

Informational Report Regarding Oakland Public Works Programs to Equitably Deliver Illegal Dumping Eradication, Enforcement, and Education Programs Citywide

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**CITY OF
OAKLAND**

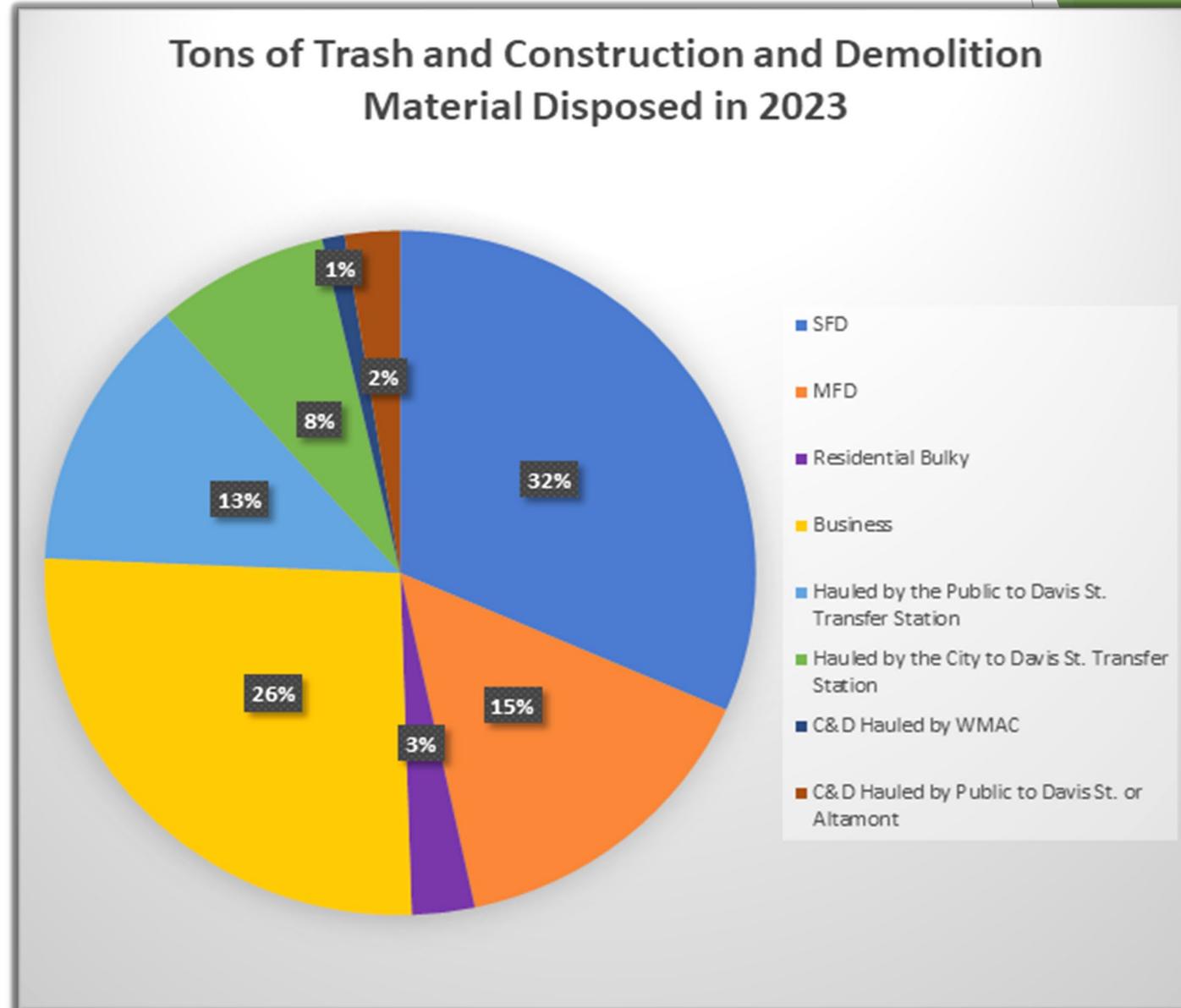
Oakland Public Works - Equity in Illegal Dumping Programs

Oakland operates multiple programs to remove debris from right of way areas and parks, however, debris removal alone has not served to stem the tide of illegal dumping. To address this issue equitably, the City must focus its resources on identifying and eliminating the source of the problem.

1. Understanding the source of illegal dumping to help shape a resolution that will lead to an equitable outcome.
2. Data shows Public Works collection services are equitably distributed.
3. Collection capacity by itself isn't enough to remove illegal dumping or significantly remove debris in frontline communities. The equitable solution to eradication of illegal dumping must include targeted education and enforcement.
4. Equitable enforcement of the laws for public health and safety needs to be improved to address waste generators and illegal dumping.
5. Programs must understand the geographical landscape and its impact on illegal dumping in frontline and isolated communities.
6. Critical to remove economic barriers to trash service by implementing an equitable rate program for residential collection that does not award the more affluent with a lower rate for garbage service.
7. Need targeted education programs to increase the use of existing services for the legal disposal of waste and bulky items as alternatives to illegal dumping.
8. The importance of shifting public perception from blaming the responders to holding the dumpers socially and economically responsible for illegally dumping material within the City of Oakland.

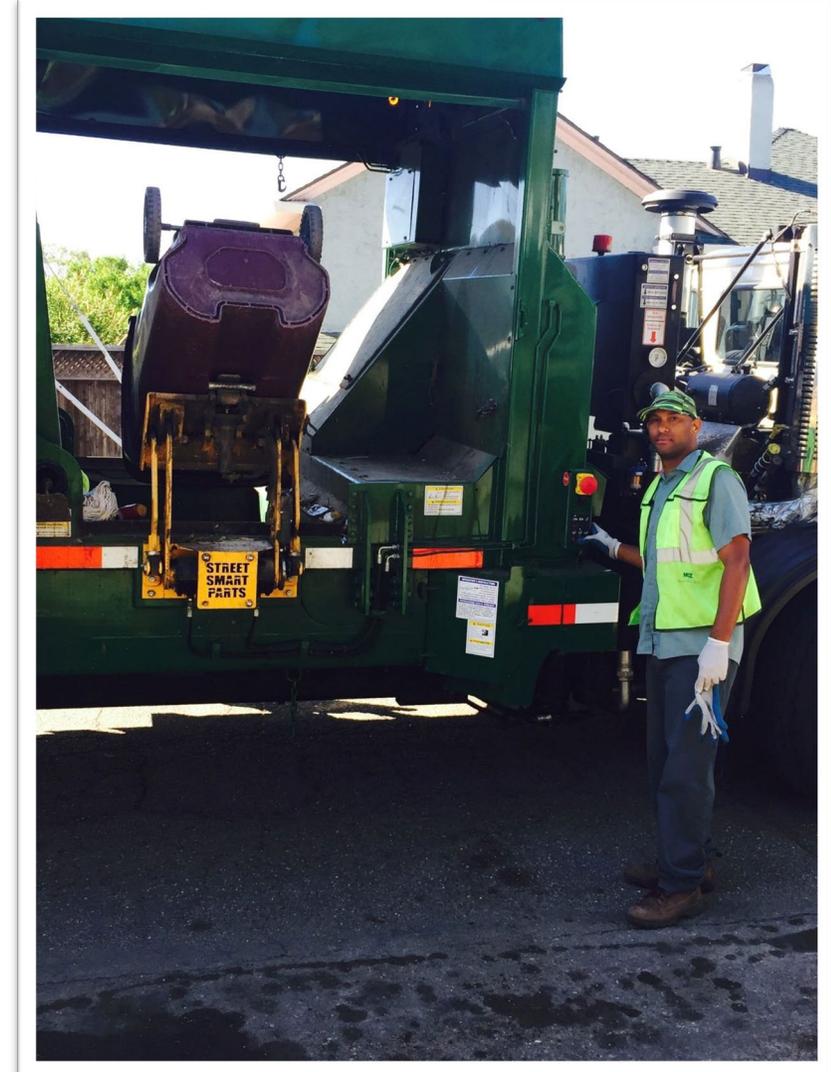
Waste Generation Sources

- City of Oakland generated 218,791 tons of waste last year, (excluding recyclable or compostable materials, or materials hauled to transfer stations other than Davis Street).
- 1/3 of waste is residential and 2/3 of waste is normally commercial/business waste.



Waste Hauling – Exclusive Franchises and Other Haulers

- Waste Management of Alameda County (WMAC) is the City's exclusive franchise hauler for mixed solid waste and organic materials.
- California Waste Solutions (CWS) is the City's exclusive franchise hauler for residential recyclable materials.
- Exceptions:
 - Commercial businesses may hire non-exclusive franchise (NEF) haulers to remove recyclable materials from their properties.
 - The City excludes construction and demolition debris (C&D) from its exclusive franchise agreement. Has issued over 30 non-exclusive **Construction and Demolition Franchise Agreements (CDNEFA)**
 - Haulers like 1-800 Got Junk can receive a business license and provide removal and hauling services to Oakland residents.



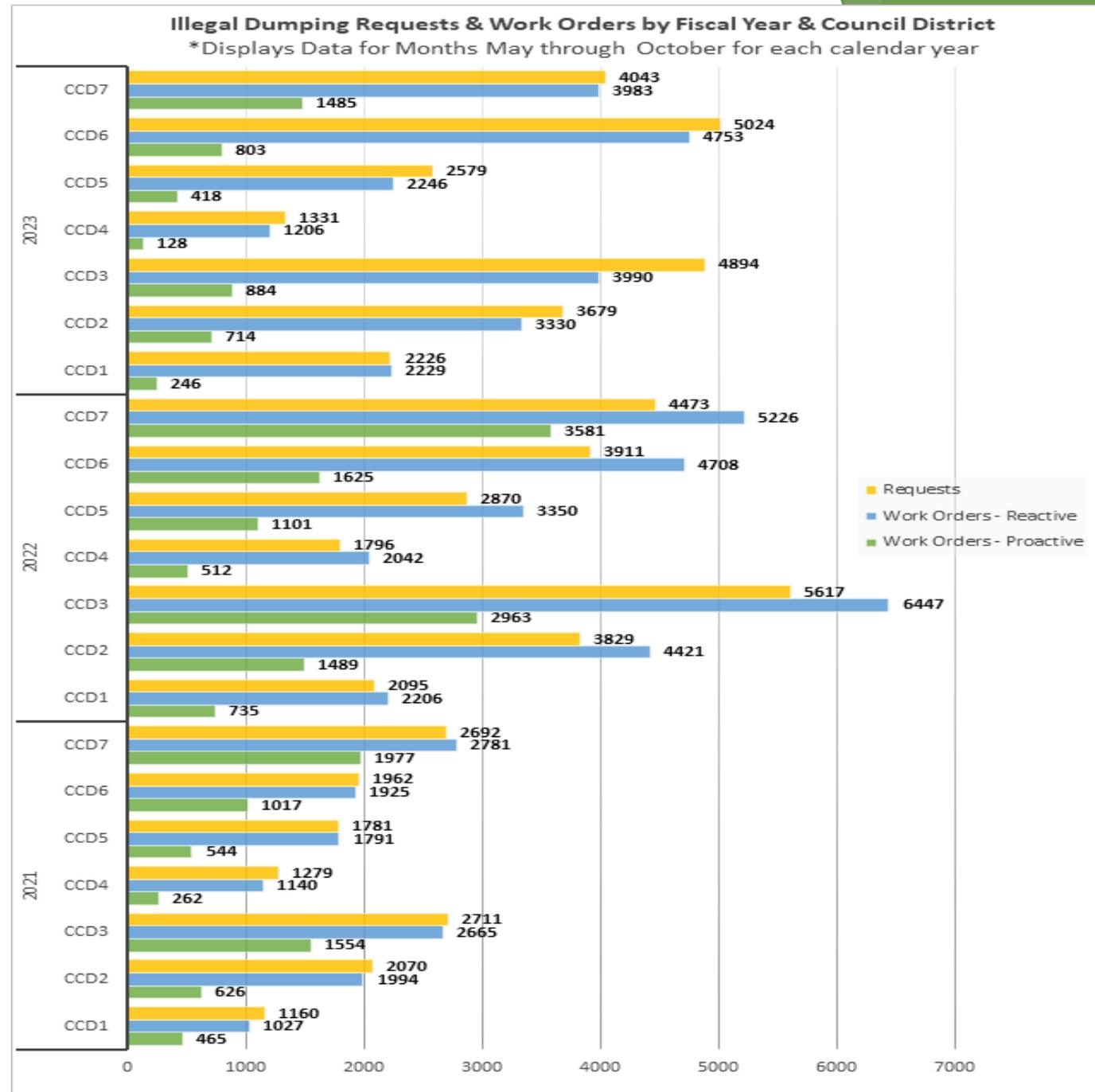
Oakland's Approach to Collecting Illegal Dumping

- Debris removal is primarily managed by **Keep Oakland Clean and Beautiful**
 - 58 budgeted full time equivalent positions
 - 1 Supervisor II
 - 3 Supervisor Is
 - 15 Street Maintenance Leaders
 - 1 Heavy Equipment Operator
 - 38 Public Works Maintenance Workers.
 - Fleet of 13 vehicles.
 - **Reactive Crew** – Responds to Service Requests
 - **Proactive Crew** – Clears debris on specific routes. Some dumpers aware of these routes.
 - **Homeless Encampment Crew** – Cleans at the direction of the EMT
 - **10 Bulky Block Parties** annually
- Fiscal Year 2021-2022: approximately \$13 million spent on illegal dumping
- 2015: 1,587 tons - 2022: 9,477 tons



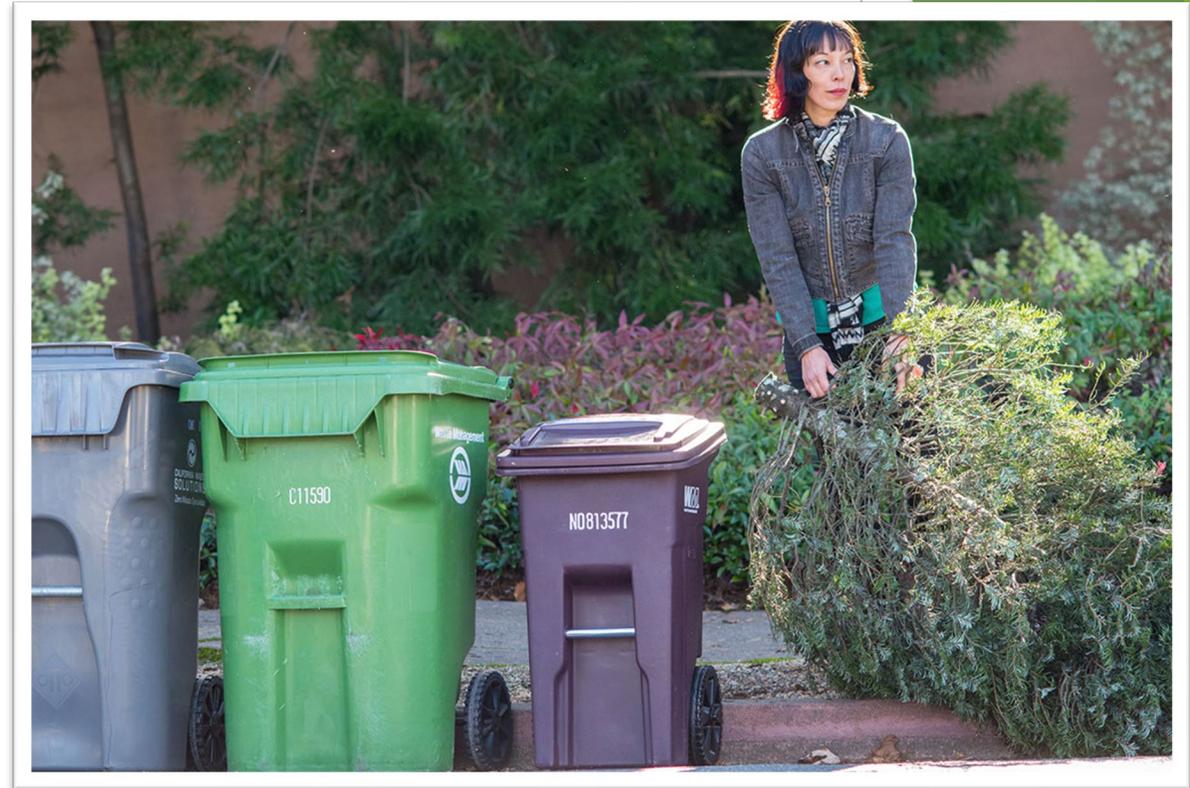
Illegal Dumping by Council District

- **Service Requests**
- **Reactive Work Orders**
- **Proactive Work Orders**
- Council Districts 3, 6, and 7 consistently the most impacted.
- Also consistently receive the majority of debris removal services, both proactive and reactive.

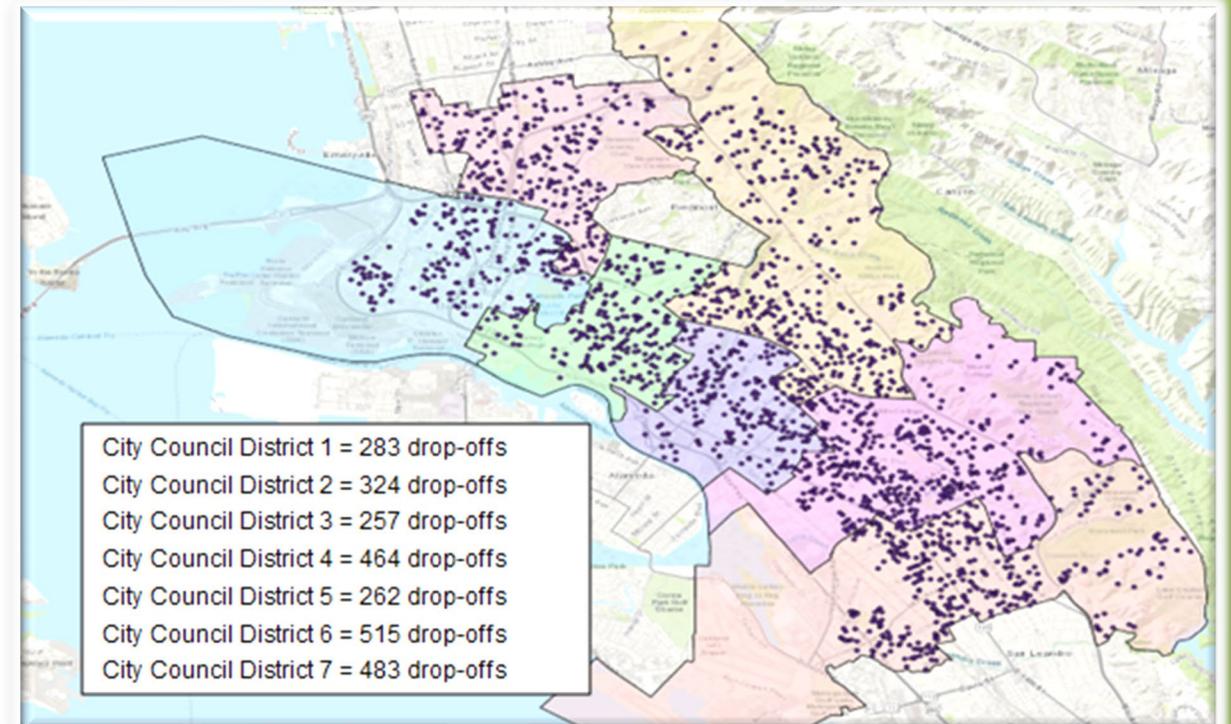
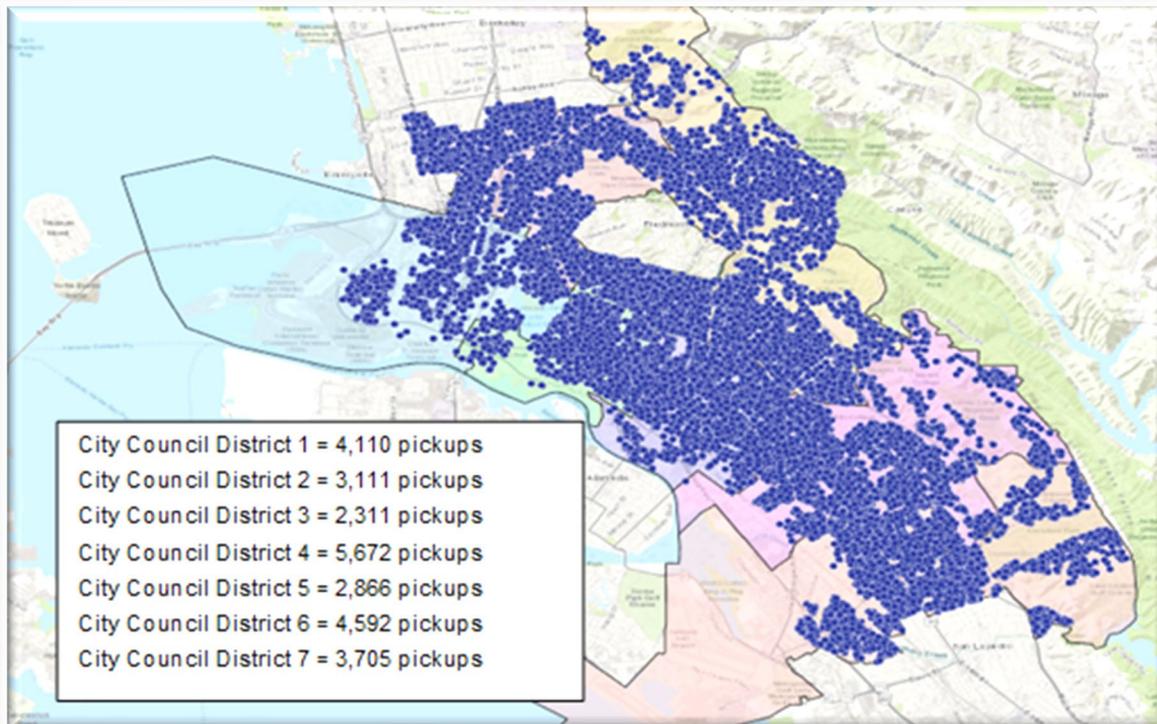


Property Owners' Responsibility for Trash Service

- Oakland Municipal Code Section 8.28.100 “Every owner of any premises shall ensure that arrangements are made to properly separate and dispose of the solid waste...created, produced, or accumulated on the premises, through either maintaining a subscription for regular solid waste collection service from the MM&O collector or self-hauling pursuant to a permit issued under Section 8.28.115.”
- What the barriers are to proper trash disposal – how can we remove them?



2023 Curbside Bulky Pickup and Self-Haul to Davis Street



- Curbside Appointments Top User: Districts 1, 4, and 6
- Self Haul Top Users: Districts 4, 6, 7
- Targeted education needed to increase use in Districts underutilizing the services

Trash Cart Pilot Container Upsizing Program

- As of February 1, collaborating WMAC to implement a Pilot Trash Cart Upgrade Program.
- Provide residents, on one single trash collection route that crosses Councils Districts 6 and 7, along International Boulevard, with larger trash containers at no extra cost for three months.
- Will increasing the size of trash containers without increasing cost will help decrease overages and dumping?



IMPORTANT: PLEASE READ
Oakland Trash Cart Upgrade Program

Welcome to Your New Larger Trash Cart

Why is WM exchanging my trash cart?
To see if residents need more room for trash and how this might benefit the community

How long will the program last? 90 days

Will my bill increase? No

What happens after 90 days? WM will contact you to discuss whether you want to switch your cart size back or keep the new larger cart at an increased service rate

What if my landlord manages this account? We are also reaching out to them

See reverse-side for more information

OAKLAND RECYCLES **WM**



To learn more about this program, visit: OaklandRecycles.com/upgrade

Para obtener más información sobre este proyecto, visite: OaklandRecycles.com/upgrade

要了解有关该项目的更多信息, 请访问 OaklandRecycles.com/upgrade

Để tìm hiểu thêm về dự án này, hãy truy cập: OaklandRecycles.com/upgrade

Recycle Right

Oakland needs everyone to do their part to keep recyclables, food scraps, food-soiled paper, and plant debris out of our landfills.

Visit OaklandRecycles.com for sorting guides and information about your services.

This is a great time to let us help you get rid of your bulky junk!

Go to OaklandRecycles.com/bulky-service or call 1-888-WM-Bulky today to sign up for a pickup or drop off for no additional charge!

WM

Trash Cart Pilot Container Upsizing Program

Equity in Trash Rates

Container Size	Monthly Cost	Per Gallon Cost
20 gallons	\$51.76	\$2.59
32 gallons	\$58.77	\$1.84
64 gallons	\$103.67	\$1.62
96 gallons	\$155.79	\$1.62

- Residents select the size of their trash container based on cost rather than need.
- Customers who can only afford the smaller can are pay approximately 40% more in per gallon cost for waste disposal.
- As part of this effort OPW stepped up enforcement against nearby businesses, that were determined to lack mandatory trash collection service.

Enforcement of Customers Without Trash Service

- Residential and Commercial Customers without service treated differently.
- **Residents** without service or delinquent on payments **deemed a nuisance**.
 - Must pay or voluntarily establish service. If not, City can subscribe to service on behalf of the property owner and lien property to collect payment if necessary.
- **Commercial business** without service or delinquent on payments **simply cut off from service**, left to deal with waste services on their own.
 - **There is currently no mechanism in the OMC to collect payment from delinquent commercial property owners.**
- Inequitable ability to enforce may be a significant factor in illegal dumping.

Ensuring Businesses Have Adequate Garbage Service

- Upwards of 1 in 6 businesses may not have trash service.
- Pilot container upsizing program – Of 67 businesses, 13 correction notices sent to property owners of and businesses on 11 properties (= 19% of the businesses in the area).
 - 5 – immediate compliance
 - 3 - compliance following correction notices
 - Remaining 3 - 2 business were closed, and 1 non-compliant business will have trash service imposed upon them.
- Oakland Fresh - Looked at 1,214 businesses along International Boulevard.
 - 128 (11%) without garbage service. Staff has initiated the compliance process with those businesses.
- Economic disadvantage to the majority of businesses who are in compliance.

Attachment B

Number of Businesses by Council District in 2021*

Council District	Number of Businesses
District 1	4,523
District 2	4,026
District 3	6,244
District 4	3,426
District 5	2,888
District 6	2,997
District 7	3,318
Citywide Total	27,422

*Data provided by Economic and Workforce Development (EWD) Department. 2021 is the latest year for which complete data is available. Updated data is being prepared by EWD and will be available later in March.

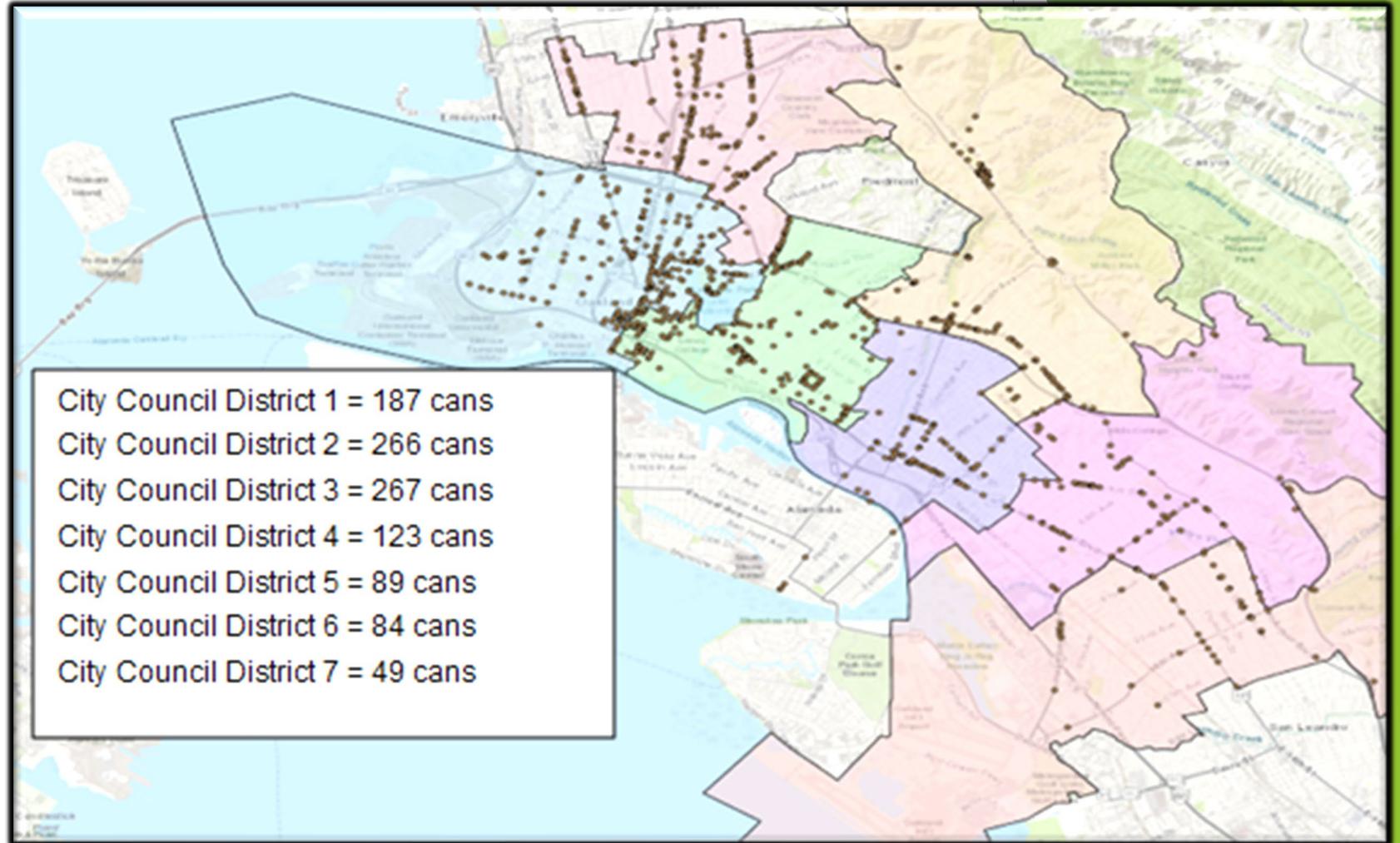
Environmental Enforcement Unit

- 8 Environmental Enforcement Officers (EEOs), 1 Clean Community Supervisor, 1 Administrative Analyst
- EEOs enforce illegal dumping restrictions and regulations.
- Have citation authority to bring residents and businesses into compliance with Oakland Municipal Code (OMC) Section 8.28.
- Various tactics to catch violators:
 - Area patrols
 - Forensic investigations of illegally dumped piles of debris
 - Monitoring video footage from illegal dumping surveillance cameras



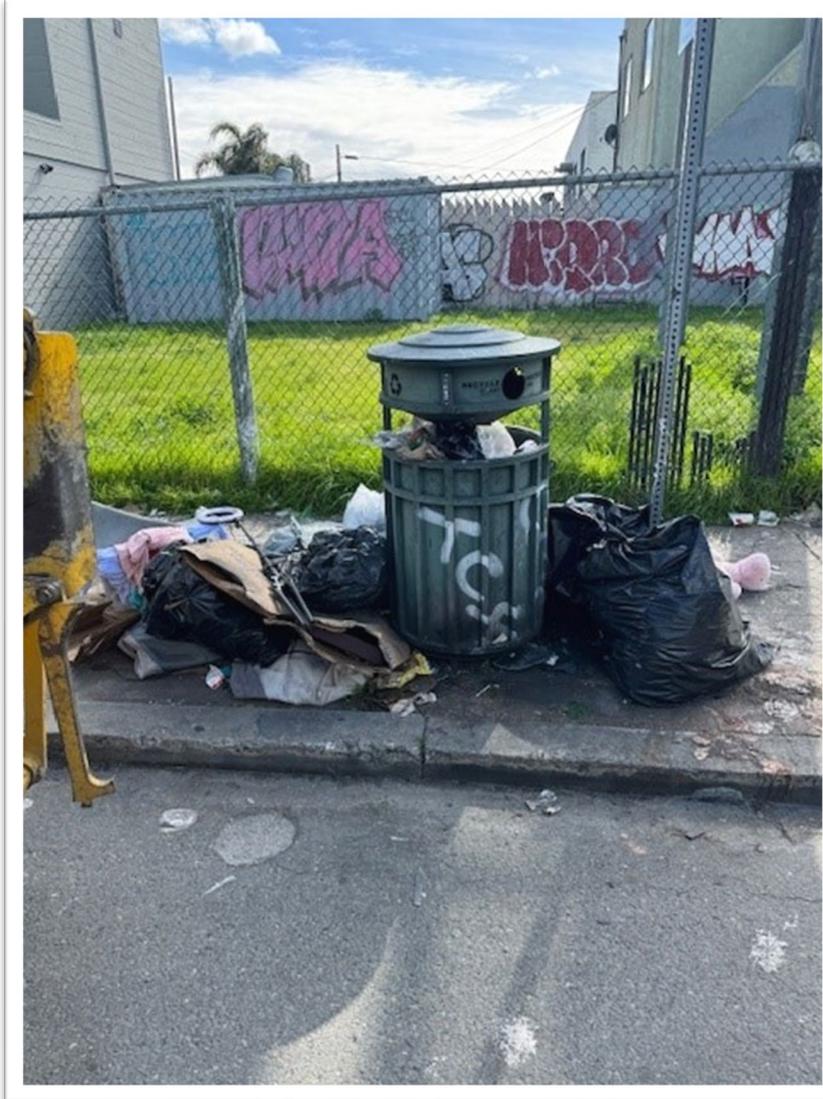
Street Litter Containers

- Most street containers are located along commercial corridors and near transit stops.
- Data does not support that additional street litter containers = a cleaner area.
- In contrast often more dumping by a street litter containers – especially if neighboring businesses not subscribed to trash service.
- Litter containers were developed to be in commercial corridors.
- City should look at litter container distribution to include pedestrian path of travel or transit hubs and pathways.



Litter Container Abuse

- EEOs investigate unlawful dumping in or near street litter containers.
- People placing excess debris in and round litter containers can be fined up to \$750.00 for the first offense, and \$1,000.00 for the second offense, and \$1,500.00 for the third offense.



Surveillance Camera Program

- City Council approved OPW's Illegal Dumping Surveillance Camera Program on January 18, 2022
- Currently 16 portable cameras deployed throughout the city.
- In July 2023, Council also approved staff to add License Plate Reader Cameras to its program.
- Staff will report more details in annual informational report on the Surveillance Camera Program that will be brought to Council in late spring 2024.



Enforcement Of Illegal Construction and Demolition (C&D) Debris Haulers

- Unscrupulous and illegally operating haulers contribute to the City's illegal dumping problem.
- FY 2021-2022 City began enforcing C&D debris hauling requirements for **building permit holders** if hauler does not have City-issued non-exclusive franchise (NEF) contract.
- NOV issued to building permit holder via Green Halo System. Allows for penalty assessment if necessary.
- Amendment to OMC Section 15.34 (Ordinance No. 13745 C.M.S.) will increase the number of permitted construction projects subject to C&D debris requirements.
- Construction and small remodel projects in frontline communities vulnerable to contractors not properly disposing of construction and demolition.



Conclusions

Current Debris Pick-Up Practices

- Data shows that the City is providing the majority of its limited resources for illegally dumped debris collection to those communities most impacted by dumping.
- Continuing to pick up the debris is not the long-term solution to the issue and may in certain cases exacerbate the problem.

Conclusions

Residential Service Issues

- Residents throughout the City of Oakland have the same opportunity to properly dispose of their bulky item material, yet containerized services may be a contributing factor to illegal dumping. Pricing for containerized service is artificially cheaper by the gallon for those that can afford a larger container.
- Cost of service for waste disposal also needs to be equitable and attainable for Oakland residents. Residents should be able to afford the service that they need for the number of people in their household and not be incentivized to contaminate other waste streams, hire unscrupulous haulers, or dump debris themselves on city streets.
- The pilot container upsizing program will yield data to help the City understand if cost-neutral upsizing citywide can help alleviate this burden on some households.

Conclusions

Businesses Service Issues

- Businesses or people conducting business that handle waste as a part of their service are abusing illegal dumping proactive and reactive services that the City provides by dumping or placing out materials in the right of way, knowing that the City crews will eventually pick them up.
- Street litter containers are also being abused by some business who utilize them for their waste removal rather than paying for trash service because there are no immediate mechanisms to make them abate the nuisance of not having trash service because they did not pay their trash bill. They are not forced into a special assessment, as are residential customers.

Conclusions

Targeted Education

- Targeted education by City Council district could significantly reduce the amount of illegal dumping by increasing the utilization of services. If services are clear, accessible, and affordable, there should be no need for anyone to dump debris in public areas.
- Education campaigns to help understand what services are available need to be targeted to those communities who are utilizing the services at a lower rate per capita.
- Campaigns need to engage with the residents in those areas to understand what the impediments or disincentives are to utilizing such services.
- For example, the self-haul appointments at Davis Street transfer station are significantly underutilized, yet the monthly Bulky Block Parties that the City hosts at its Edgewater municipal corporation yard, that is only a short driving distance from Davis Street, consistently attract 300-400 vehicles per event that will wait in line, often for an hour or longer, to dispose of their debris.

Conclusions

Enforcement

- Enforcement should focus business that do not have service and businesses that operate and handle waste as a byproduct of services offered (for example, from home remodels and small projects).
- Enforcement needs to be equitable and concentrated in areas that are experiencing the most impacts. This equity can be determined by a strategic and data driven approach that identifies locations where the problem is most egregious.
- By partnering with WMAC, the City can utilize data on businesses without garbage service and abused street litter containers to focus enforcement efforts and make a notable impact in those area.
- Most businesses, including small businesses, are doing the right thing by paying for trash service. They are being unfairly, economically, disadvantaged by those businesses that are not paying for the cost of this service. Businesses who are following the rules should not be the only ones who must account for the costs of operation, including waste disposal services.

Conclusions

Dynamic Program

- As the City looks at its approach and allocation of resources to address this issue, it will be important to track outcomes and make modifications to the approach as necessary.
- The management of this complex issue cannot be static and requires attention and vigilance by staff to learn from these initiatives and grow the program over time.
- To ensure equity it is important that achievements in one area of the city do not result in a deterioration of conditions in another area. The goal is to solve the issue rather than move it from location to location.