art Watson, Acting Operations Manager, at (510) 434-5112.

Respectfully submitted,



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Attachments (4):

- A. Waste Management Contract
- B. First Amendment to Waste Management Contract
- C. Heat Map of Illegal Dumping Service Requests by Waste Management
- D. Street Litter Containers Map

