



AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Illegal Dumping

DATE: March 5, 2012

City Administrator
Approval

Date

3/15/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the committee accept this informational report from the Public Works Agency on efforts to reduce illegal dumping in the City of Oakland.

EXECUTIVE SUMMARY

This report contains data regarding illegal dumping operations, tonnage history, and Operations, Enforcement/Mitigation and Outreach that Public Works has implemented to deal with the serious issue of illegal dumping. This information is available in Chart 2 under the Analysis section.

BACKGROUND/LEGISLATIVE HISTORY

In 1992, illegal dumping was a major problem in Oakland. The City approved funding to create dedicated crews to remove debris and take measures to mitigate the problem. 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 LEOs were to use forensic investigative techniques, enforcement, fines, and monitoring/surveillance to address the illegal dumping issues in the public right-of-way. In addition, LEOs

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made efforts to educate the public through community outreach and establish a city/community partnership to abate the chronic problem of illegal dumping.

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 major impediment to the success of the Litter Enforcement (LEO) program was in the prosecution of "cases" developed from evidence found in the illegally dumped materials, which contained individual or company names associated with the items. There were two major issues with this approach to stopping illegal dumping. First, it did not address the root cause of the dumping, but went after the persons whose identities were revealed in the dumped materials. Second, the invoices sent to the "identified" persons went largely uncollectable due to several factors. The Office of the City Auditor conducted a PWA Illegal Dumping Accounts Receivable Audit and discovered that the majority of the people identified were often deceased, no longer at their old addresses, or were able to convince a judge of their innocence. Citizens were routinely reluctant to testify, despite the fact that they were witnesses to illegal dumping. As a result, PWA ceased to develop cases leading to enforcement.

Finally, the number of LEOs had decreased over the last ten (10) years, beginning with eight(8) Full Time Equivalent (FTE) in 2001, which was reduced to six (6) FTE in 2005, then to three (3) FTE in 2009, and ultimately the program was eliminated on July 22, 2011.

ANALYSIS

The behavior of dumping garbage on city streets continues to be one of the most challenging problems that the City experiences. With no current effective enforcement mechanism, dumpers continue to degrade the environment on a regular basis. 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 without proper enforcement or outreach can spiral out of control, lead to a decrease in property values, and discourage businesses from either relocating to or remaining in Oakland.

Illegal Dumping Operations

Illegal dumping continues to account for the highest number of calls received by the Public Works Agency Call Center. In 2011, there were 11,500 illegal dumping service requests generated by the Call Center and recorded in the PWA Cityworks Work Management System. This represents 32.2% of all the complaints (35,666). The Cityworks system allows PWA staff to enter data in the field with laptops and service complaints in real time, which improved service but did not reduce the dumping. Cityworks improved our capacity to track complaints and effectively deploy resources to remove illegally dumped trash.

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The current staffing for dealing with removal of illegal dumping includes twenty-nine (29) FTE, at a cost of \$3,210,332 in fiscal year 2011–12 for personnel and equipment costs. In the revised budget adopted effective February 23, 2012, the FTE was reduced by five (5) FTE that were funded by the Oakland Redevelopment Agency. The five (5) FTE were assigned to East Oakland and West Oakland, areas with the highest service requests in 2011. This reduction will impact service responses from three (3) to five (5) business days and a change in operational schedules from seven (7) days a week to six (6) days a week, eliminating Sunday services.

Mattresses, appliances, and tires are collected and disposed of separately from other debris due to the state law (diversion program) that requires these items to be source separated and recycled. The illegal dumping operations are six (6) days a week, with twelve (12) crews that operate packer trucks, flatbed dump trucks, overhead loaders, and pickup trucks Monday through Friday, and one (1) crew that operates a packer truck on Saturday.

Measurement of Illegal Dumping Tonnage

Tonnage amounts are based on a tracking software system that is operated and maintained by Waste Management of Alameda County (WMAC) and reported to the City of Oakland monthly. Below is the data from 2006 to 2011 (Chart 1). This identifies a 48% decrease in tonnage over the last six (6) years. The major reductions from 2008 through 2011 are likely due in part to the decline of the economy, not a result of long-term reductions in illegal dumping. Similar trends are evident in overall solid waste disposal tonnages in Oakland.

2006	3,388
2007	2,542
2008	1,948
2009	2,046
2010	1,897
2011	1,624

Chart 1

Data by City Council District

Below is a chart (Chart 2) that represents illegal dumping service requests by City Council District in 2011. This data is collected through Cityworks. The data represents calls or web requests received by PWA to remove illegal dumping. The highest number of service requests are in areas that lack improved sidewalks, have dead-end streets, and are industrial areas that lack “eyes on the street.” Enhanced physical improvements (e.g., sidewalks and lighting) have been shown to create an uninviting environment for dumpers.

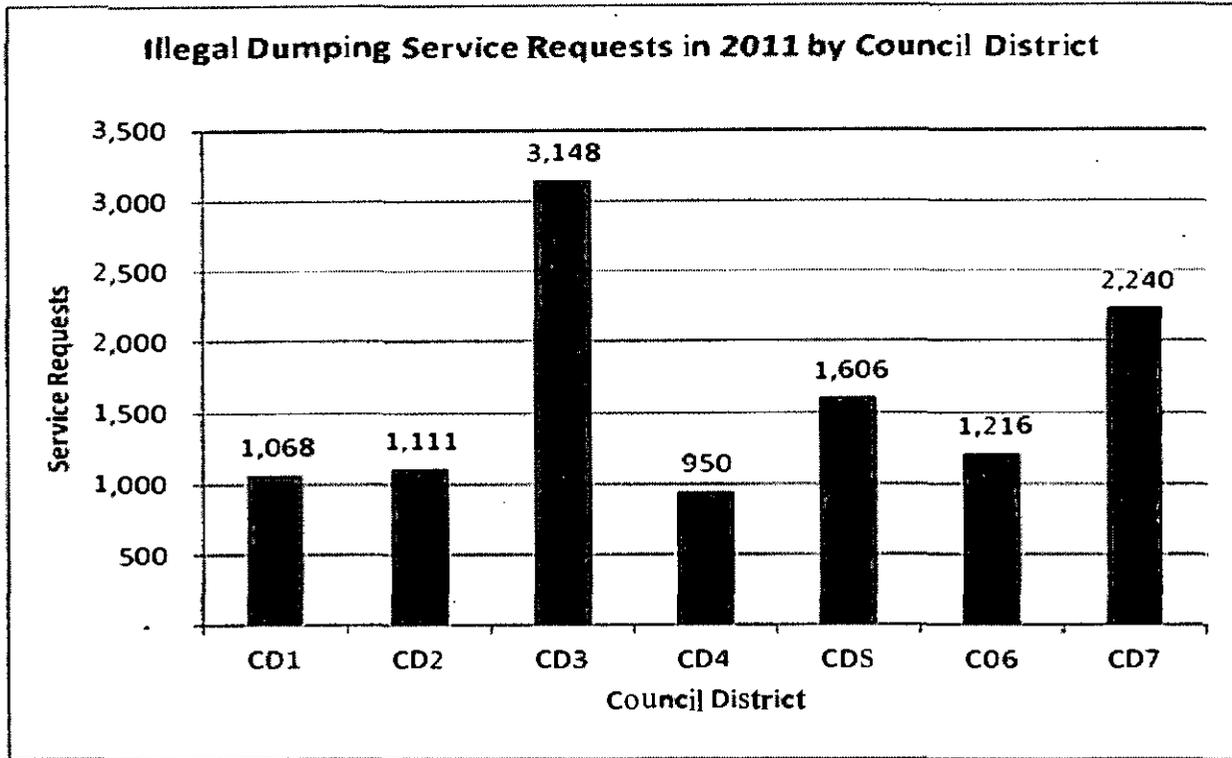


Chart 2

The matrix below represents operations, enforcement, and outreach methods used to educate the public and combat illegal dumping. The matrix includes the program name, a brief description of what was included in the program, results, and the current status.

Program	Description	Results/Status
I. Operations		
A. Fencing	The installation of Cyclone fencing in nine (9) strategic locations has led to a sharp decrease in illegal dumping in those areas. This was originally funded by a State of California grant, and later by the Oakland Redevelopment Agency after the initial funding was exhausted.	Fencing has proven to be an effective tool to block access to areas subject to dumping. Status: Funding for mitigation has ended.

Program	Description	Results/Status
B. Bulky Pickup / Multi-Family	Allows property owners of multi-family dwellings (MFD) to schedule annual appointments with WMAC for service, which includes the removal of recyclable and non-recyclable items, as well as yard trimmings, from their residences after the items have been properly set out.	WMAC reported 295 MFD bulky pickup appointments in 2011. Status: Ongoing until December 31, 2012, the termination date of the Settlement Agreement.
C. Bulky Pickup / Single Family	Allows property owners of single-family dwellings (SFD) to schedule annual appointments with WMAC for service, which includes the removal of recyclable and non-recyclable items, as well as yard trimmings, from their residences after the items have been properly set out.	WMAC reported 15,747 SFD bulky pickup appointments in 2011. Status: Ongoing through the current contract with WMAC, which ends June 30, 2015.
D. Amnesty Days	The Settlement Agreement between WMAC and the City made and entered into on July 1, 2008 established four (4) annual amnesty collection events for tires, appliances, mattresses, e-waste, and other material types identified by the City as "illegally disposed."	This is a popular program that has diverted tons of debris (tires, appliances, e-waste, and mattresses) from the streets of the City. The next amnesty day will be held on March 31, 2012 and notice will be posted on the City's website. Status: The program expires on December 31, 2012, pursuant to the Settlement Agreement.
II. Enforcement		
A. Forensic Investigations	The LEOs conducted forensic investigations on illegal dumping in the public right-of-way, street litter containers, and on the sidewalks, in an effort to collect evidence such as billing statements, empty medicine bottles, letters, and other paperwork that listed addresses.	Status: This component was discontinued due to the elimination of the LEO program and lack of effectiveness.

Program	Description	Results/Status
<p>B. Citizen Declarations</p>	<p>The Citizen Declaration (Witness Statement) was a tool that allowed eyewitnesses to formally document what they witnessed with regard to illegal dumping.</p>	<p>This has been an ineffective program due to the timing and lack of information on the identities of the persons who illegally dumped. Enforcement requires the identities of the persons committing the crime or enforcement action, while the crime is being committed.</p> <p>Status: This component was discontinued due to the elimination of the LEO program and lack of effectiveness.</p>
<p>C. Surveillance Cameras</p>	<p>There were two video cameras located in East and West Oakland, installed through a partnership with local businesses and merchants. When merchants observed an illegally dumped pile of debris, they would notify the appropriate LEO, who had the ability to review day and night footage from the previous ten days.</p>	<p>This is effective as a deterrent; however, it is not an effective enforcement tool, as a license plate does not assist with citing the person who conducted the illegal dumping. (See above description.)</p> <p>Status: This component was discontinued due to the elimination of the LEO program and lack of effectiveness.</p>
<p>D. Stakeouts</p>	<p>This program was funded by a State of California grant. It paid for PWA and OPD to go to illegal dumping "hotspots" and stakeout those locations during the late evening or early morning hours.</p>	<p>Stakeouts resulted in no apprehensions, and were rather costly due to OPD and PWA overtime costs.</p> <p>Status: This program ceased when the grant funding ended.</p>

Program	Description	Results/Status
III. Outreach		
A. Magnet Distribution	<p>“Stop Illegal Dumping” and “Stop Littering in Oakland” magnets with the appropriate reporting telephone numbers have been distributed at multiple City-sponsored events.</p>	<p>The magnets have been utilized more effectively than flyers, due to their ability to be affixed to commonly used items such as refrigerators. This usage allows citizens to keep the message in their view on a daily basis.</p> <p>Status: This program will continue.</p>
B. “Help Stop Illegal Dumping – What You Can Do” and “How to Safely Dispose of Your Debris, Waste, and Recyclables”	<p>This is a double-sided flyer with useful information translated into Spanish and Chinese. It has been distributed by Team Oakland (100 summer-employed youth) to merchants in ten (10) commercial districts, and tabled at major events, and on the City website. (Attachments A, B, and C)</p>	<p>This is an information tool that not only educates citizens on the proper way to dispose of debris; it also provides methods to stop illegal dumping.</p> <p>Status: This program will continue.</p>
C. “No Dumping” Signage (Public)	<p>“No Dumping” signage has been posted throughout the City to warn the perpetrators of the fines for illegal dumping, and to deter the practice.</p>	<p>This has been a helpful deterrent.</p> <p>Status: The signage is still available.</p>
D. “No Dumping” Signage (Private)	<p>Residents and business owners have been given signage to install on their properties. The City requests that in exchange for free signs, property owners will keep their properties clean and free of litter and debris, and provide video cameras to record activity. (Exhibit D)</p>	<p>This has been a helpful deterrent.</p> <p>Status: The signage is still available.</p>

Program	Description	Results/Status
E. Truck Notification	This program was instituted in 2007 to inform and educate truck owners and operators of the laws regarding proper disposal of debris. When a truck was observed with a load of debris, a notice would be placed on the windshield warning of the consequences of illegal dumping, and providing the proper disposal options.	Results are unknown. Status: This component was discontinued due to the elimination of the LEOs.

Additional Current Activities		
A. Neighborhood Project Initiative (NPI) Grant	In September 2011, PWA received an NPI Grant to assist with the implementation of an Illegal Dumping Deterrent and Apprehensive System (IDDAS). This is a collaboration between PWA, OPD, the City Attorney's Office, and Bay Alarm to reduce and or eliminate illegal dumping in West Oakland, through the use of "live" cameras placed in strategic "hotspots" and monitored by Bay Alarm to deter and apprehend illegal dumpers.	The program began on September 1, 2011 and has resulted in deterring illegal dumping in locations where cameras are installed. Status: The program will continue to monitor "hotspots" in West Oakland until August 31, 2012, when the former Oakland Redevelopment Agency funding ends.
B. Oakland Police Department Online Reporting	The Oakland Police Department has established an online reporting mechanism for citizens who observe others in the act of illegally dumping debris.	The link is http://oaklandnet/home/Government/o/OPD/s/scr/index.htm . The link has received several hits from concerned citizens. Status: Ongoing.

Program	Description	Results/Status
C. State Task Force	The California Integrated Waste Management Board (CIWMB, a former state agency) states that approximately \$200 million is spent annually by local and state agency programs to abate illegal dumping. A State Task Force was established to monitor and advocate for best practices statewide and to support legislation that assists with addressing illegal dumping.	The Task Force is currently focused on the issue of manufacturer source recycling as it relates to mattresses. Status: PWA will continue to monitor its work and any opportunities for Oakland to support legislation will be brought to the City Council.
D. Pilot Mattress Project	City staff is currently working with WMAC on having a pilot mattress program where the drop-off could be subsidized or a rebate established.	Status: Pending.

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, and Union Pacific Railroad (UPRR). The Public Works Agency continues to work with outside agencies to address new ideas for dealing with the problem of illegal dumping.

COORDINATION

The Public Works Agency is working with the Oakland Police Department to implement the NPI Grant in West Oakland.

COST SUMMARY/IMPLICATIONS

Fiscal Impact:

This is an informational report with no fiscal impacts.

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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.

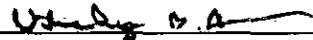
Social Equity: The enhanced efforts of collaboration and partnering with the citizenry and business community with the Public Works Agency will enhance the quality of life and public safety.

ACTION REQUESTED OF THE CITY COUNCIL

This is an informational report; therefore no action is required.

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

Respectfully submitted,



VITALY B. TROYAN, P.E.
Director / Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director
Public Works Agency

Prepared by:
Frank D. Foster, Operations Manager
Keep Oakland Clean & Beautiful

Attachments

- Attachment A - Help Stop Illegal Dumping - What You Can Do (flyer in English)
- Attachment B - Help Stop Illegal Dumping - What You Can Do (flyer in Spanish)
- Attachment C - Help Stop Illegal Dumping - What You Can Do (flyer in Chinese)
- Attachment D - No Dumping Sign (sign in English and Spanish)

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HELP STOP ILLEGAL DUMPING - WHAT YOU CAN DO

To report a pile of illegally dumped material call (510) 615-5566. If you witness illegal dumping in progress, call 911.

1. **LIGHT OUTDOOR AREAS** — including parking areas.
2. **MAINTAIN CLEAR VISIBILITY** — from inside your home to the street, sidewalk, and parking areas.
3. **MAINTAIN YOUR PROPERTY'S PHYSICAL APPEARANCE** — by cutting weeds and picking up litter. Trim bushes to 36" high and tree limbs 7' from ground. Remove graffiti within 24-48 hours.
4. **DEFINE YOUR PROPERTY BOUNDARIES** — with plants, paving, short walls or fences.
5. **USE SURVEILLANCE CAMERAS** — to deter illegal dumping. If a vehicle license plate is captured, it can assist in enforcement.
6. **VOLUNTEER FOR ADOPT-A-SPOT VOLUNTEER PROGRAMS** — take an active role in keeping your neighborhood clean. Call (510) 238-7630 or visit www.oaklandpw.com
7. **ENCOURAGE YOUR NEIGHBORS TO JOIN YOU IN THESE EFFORTS!**



PWA/BPE, DEC 8, 2011

PUBLIC WORKS CALL CENTER
(510) 615-5566
pwacallcenter@oaklandnet.com

Brought to you by the City of Oakland, Public Works Agency



HOW TO SAFELY DISPOSE OF DEBRIS, WASTE AND RECYCLABLES

Here's what you can do:

1. **HAUL IT YOURSELF TO A TRANSFER STATION**
Call Davis Street at (510) 638-2303 or City of Berkeley at (510) 981-7270 for hours and fees.
2. **MAKE A FREE BULKY WASTE APPOINTMENT**
Call Waste Management of Alameda County (WMA) at (510) 613-8710 to schedule a bulky pickup appointment, or to rent a dumpster.
3. **USE THE HOUSEHOLD HAZARDOUS WASTE DROP-OFF**
Alameda County Hazardous Waste Program accepts paints, cleaners, batteries, automotive fluids, etc.
Call (800) 606-6606 or visit www.household-hazwaste.org
4. **FIND HELPFUL INFORMATION ON REUSE AND RECYCLING**
Call Oakland Recycles at (510) 238-7283 or visit www.oaklandrecycles.com
5. **HELP KEEP OAKLAND CLEAN AND BEAUTIFUL**
For volunteer opportunities call (510) 238-7630 or visit www.oaklandpw.com

Attachment A

AMBIENTE LIMPIO - MANTENER EL DESECHO ILEGAL DE BASURA - LO QUE USTED PUEDE HACER

Para reportar la presencia de material desechado ilegalmente llame al (510) 616-5666. Si se da cuenta de que se está tirando basura ilegalmente, llame al 911.

1. MANTENER LAS ÁREAS EXTERIORES — incluyendo áreas de estacionamiento.
2. MANTENER BUENA VISIBILIDAD — desde dentro de su hogar hacia la acera y áreas de estacionamiento.
3. MANTENER LA APARIENCIA FÍSICA DE SU PROPIEDAD — cortando las malas hierbas y recogiendo la basura. Recortar los arbustos a 36" de altura y las ramas de los árboles a 7' del suelo. Eliminar el césped dentro de las siguientes 24 a 48 horas.
4. DELIMITAR LOS LÍMITES DE SU PROPIEDAD — con plantas, pavimentación, muros cortos o cercas.
5. USAR CÁMARAS DE VIGILANCIA — para disuadir el que se tire basura ilegalmente. Si se captura la placa de matrícula de un vehículo, puede ayudar a aplicar los reglamentos.
6. OFRECERSE COMO VOLUNTARIO EN LOS PROGRAMAS DE VOLUNTARIOS ADOPT-A-SPOT — jugar un papel activo en mantener su vecindario limpio. Llame al (510) 238-7630 o visite www.oaklandpw.com
7. INVITAR A SUS VECINOS A UNIRSE A USTED EN ESTOS ESFUERZOS!



ENVÍENOS SU CARTA HOY

CENTRO DE LA CIUDAD DE OAKLAND DE SERVICIOS PÚBLICOS
1515 CALLE 13
OAKLAND, CALIFORNIA 94612

Ofrecida por la Agencia de Obras Públicas de la Ciudad de Oakland



CÓMO ELIMINAR CON SEGURIDAD LOS DESECHOS, DESEPERDIGIOS Y OBJETOS RECLICABLES

A continuación incluimos algunas de las cosas que puede hacer:

1. LLEVAR USTED MISMO LOS DESECHOS A UNA ESTACIÓN DE TRANSFERENCIA
Llame a Davis Street al (510) 633-2203 o a la Ciudad de Berkeley al (510) 981-7270 para informarse sobre el horario y los tarifas.
2. HACER UNA CITA PARA DESHACERSE DE ARTÍCULOS VOLUMINOSOS GRATIS
Llame a Waste Management of Alameda County (WMAC) al (510) 613-8710 para solicitar la recolección de artículos voluminosos o para alquilar un contenedor de basura.
3. ACUDIR AL SITIO DE DESCARGA DE DESECHOS PELIGROSOS DEL HOGAR
El Programa de Desechos Peligrosos del Hogar del Condado de Alameda acepta pintura, productos de limpieza, baterías, líquidos auto-motrices, etc. Llame al (925) 604-6406 o visite www.hazardouswaste.org
4. ENCONTRAR ÚTIL INFORMACIÓN SOBRE CÓMO VOLVER A UTILIZAR Y RECLICLAR LOS DESECHOS
Llame a Oakland Recycling al (510) 238-7283 o visite www.oaklandrecycles.com
5. AYUDAR A MANTENER OAKLAND LIMPIA Y HERMOSA
Si desea información sobre oportunidades para ofrecerse como voluntario llame al (510) 238-7630 o visite www.oaklandpw.com

Attachment B

NO DUMPING

VIOLATORS WILL BE
PROSECUTED TO THE FULL
EXTENT OF THE LAW

SEC. 374 B PENAL CODE

THIS AREA MAY BE UNDER
24 HOUR SURVEILLANCE
SEE IT. STOP IT. REPORT IT. 615-5566

NO TIRE BASURA

INFRACTORES SERAN
PROCESADOS CON TODO
EL RIGOR DE LA LEY

SECCION DEL CODIGO PENAL 374 B

ESTE AREA PUEDE ESTAR BAJO
VIGILANCIA LAS 24 HORAS
PARA. OBSERVA. REPORTA. 615-5566