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OAKLAND

2016 NOV 22 PM 4: 17 **AGENDA REPORT**

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Brooke A. Levin  
Director Public Works

**SUBJECT:** Informational Report on Illegal  
Dumping

**DATE:** November 10, 2016

City Administrator Approval

Date: 11/22/16

**RECOMMENDATION**

**Staff Recommends That The City Council Accept An Informational Report Providing Update On Current Status Of Illegal Dumping And General Waste In Streets, On Sidewalks And In Vacant Lots In The City Of Oakland, Including Implementation Of Cameras In Illegal Dumping Hot Spots; Data On Number And Locations Of Illegal Dumping Pick Ups By Waste Management And City Of Oakland; Additional Proposed Strategies, Programs And Funding Needed To Dramatically Improve The Cleanliness Of The Streets And Public Spaces In East And West Oakland, Including Existing And Proposed Public Communications Campaigns And Proposal For Program And Funding Consideration In The Fiscal Year (FY) 2017-19 Budget.**

**EXECUTIVE SUMMARY**

This report responds to questions from Chair Kaplan and Councilmember Campbell Washington regarding illegal dumping in Oakland. Specifically, the report provides the City's three pronged approach, eradicate, enforce, and educate to address this pox in the City of Oakland.

Illegal dumping service requests received through the Public Works Call Center have increased 100% in the past five years. Crews have gone from collecting 14,083 piles of illegally dumped material in FY 2010-11 to collecting 29,370 piles of illegally dumped material in FY 2015-16.

This report discusses next steps in the fight against those that disrespect Oakland with illegal dumping.

**BACKGROUND / LEGISLATIVE HISTORY**

Oakland Public Works (OPW) spends approximately \$5.5 million on eradication of illegal dumping annually. Crews remove the illegally dumped materials seven days a week and address 85% of the requests within three business days. Yet even with this herculean effort in picking up material faster than weekly garbage service, the challenge of the illegal behavior persists. This unacceptable behavior that blights Oakland is devastating to the community, degrades local pride and impacts both residential and commercial property owners.

Item: \_\_\_\_\_  
Public Works Committee  
December 6, 2016

Informational reports on illegal dumping activities were presented on March 27, 2012, September 24, 2013, March 25, 2014, June 10, 2014, and December 2, 2014. Additionally, reports on Illegal Dumping Remedies were published on September 24, 2013, October 15, 2013, September 16, 2014, December 15, 2015, and October 11, 2016.

## **ANALYSIS AND POLICY ALTERNATIVES**

Most cities addressing the scourge of illegal dumping use a three pronged approach to address the illegal activity - eradicate, enforce, and educate. The first prong is eradicate; remove the illegally dumped materials from the streets to send a message that the City cares about the cleanliness of our streets and ensure a small pile does not turn into a much larger pile. The second prong is enforcement; catch and prosecute illegal dumpers. The last prong is educate; provide information to residents and businesses on legal methods of disposal, enlist the public's support in reporting illegal dumpers and adopting locations providing stewardship to support positive change in the community. Each of these prongs are discussed below. Following a description of each of the prongs is a discussion of additional proposed strategies and program funding needed to dramatically improve the cleanliness of the streets and public spaces especially in East and West Oakland, the areas of the city that experience the largest levels of illegal dumping.

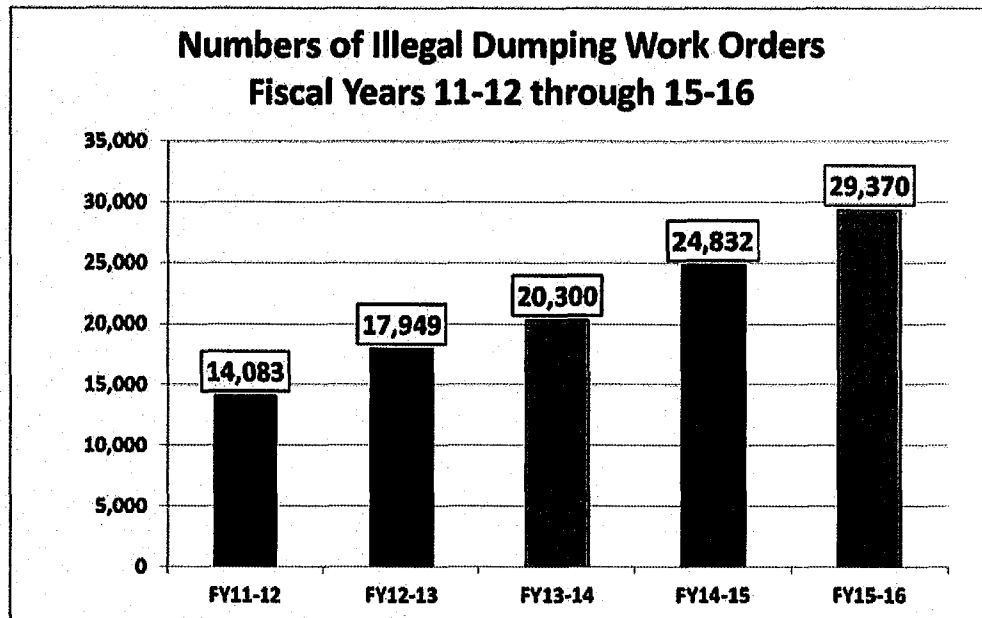
The City receives the most service request (complaints) for illegal dumping in West Oakland. After West Oakland, the next areas with high service request for illegal dumping are East Oakland, and Central Oakland near International Avenue and in the areas of 14<sup>th</sup> Avenue and High Street. Please see **Attachment A - Heat Map** showing intensity of illegal dumping service requests across the city for FY 2015-16. Certain characteristics of an area, dead end streets, proximity to freeway and railroad rights of way, and the interface between residential, industrial and commercially zoned areas are locations most often used by illegal dumpers. In West Oakland, there is a confluence of these conditions making the neighborhood a target. Similar conditions exist in East Oakland where the second level of intensity for illegal dumping exists.

### *Eradication*

Keep Oakland Clean and Beautiful Division (KOCB) of OPW is charged with cleaning the streets of Oakland. KOCB illegal dumping unit is comprised of 38 staff that includes three supervisors, 10 crew leaders, and 25 workers. This work group also services homeless encampment clean up, street litter container emptying and maintenance, shrine removal, and supports special events. The amount of time spent cleaning homeless encampments has increased over the past two-years as the size and number of encampments have grown. The illegal dumping unit is a 7-day a week operation. OPW spends over \$5.5 million annually on eradication of illegal dumping.

KOCB receives service requests that come through the Oakland Call Center which are assigned to staff as work orders. In FY 2015-16, 29,370 illegal dumping removal work orders were completed. There has been a 100% increase in service requests to remove illegal dumping in the past five years, see **Table 1** for change in work orders over that past five years.

Table 1 – Change In Illegal Dumping Work Orders For Past 5-Years



#### *Illegal Dumping Equipment*

KOCB has eight commercial vehicles that consist of four garbage compactor trucks (packer) that remove large items (furniture, construction debris, etc.), one overhead loader that removes large piles of debris (dirt, bricks, etc.), and three flatbed dump trucks that remove items that must be separated from garbage such as mattresses, electronics and tires. All of these trucks require a commercial driver's license to drive. The oldest of these vehicles, two of the large packer trucks, were put into service in 1999.

Two new mini-packers were added to the KOCB fleet in July 2015 and are utilized to empty street litter containers and remove small illegally dumped materials such as household items and debris.

One new packer is expected to be put into service in December 2016. An order will be placed by Equipment Services Division using Lease 3.0 to replace three of the oldest of the packer trucks as well as one overhead loader that has been taken out of service this past year. These new vehicles are anticipated for delivery December 2017. Staff is bringing forward a request to lease a packer truck for a one-year period to assist with services while we await delivery of new units.

#### *Crews and Deployment*

KOCB divides the city into four sections for operational deployment. The four operational sections are divided east to west from the hills to the water. The four service areas are: Durant Avenue to 82<sup>nd</sup> Avenue called area "116"; 82<sup>nd</sup> Avenue to High Street called area "115"; High Street to Lakeshore Avenue called area "114"; and Grand Avenue to the northern city border, area "113".

The Illegal dumping unit operates seven days a week with shifts Sunday to Thursday, Tuesday through Saturday, and Monday through Friday. KOCB is at full strength on Tuesday, Wednesday, and Thursday.

On full strength days, one packer is deployed to each area with two employees, a crew leader and worker. Additionally, one mini-packer with one driver is assigned to West and East Oakland to complement the full sized packer. A pickup truck is deployed to all areas as well. One flatbed dump truck with two employees, a leader and a worker, is deployed east of Lake Merritt and one is deployed west of Lake Merritt to collect mattresses. Finally, one flatbed dump truck and one overhead loader, each with a crew leader and worker, are deployed Citywide to collect tires, appliances and electronic waste, and to remove large piles of debris respectively.

Even on full strength days, the illegal dumping unit operates with 76% of the workforce due to vacations, workers compensation, medical leave and vacancies. Recruitment is happening to fill the current five (5) vacancies in the illegal dumping unit.

KOCB continues to examine its operations and deployment to make improvements to best deliver service most effectively and efficiently within its resources.

#### *Support for Illegal Dumping Removal*

In July 2015, as part of the new Mixed Material and Organics Franchise Agreement (MM&O) with Waste Management of Alameda County (WMAC), KOCB began assigning 25 illegal dumping service requests week days to WMAC. After, June 30, 2017, KOCB will assign 30 services requests per work day as provided in the MM&O Agreement. Currently, this support provides approximately 6,000 collections in a year. The service requests are received through the Call Center and entered into City Works (a work management system) and assigned through City Works to WMAC. The service requests are assigned by day of week where WMAC trucks are scheduled on that day of the week and by the size of the pickup. As with any new operation, there were some issues in the early days mostly with communication and expectations. Staff is addressing these issues as further described below.

In an effort to obtain the greatest value from the MM&O Agreement, the Environmental Services Division (ESD) assigned a contractor to assist KOCB with examining how the City assigns illegal dumping locations to WMAC, and with WMAC staff to review their procedures and practices. The field work including visiting over fifty illegal dumping work order locations throughout the City has been completed. The initial draft findings show that there are opportunities to improve procedures related to assigning the service requests that would reduce administrative steps and improve efficiency, as well as tracking and resolution of service requests that would improve operational practices and better support KOCB in its goals to clean the streets of Oakland. Once, the consultants findings are available, ESD, KOCB, and WMAC will meet to implement changes.

With the increase in reported illegal dumping, the support through the MM&O Contract has been important in keeping up with the increased demand.

### *Enforcement*

Due to continued and increasing illegal dumping in Oakland and the concern of the community, the City Attorney's Office along with the Council took action to increase the penalties for this undesirable activity. The Illegal Dumping and Littering Ordinance – Oakland Municipal Code O.M.C. Section 8.11 was enacted in October 2013 and provided for these and other items:

- Classify illegal dumping as a public nuisance
- Make large commercial quantities of illegal dumping (one cubic yard or greater) a misdemeanor
- Enhance administrative and civil remedies and penalties against persons for illegal dumping. The penalties include administrative citations, civil penalties, treble damages, and punitive damages
- Provide a civil penalty up to \$1,000 per day for each large item or commercial quantity (one cubic yard or more) illegally dumped. For example, for each day an illegally dumped mattress remains on public or private property, a civil penalty up to \$1,000 is applicable. Dumping of more than three cubic yards (an amount requiring more than one pickup truck to remove) would be citable as two violations
- Permit recovery of the City's and victim's costs from the perpetrator, including costs of investigation and recovery of attorney's fees and court costs
- Allow community service in lieu of monetary penalties, in accordance with procedures developed by the City Administrator
- Require landlords to disclose forwarding information for tenants who leave and illegally dump their belongings near their former residences
- Make landlords responsible for materials tenants illegally dump near their rental units

### *Rewards Program to Report Illegal Dumpers*

The Illegal Dumping and Littering Ordinance provided for a Rewards Program to Report Illegal Dumpers (Rewards Program) that was developed in 2014 and was rolled out to the public in February of 2015. This pilot program was conducted for a year. The results warranted making the Rewards Program permanent which City Council did on October 18, 2016.

The Rewards Program provides rewards to witnesses who help stop people illegally dumping in Oakland neighborhoods. With the Rewards Program, witnesses who report illegal dumping can receive up to half of all penalties collected in successful enforcement actions based on the witness's reports. The Rewards Program sends a strong message that Oakland will not tolerate illegal dumping in our neighborhoods and City streets and gives the residents and business a way to participate in stopping the bad behavior.

As noted above, in 2015 the City conducted a pilot Reward Program to test the concept to encourage residents and businesses to report illegal dumpers. During the pilot program, reports on the suspected illegal dumpers increased from 252 to 502 (99%) from the year prior to the pilot. Similarly, the number of illegal dumping citations increased from 64 to 81 (27%) and warning letters increased from 131 to 231 (76%) during that same time period. The pilot Rewards Program successfully encouraged citizens to report information about who may be responsible for illegal dumping in the City.

*Update On Illegal Dumping Enforcement*

Since the Illegal Dumping and Littering Ordinance was enacted in October 2013 through October 2016 the following Citations and Warning Letters have been issued, Community Service has been performed and Fines have been collected.

- Total Number of Citations: 225
- Number of Warning Letters: 483
- Amount of Dollars Cited: \$698,708
- Amount Collected: \$64,798.57
- Hours of Community Service: 175.50 hours
- Amount to be Collected: \$4,513.16
- Number of Cases Rescinded or Dropped: 42
- Amount of Fines rescinded or dropped: \$141,548.63
- Amount of Fines Referred to collections: \$165,082.95
- Amount of fines rescinded/dropped or reduced at hearing: \$20,592.50
- Amount of fines waived via Settlement: \$194,481.29
- Amount of Cases with pending actions: \$126,881.22

*Education*

In the category of education, different campaigns have been used over time to heighten the awareness of illegal dumping as blight on the community and to inform community members about what they can do report illegal dumping, protect their property, and adopt a location in their neighborhood to help clean. Most recently, a campaign to re-introduce and promote the Rewards Program was conducted.

However, it has been many years since a targeted strategic multi-year in depth media campaign has been conducted. In the past five years most outreach has been conducted by OPW, and includes notices given out at community meetings, placing door hangers on problem properties, at public counters, the City's website, and multi-lingual cards offered on how to report problems and report dumpers for rewards.

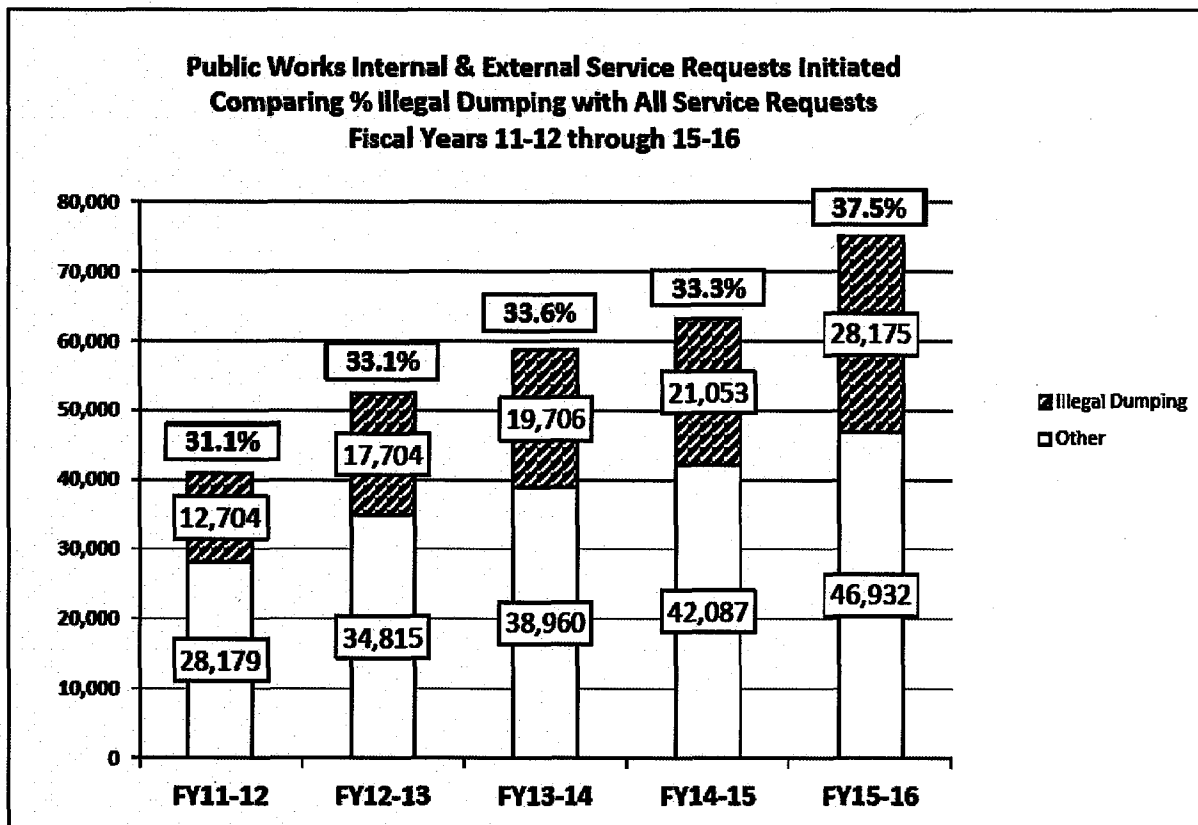
Public Works uses several educational materials to communicate options for residents to properly dispose of materials, warn against illegal dumping, inform of the Rewards program, and how to volunteer for cleaning and greening the City through the Adopt A Spot program. Copies of each of the educational materials are attached to this report.

- **Attachment B:** Proper Disposal Flyer- How to safely dispose of Debris, Waste, and Recyclables
- **Attachment C:** Warning Notice Door Hanger – Stop Illegal Dumping
- **Attachment D:** Reward for Reporting Flyer – Help Stop Illegal Dumping in Our Community
- **Attachment E:** Adopt a Spot Program Flyer

OPW has done an excellent job of communicating the Call Center as the location to report a problem for illegal dumping. Out of all the calls the Call Center receives, 37.5% of them are for illegal dumping. See **Table 2** that shows the total number of service requests received by the Call Center and the percentage that are related to illegal dumping. Public Works provides four methods to reach the Call Center where a report will be taken and a service request will be entered into the work management system for assignment and tracking. Residents and businesses can report illegal dumping to the Call Center the following ways:

- Call (510) 615-5566
- Email [opwcallcenter@oaklandnet.com](mailto:opwcallcenter@oaklandnet.com)
- Online at [Report a Problem](#)
- Mobile or web app at [SeeClickFix](#)

**Table 2 – Total Call Center Service Request & Percent Regarding Illegal Dumping**



*Bulky Waste Pick-up For Apartments*

New actions were also taken to address illegal dumping as part of the Mixed Material and Organics (MM&O) Franchise Agreement which began on July 1, 2015. The Franchise

Agreement provides for bulky waste pick-up from apartments and condominiums which previously was only available to single-family homes. Bulky waste is defined as large incidental materials that come from a household which do not fit in a cart for normal weekly collection; these are typically of materials found in piles of illegal dumping.

Apartments and condominiums, each year, are eligible for free bulky pickup service of up to 1.5 cubic yards of bagged, boxed or bundled trash per apartment or condo unit, plus: 1 large appliance, 2 televisions or computer monitors, 2 tires, 2 mattresses or box springs, 2 carpets, and consumer electronics per apartment or condo unit. Tenants may contact the property manager to schedule free bulky pickup service. Property managers may schedule bulky pickup services in several ways, customizable to the needs of their building(s) such as curbside collection for individual resident(s), recommended for buildings with easy curbside access and 20 units or fewer. Second is debris box collection, recommended for buildings with 20 units or more. An additional option is that residents can self-schedule which require the property managers to submit a waiver (available at [www.oaklandrecycles.com](http://www.oaklandrecycles.com)) to authorize residents to schedule directly with WMAC, this is recommended for buildings of five to 14 units without on-site property managers.

An information brochure about the bulky waste pick-up program is direct mailed to single family residences twice a year. A variety of methods have been used to get the word out to multi-family buildings including ads in the East Bay Rental Housing Association magazine, bill inserts, direct mail to property owners, and social media posts on Facebook and Nextdoor. More information about bulky pickup service at apartments and condominiums can be found at [www.oaklandrecycles.com](http://www.oaklandrecycles.com).

#### *Quarterly Bulky Waste Drop-off*

Also as part of the MM&O Franchise Agreement four bulky waste drop-off days at the Davis Street Transfer Station were implemented. The first Saturday of February, May, August, and November Oakland residents can drop-off bulky materials for free at the Davis Street Transfer Station located at 2615 Davis Street, San Leandro. Residents may bring a maximum two pieces of furniture, two large appliances, four passenger auto tires, four mattresses, and unlimited electronics. Trash is not accepted on these bulky drop-off days.

#### *Proposed Projects to Address Illegal Dumping*

In each of area, eradicate, enforce, and educate staff is recommending additional efforts to address illegal dumping.

##### *Eradicate*

- KOCB is recommending that to improve efficiency in the illegal dumping unit that three additional mini-packers be purchased to replace the use of pickup trucks in collecting small piles of illegal dumping. Preliminarily it appears there will be sufficient funding in Lease 3.0 to accommodate these due to lower than projected interest rates.

##### *Enforce*

- A pilot program using cameras to catch illegal dumpers has been approved by the City Council. This project, which will begin in December, is to install high quality cameras



that use license plate reading technology at undisclosed strategic locations. Staff anticipates that adding cameras to the tool kit of actions in the enforcement prong could greatly improve the City's ability to identify and prosecute illegal dumpers. Staff will evaluate the effectiveness of the cameras at the strategic locations, and if proven effective, will submit a budget recommendation to fund additional cameras in the FY 2017-19 budget.

#### *Educate*

- It is recommended that a targeted strategic well-coordinated professionally produced multi-year media campaign highlighting the blight caused by illegal dumping in Oakland and the impact on the community. The campaign would raise community awareness about proper disposal methods and set a community standard that the illegal activity will not be tolerated and there are consequences when caught. A budget request to fund this activity will be included in FY 2017-19 budget.

#### **FISCAL IMPACT**

No fiscal impacts are associated with this informational report.

#### **PUBLIC OUTREACH / INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

#### **COORDINATION**

The Office of the City Attorney, Fiscal Services Department, and the City Administrator's Office were consulted for the preparation of this report.

#### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The continued efforts of staff to remove illegal dumping and graffiti 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.

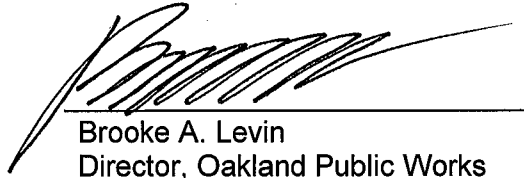
***Social Equity:*** The enhanced efforts of collaboration and partnering between the Public Works Department, our residents and business community will improve the quality of life and public safety.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Accept an Informational Report Providing Update on Current Status of Illegal Dumping and General Waste in Streets, on Sidewalks and in Vacant Lots in the City of Oakland, Including Implementation of Cameras in Illegal Dumping Hot Spots; Data on Number and Locations of Illegal Dumping Pick Ups by Waste Management and City of Oakland; Additional Proposed Strategies, Programs and Funding Needed to Dramatically Improve the Cleanliness of the Streets and Public Spaces in East and West Oakland, Including Existing and Proposed Public communications Campaigns and Proposal for Program and Funding Consideration in the FY 2017-19 Budget.

For questions regarding this report, please contact Susan Kattchee, Assistant Director, Public Works at 510-238-6382.

Respectfully submitted,



Brooke A. Levin  
Director, Oakland Public Works

Prepared by:  
Susan Kattchee, Assistant Director  
Oakland Public Works

- Attachment A – Heat Map
- Attachment B – Proper Disposal Flyer
- Attachment C – Warning Notice Door Hanger
- Attachment D – Reward for Reporting Flyer
- Attachment E – Adopt A Spot Flyer