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OFFICE OF THE CITY CLERK
OAKLAND

2019 SEP 26 PM 2:11

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director OPW

SUBJECT: Update on Illegal Dumping

DATE: September 16, 2019

City Administrator Approval

Date:

9/26/19

RECOMMENDATION

Staff Recommends That The Public Works Committee Receive An Informational Report Providing An Update On Oakland Public Works' Environmental Enforcement Program and Its Efforts To Address Illegal Dumping.

EXECUTIVE SUMMARY

On June 25, 2019, the Special Public Works Committee (PWC) requested an informational report on the Environmental Enforcement Program and its illegal dumping enforcement efforts, including citations issued and district-by-district enforcement to date. Oakland Public Works (OPW) has taken a holistic approach (the three (3) E's – Eradication, Enforcement, and Education) to address illegal dumping. This informational report is an update to the holistic approach OPW adopted, the progress made by the Environmental Enforcement Officers (formerly known as Litter Enforcement Officers) since its re-establishment in late February 2019, their collaborative work with the Garbage Blitz Crew (formerly known as Rapid Response Crew) to eradicate abandoned waste, methods of enforcement used, and educational outreach to change the behavior of dumpers.

BACKGROUND / LEGISLATIVE HISTORY

Illegal dumping inflicts a grave economic and environmental injustice on Oakland residents. While it appears to be a seemingly simple issue, illegal dumping is in fact a deceptively intractable problem. Over the past several years, the City of Oakland has implemented a number of initiatives to combat illegal dumping. While those reforms have expanded the City's capacity to address the issue, the piecemeal nature of the reforms has been insufficient in breaking the vicious cycle of illegal dumping.

Since the last illegal dumping staff report was presented to the Public Works Committee on August 31, 2018, staff has undertaken specific objectives to educate the public, eradicate abandoned waste and enforce municipal codes related to illegal dumping. While OPW has made progress, illegal dumping continues to be one of the most challenging problems in the City.

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Public Works Committee
October 8, 2019

ANALYSIS AND POLICY ALTERNATIVES

At Midcycle Fiscal Year (FY) 2017-19, the City Council authorized funding to restore the Environmental Enforcement Program, previously known as the Litter Enforcement Program. This included the hiring of four Environmental Enforcement Officers (EEOs) and one Clean Community Supervisor. The EEOs are uniformed, nonsworn officers who are tasked to rebuild the anti-dumping enforcement initiatives that were managed by the Litter Enforcement Officers until the program dissolved in 2011.

The ongoing efforts to eradicate illegal dumping, paired with education and enforcement are now beginning to make a positive impact. Several "Hot Spot" dumping locations are experiencing less dumping; residents are being educated on proper disposal; and staff are implementing consequences for non-compliance of the Oakland Municipal Code (OMC). In some incidents, perpetrators have been identified and held accountable for their unlawful behavior. An early indicator of the EEOs' effectiveness: according to data obtained from Cityworks (the system the City uses to track maintenance requests), nearly sixty-seven percent (67%) of EEO work orders that were for 24-Hr Notice to Abate were removed by the perpetrator or the property owner.

The City's investment in the three (3) E's (Eradication, Enforcement, and Education) is a step forward to addressing illegal dumping. For Oakland to have long-term success, communities need to get involved and actively participate in the cleanliness of their neighborhoods. The partnership between the City and the community will be the key to clean, sustainable communities.

Eradication

Reactive and Proactive Response Strategies: As described in the August 31, 2018 staff report, Keep Oakland Clean and Beautiful (KOCB) crews are divided into four (4) geographic operational zones:

- Zone 1: Berkeley Border to Lake Merritt, includes Districts 1 and 3
- Zone 2: Lake Merritt to High Street, includes Districts 1, 2, 4, and 5
- Zone 3: High Street to 82nd Avenue, includes Districts 4, 6, and 7
- Zone 4: 82nd Avenue to San Leandro Border, includes Districts 4, 6, and 7

This operational model improves efficiency and minimizes distances that KOCB crews must travel. KOCB has implemented a hybrid approach to eradicate dumping. The first is the reactive approach, where crews are assigned service requests generated by constituents. These service requests are completed within three (3) business days. Reactive illegal dumping crews work six (6) days a week and are deployed in their individual zones as outlined above.

The second method in responding to illegal dumping is via a proactive approach. These crews are called "Garbage Blitz Crews (GBC)." The GBC provides illegal dumping services proactively to the community by removing the debris before it is reported. The GBC is deployed to "Hot Spots" then to major corridors to seek out and remove illegally dumped materials in a block by block approach within the assigned zone.

The first GBC deployed in Council District 6 on March 5, 2018, as a pilot program. GBC #1 consists of:

- one (1) Street Maintenance Leader (SML)
- three (3) Public Works Maintenance Workers (PMMW)
- one 25 cubic yard compactor truck
- one six (6) cubic yard compactor truck

As a result of the success of the pilot program, in the 2018 Mid-Cycle Budget, City Council approved an additional two (2) SMLs and five (5) PMMWs with accompanying equipment. The plan for these additional resources is to create two (2) additional GBCs to expand the block by block, pro-active model citywide. On July 1, 2019, a second GBC was deployed in Zone 4. Staffing for the third crew should be completed by the end of 2019. This crew will be assigned to both Zones 2 and 3, which have the fewest service requests out of the four zones.

Funding for a fourth GBC was approved in the FY 2020-21 Budget. When the fourth GBC is deployed, each zone will have its own proactive and reactive crew to help combat illegal dumping. **Table 1** shows the eradication efforts of the GBC since implementation.

Presently, KOCB's two GBCs are assigned to Zones 1 and 4; these crews are focused on cleaning in the most impacted zones. While in their assigned zones, crews not only eradicate illegal dumping pro-actively, they observe dumping patterns and trends to aid the EEO assigned to enforce in that Zone. The GBCs are often the first on the scene to eradicate abandoned waste. However, when crew members identify potential evidence in the debris, an EEO is immediately contacted to conduct forensic investigation.

Lastly, under the City and Waste Management of Alameda County (WMAC) agreement, WMAC is required to address 30 illegal dumping service requests, five days per week. A majority of the service requests assigned to WMAC crews are generated via the mobile app OAK 311 / SeeClickFix, which provides visual evidence for swift, efficient garbage disposal. The table below (**Table 2**) represents responses to illegal dumping service requests by City crews and WMAC crews.

Table 1: Illegal Dumping Garbage Blitz Crew Eradication Efforts

ILLEGAL DUMPING GARBAGE BLITZ CREW RESULTS							
	TOTAL WORK ORDERS	AVG. DAILY WORK ORDERS	TOTAL TONNAGE	AVG. DAILY TONNAGE	TOTAL MILEAGE	AVG. DAILY MILEAGE	NOTES
March-18	786.0	39.3	86.0	4.3	1,683.3	84.2	District 6 (Pilot Project)
April-18	980.0	46.7	85.8	4.1	1,692.9	80.6	District 6 (Pilot Project)
May-18	833.0	37.9	60.3	2.7	1,665.5	75.7	District 6 (Pilot Project)
June-18	617.0	36.3	56.1	3.3	1,524.1	89.7	Zone 1 - Berkeley Border to Lake Merritt
July-18	900.0	42.9	74.2	3.5	2,008.3	95.6	Zone 1 - Berkeley Border to Lake Merritt
August-18	870.0	39.5	62.9	2.9	2,061.7	93.7	Zone 1 - Berkeley Border to Lake Merritt
September-18	334.0	22.3	36.1	2.4	823.1	54.9	Zone 4 - 82nd Avenue to San Leandro Border
October-18	696.0	30.3	52.6	2.3	1,671.2	72.7	Zone 4 - 82nd Avenue to San Leandro Border
November-18	615.0	30.8	63.0	3.1	1,513.5	65.8	Zone 4 - 82nd Avenue to San Leandro Border
December-18	725.0	36.3	74.9	3.7	1,286.2	64.3	Zone 2 - Lake Merritt to High Street
January-19	698.0	34.9	70.0	3.5	1,849.2	92.5	Zone 2 - Lake Merritt to High Street
February-19	555.0	30.8	43.7	2.4	1,319.9	73.3	Zone 2 - Lake Merritt to High Street
March-19	628.0	29.9	59.6	2.8	1,390.3	66.2	Zone 3 - High Street to 82nd Avenue
April-19	685.0	31.1	66.0	3.0	1,660.8	75.5	Zone 3 - High Street to 82nd Avenue
May-19	723.0	32.9	70.7	3.2	1,752.0	79.6	Zone 3 - High Street to 82nd Avenue
June-19	662.0	33.1	53.9	2.7	1,888.4	94.4	Zone 1 - Berkeley Border to Lake Merritt
July-19	1,289.0	58.6	160.4	7.3	3,698.7	168.1	Zone 1 and 4
August-19	1,004.0	45.6	135.4	6.2	3,715.7	168.9	Zone 1 and 4
TOTAL	13600.0	36.6	1311.6	3.5	33,204.8	88.7	

Table 2: Illegal Dumping Service Requests – Response by City Crews and WMAC

	GOALS	FY17-18 ACTUALS	FY18-19 ACTUALS	FY19-20 YEAR TO DATE (JUL- AUG 2019)
ILLEGAL DUMPING SERVICE REQUESTS	Percentage of Service Requests picked up within 3 days (Goal = 85%)	86%	92%	93%
	Average Business Days to Close	2	1	1
	1. Service Requests (City Crews)	19,890	19,584	1,961
	2. Service Requests (Waste Management)	6,932	7,483	671
	Total Requests (1+2)	26,822	27,067	2,632
	Total Cubic Yards of Illegal Dumping Picked Up	40,439	45,773	4,386

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Bulky Pick Up: Curbside Bulky Pickup by appointment is provided by WMAC and has been available to residents of 1-4 unit single family dwellings (SFD) since 2005, and to residents of 5-plus-unit multi-family dwellings (MFD) since July of 2015. Annual utilization of the service by MFD residents has steadily increased since 2015; however, it still only represents a nominal participation rate by Oakland residents.

EEOs Role in Eradicating Illegal Dumping: EEOs are also assigned to Zones that align with the zones used by KOCB crews, as outlined above (page 2). They consistently monitor “hot spots” during their block by block patrols and conduct forensic investigations on debris piles found or piles referred by the GBCs. EEOs treat all GBC referrals as Priority 1 calls for enforcement. Once an investigation is completed, an EEO will coordinate debris removal with a GBC to prevent the site from becoming a target for additional dumping. Conversely, an EEO who is first on the scene to a debris pile would contact the GBCs for same day debris removal when no potential evidence is found.

Enforcement - Environmental Enforcement Officers (EEOs)

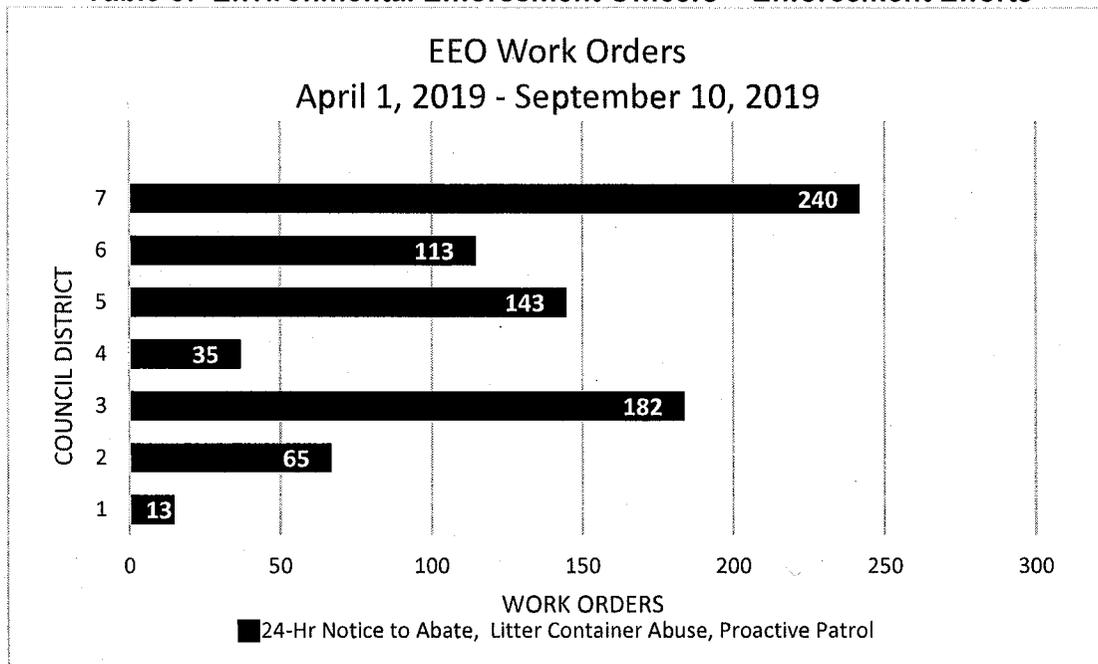
The Environmental Enforcement Program was reinstated, and the EEOs (aka officers) started on February 25, 2019, in their new capacity. The officers were put through extensive training including: health and safety training, case studies/field assessment sessions, and systems (Cityworks) training. To foster community engagement, EEOs were introduced to key stakeholders such as: Oakland Community Organizations (OCO), Waste Management – Alameda County (WMAC), Alliance of Californians for Community Empowerment (ACCE) Action, City Attorney’s Office, Code Enforcement, etc.

In late March and early April 2019, the four EEOs began health and safety code enforcement in their assigned zones. Officers monitor “hot spots”, conduct forensic investigations, coordinate abandon waste removal, and collect data. To hold violators accountable, officers use various means to discourage blight, including Notices of Potential Violation (Sidewalk Encroachment, 24-Hr Order to Abate, Unlawful hauling, etc.); verifying adequate garbage service; monitoring litter container abuse; and coordinating abandoned vehicle tows. When appropriate, EEOs refer potential cases to the City Attorney’s Office.

Notice of Potential Violation (NPV): NPVs serve as an indirect form of enforcement. The goal is to deter unlawful behavior and educate individuals on the consequences of illegal dumping. NPVs are issued to individuals when abandoned garbage on the public right-of-way contain their personal information. In the five-month period between April and August 2019, EEOs mailed approximately eight hundred and twenty-seven (827) Notices of Potential Violation to potential illegal dumping violators.

Enforcement Efforts by Council District: Cityworks data from the past five months, as shown in **Table 3** below, illustrates the EEOs conduct the most enforcement activities in Council District 7, Council District 3, and Council District 5 respectively. The completed work orders consist of issuing 24-Hr Notices to Abate and Litter Container Abuse Notices, as well as proactive patrol by three full-time EEOs and one Clean Community Supervisor. The fourth EEO position is currently vacant and is expected to be filled later this year.

Table 3: Environmental Enforcement Officers – Enforcement Efforts



Street Litter Container Abuse: To enforce compliance on the proper use of City litter containers, the EEOs developed warning stickers that are being placed on 1,400 litter containers across the city. The warning stickers cite the OMC with clear advisory that violators will be prosecuted. Stickers have also been translated into Chinese and Spanish and will be placed in predominantly Chinese and Spanish-speaking communities.

Bulky Waste Pickups: EEOs engage residents and instruct them on the proper bulky waste set out requirements. While on routine patrol, Officers monitor and report to WMAC early set outs of bulky pickups. EEOs also coordinate follow-ups with Waste Management on missed Bulky appointments.

Administrative Fines: Presently, the City Administrator’s Office issues illegal dumping citations with factual and legal research support provided by the Office of the City Attorney (“OCA”) to determine potential liability and recommendations for Administrative Citation and Civil Penalties. To strengthen enforcement efforts in the field, the Public Works Director and OCA are reviewing case assessment methods with the aim to ensure those who are legally responsible for acts of illegal dumping are the ones paying for its removal.

In addition, the EEOs are completing certification training that will give the officers authority to enforce the California Penal Code and the expertise to enforce the Oakland Municipal code and issue administrative citations. To date, the EEOs have referred twelve (12) matters to the City Attorney’s office for evaluation of enforceability. It is expected that of the twelve (12), at least two (2) will materialize into citations. The difficulty of obtaining percipient witness participation has limited the number of citations that have been issued.

Education & Outreach

This section describes education and outreach projects in development or underway.

Battle for the Bay: A major volunteer cleanup event was held September 21, organized jointly by Oakland Public Works and San Francisco Public Works under the leadership of Oakland Mayor Libby Schaaf's office and San Francisco Mayor London Breed's office. The event was an expansion of the standing annual volunteer event Coastal Cleanup Day (known in Oakland as Creek to Bay Day). The event added additional cleanup sites and included both the traditional creeks, waterways and shoreline cleanup sites, along with identified neighborhood sites where illegal dumping affects communities.

Creek to Bay Day has a long and successful history, drawing more than 1,000 volunteers. Battle for the Bay increased that success and City support for neighborhood-level resident organizations, building social capital between the City and residents and strengthening the message that residents and staff are united together for cleaner, healthier neighborhoods.

Student Ambassadors Pilot: Building from an idea suggested by Oakland High School students, OPW sponsored twenty-three (23) students over the summer from Oakland High School and Skyline High School to undergo internship training as illegal dumping experts. They developed multimedia skills for video production and public speaking skills. Over the fall and spring semesters, these students (now seniors) will develop and deliver presentations to their peers and to younger students at Oakland middle schools. These presentations will seek to educate young people about the nature and impact of the illegal dumping problem and empower them with information and encouragement on how to combat the problem, including connecting them with affordable waste disposal services such as Bulky Pickup Service and Bulky Block Parties.

The concept is partly modeled after the recycling movement's successful efforts to teach young people about correct recycling habits, which empowered those young people to in turn teach their own families.

Oaktown PROUD: Building on the success of Battle for the Bay and the Student Ambassador pilot, OPW staff are developing a fall campaign highlighting community voices in several dumping-related areas: encouraging neighborhood volunteerism, discouraging local dumpers from harming their neighbors, educating residents about available services and warning potential dumpers of increased enforcement efforts. The name of this campaign is Oaktown PROUD. The PROUD stands for "prevent and report our unlawful dumping". Campaign materials will be rolled out in October 2019.

EEOs Role in Illegal Dumping Education and Outreach: A crucial component of the Environmental Enforcement Program is to change the behavior of those who contribute to the persistent blight in Oakland. Through zone walks, EEOs conduct educational visits to convey to Oakland residents and merchants the impacts of unlawful hauling/dumping and provide appropriate ways to dispose of waste. Officers also distribute information at community meetings, City-sponsored events, schools, and via social media. Notably, EEOs establish

rapport and ongoing relationships with residents to empower Oaklanders to be a part of the solution, resulting in clean, sustainable communities.

The EEOs, through their zone patrol and community engagements, routinely promote WMAC's Bulky Pickup Service as a resource and an alternative to dumping. This awareness campaign has been instrumental in educating Oaklanders in the proper method of disposing bulky items.

FISCAL IMPACT

There are no direct fiscal impacts to the City of Oakland from the acceptance of this 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 and the City Administrator's Office were consulted for the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: Reducing illegal dumping will improve the physical appearance of the City of Oakland, which translates directly into attracting and retaining businesses and promoting civic pride.

Environmental: Illegal dumping poses an environmental and health and safety hazard to residents, pollutes the water, and impacts plants and wildlife. Removing and deterring illegal dumping will promote a clean, healthy, and safe environment for all Oakland residents.

Social Equity: The GBCs' and EEOs' hybrid approach is predicated on servicing the areas in Oakland with the most abandoned waste. Independent of service requests initiated by constituents, GBCs and EEOs are targeting eradication and enforcement in areas where abandoned waste is most prevalent.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The Public Works Committee Receive An Informational Report Providing An Update On Oakland Public Works' Environmental Enforcement Program And Its Efforts To Address Illegal Dumping.

For questions regarding this report, please contact David Ferguson, Assistant Director, Public Works at 510-615-5451.

Respectfully submitted,



JASON MITCHELL
Director, Oakland Public Works

Prepared by:
David Ferguson, Assistant Director
Bureau of the Environment

Prepared by:
Frank Foster, Operations Manager
Keep Oakland Clean and Beautiful Division
Bureau of the Environment

Oakland Public Works Illegal Dumping

Environmental Enforcement Program

BEFORE



AFTER



Three Prong Approach to Reduce Dumping



I. Eradicate

remove abandoned waste



II. Enforce

hold violators accountable



III. Educate

change behavior

Keep Oakland Clean and Beautiful

Operational Zones and Council Districts

Zone 1:

Berkeley border to Lake Merritt, includes Districts 1 and 3

Zone 2:

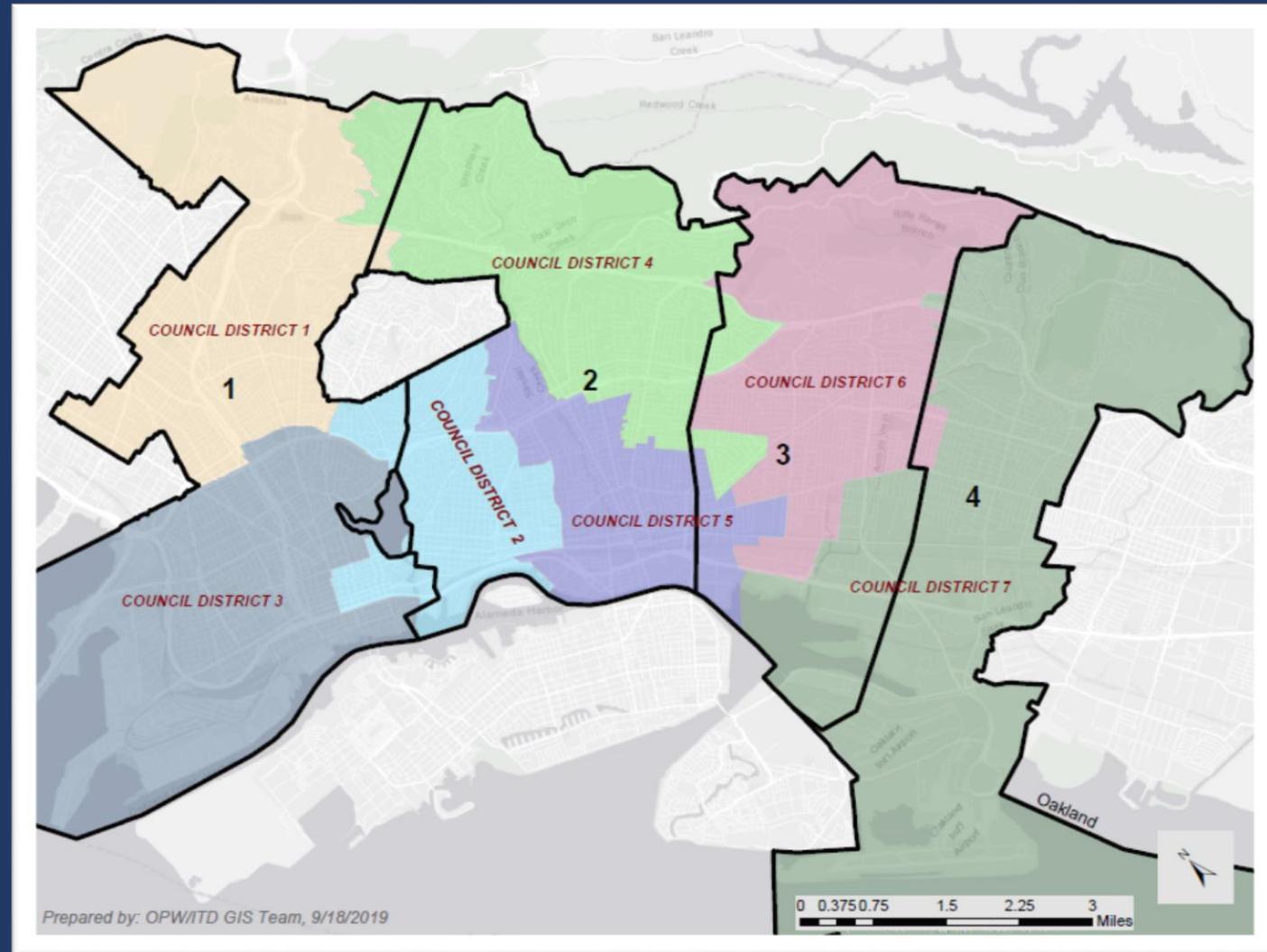
Lake Merritt to High St, includes Districts 1, 2, 4, and 5

Zone 3:

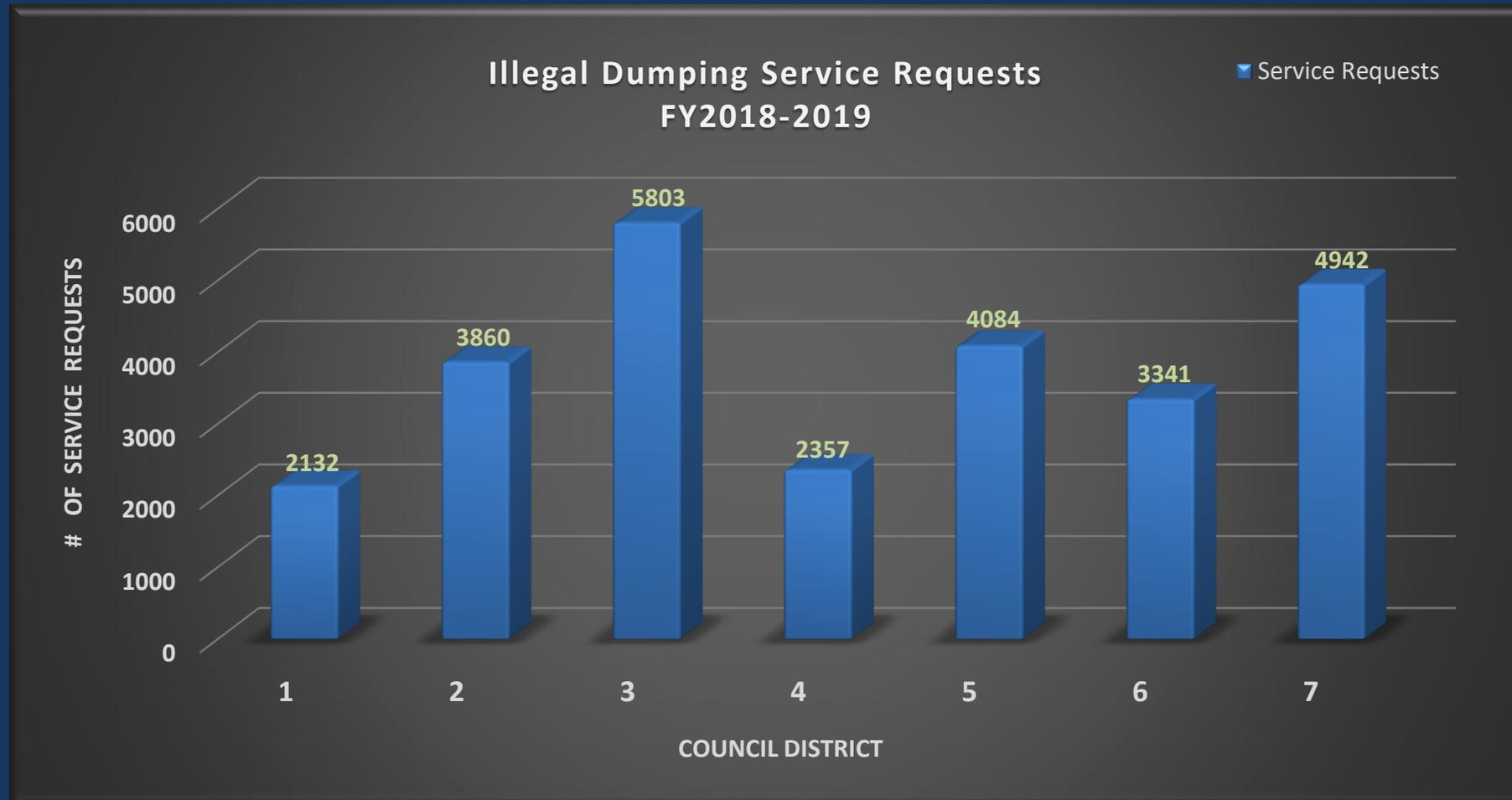
High St to 82nd Ave, includes Districts 4, 6, and 7

Zone 4:

82nd Ave to San Leandro border, includes Districts 4, 6, and 7



Service Requests By Council District

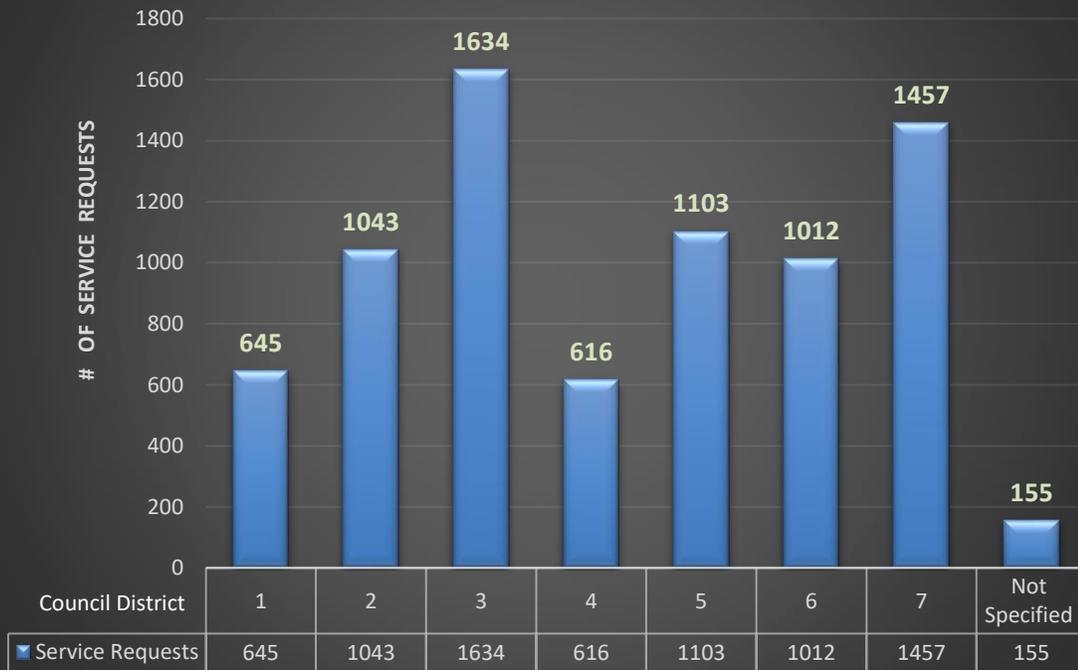


Illegal Dumping Work Orders By Council District

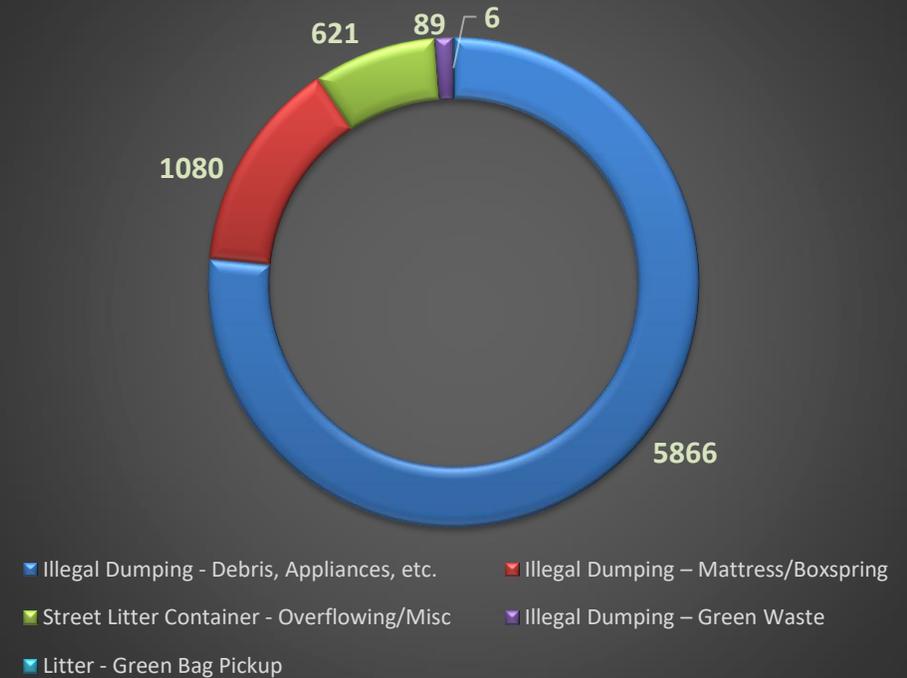


WMAC – Service Requests by Council District & Type

WMAC Service Requests by Council District

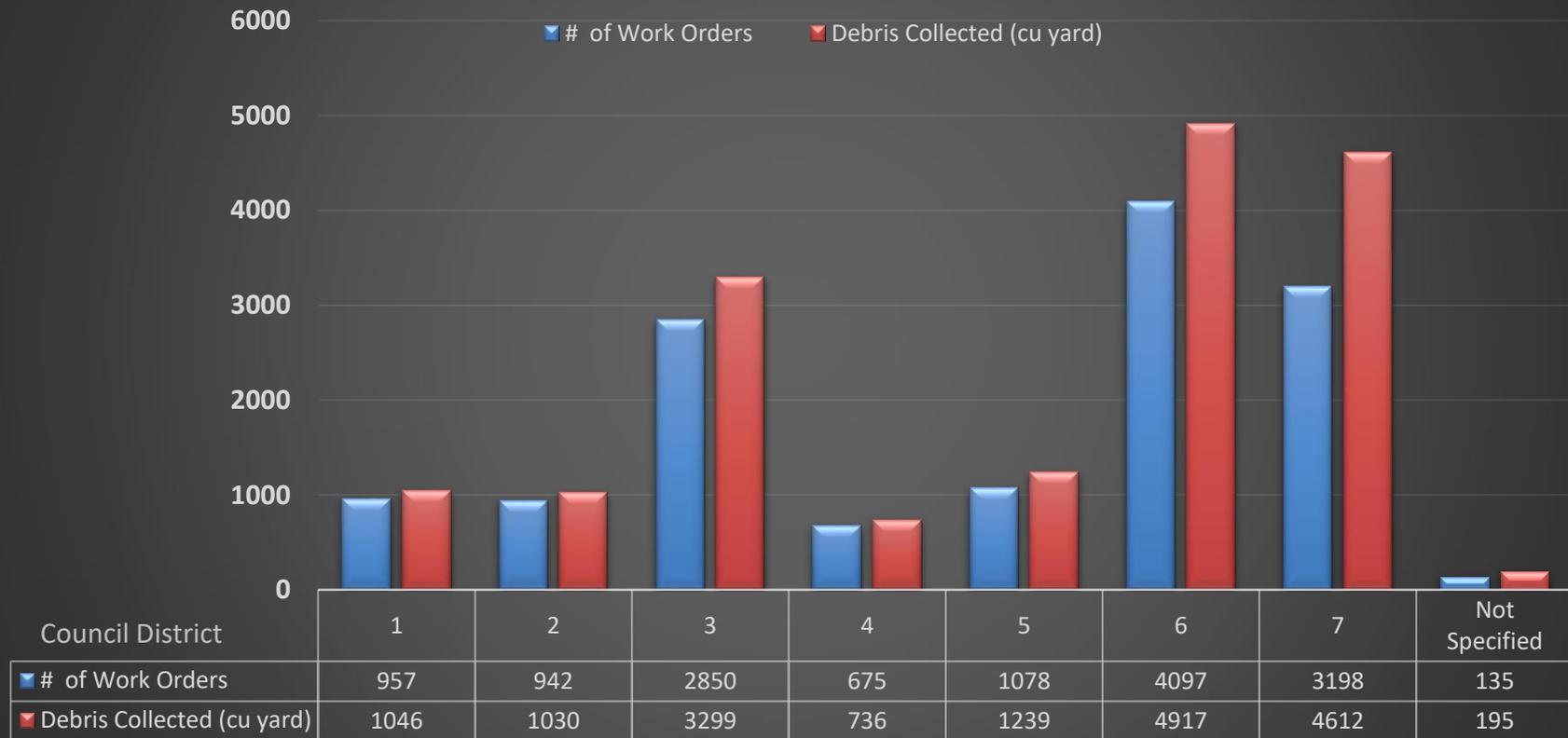


WMAC Service Requests by Type



Garbage Blitz Crew (GBC) – Early Results

Garbage Blitz Crew - Eradication by Council District
March 2018 - September 2019



Garbage Blitz Crew - Illegal Dumping Results

	TOTAL WORK ORDERS	AVG. DAILY WORK ORDERS	TOTAL TONNAGE	AVG. DAILY TONNAGE	TOTAL MILEAGE	AVG. DAILY MILEAGE	Notes
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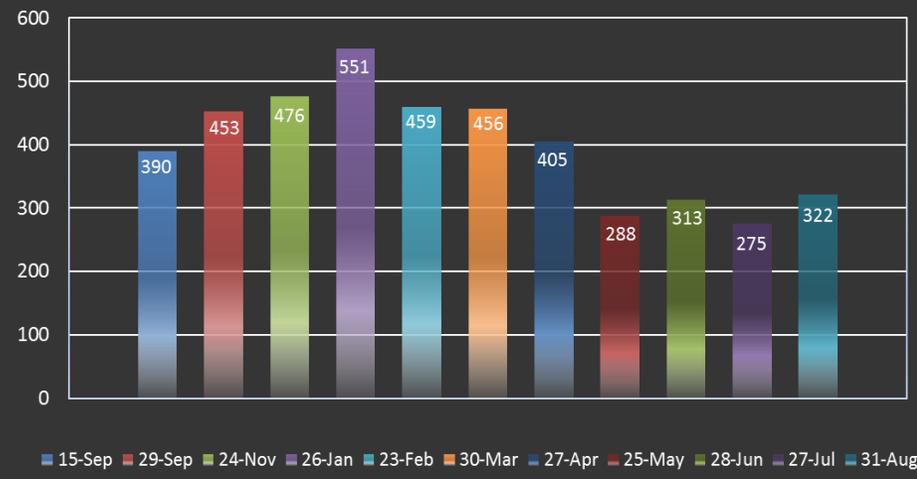
* GBC #2 deployed on July 1, 2019. July & August 2019 data consists of two GBCs.



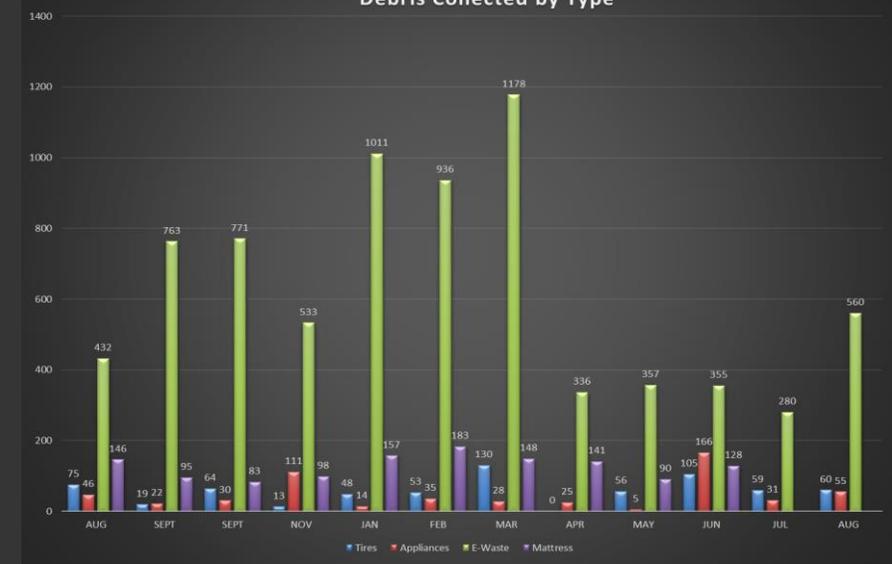
Bulky Block Party



2018-2019 Bulky Block Party
Number of Participants



2018 - 2019 Bulky Block Party
Debris Collected by Type



Environmental Enforcement (EEO) Team

JAMAICA MOON – Clean Community Supervisor

AMAKA WATSON – EEO #222 (Zone 1)

DAVID TORREZ – EEO #220 (Zone 2)

SERENA SAECHAO – EEO #223 (Zone 3)

ACTING EEO #221 (Zone 4)



EEOs – Flipping the Three E's Upside Down



I. Educate change behavior



II. Enforce hold violators accountable



III. Eradicate remove abandoned waste

EEO Responsibilities



I. Educate

change behavior

- ✓ Conduct Zone walks
- ✓ Utilize multi-prong approach to education & outreach
- ✓ Issue notices to haulers
- ✓ Advise on proper bulky waste set-outs
- ✓ Distribute information

II. Enforce

hold violators accountable

III. Eradicate

remove abandoned waste

EEO Responsibilities



I. Educate

change behavior

- ✓ Conduct educational visits to merchants
- ✓ Establish merchant relationships
- ✓ Perform waste analysis

II. Enforce

hold violators accountable

III. Eradicate

remove abandoned waste

EEO Responsibilities



I. Educate

change behavior

II. Enforce

hold violators accountable

- ✓ Uphold blight ordinance
- ✓ Cite Litter container misusers
- ✓ Refer potential cases to OCA
- ✓ Verify garbage service
- ✓ Discourage unlawful haulers
- ✓ Assist towing abandoned vehicles

III. Eradicate

remove abandoned waste

EEO Responsibilities



I. Educate

change behavior



II. Enforce

hold violators accountable



III. Eradicate

remove abandoned waste

- ✓ Monitor “Hot Spots”
- ✓ Conduct forensic investigation
- ✓ *Coordinate* removal
- ✓ Collect data

Enforcement Methods



Notice of Potential Violation



Notice of Violation – Administrative Fine



Litter Container Abuse

24-hour Notice to Abate
(Sidewalk Encroachment)



Attention Property Owner – Door Hanger

Unlawful Hauler Notice



Surveillance Cameras



Reward Program



Outreach Focus – Public Right of Way (ROW)



Unlawful Dumpers



Unlawful Haulers



Litter Container Abuse



Debris Boxes in Public ROW



Bulky Waste Set Outs



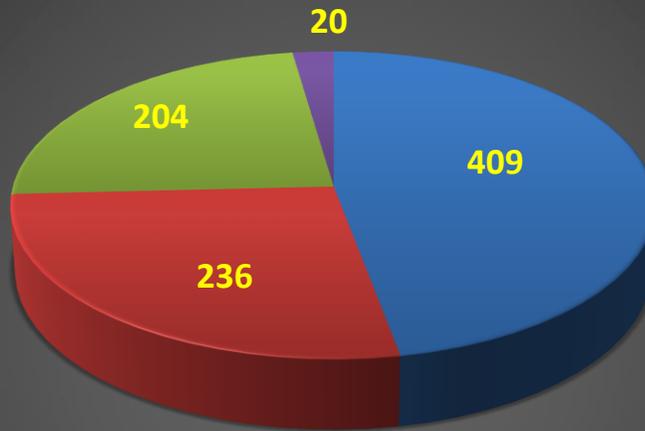
Environmental Enforcement - Early Results

EEO Enforcement Activity by Council District
April 1, 2019 - September 10, 2019



Environmental Enforcement - Early Results

WORK ORDERS COMPLETED APR 2019 – SEP 2019



- Dumping Removed by OPW
- Dumping Removed by Dumper/ Property Owner
- Nothing Found - No Enforcement Action Required
- Dumping Removed by WMAC

Illegal Dumping Enforcement Case

BEFORE



AFTER



EEO Watson responded to illegal dumping crew about a large pile of debris that required an additional crew and large packer truck to pick up.

While on scene EEO Watson found mail from same location and made contact with the property owner. EEO Watson gave property owner a deadline to remove all debris.

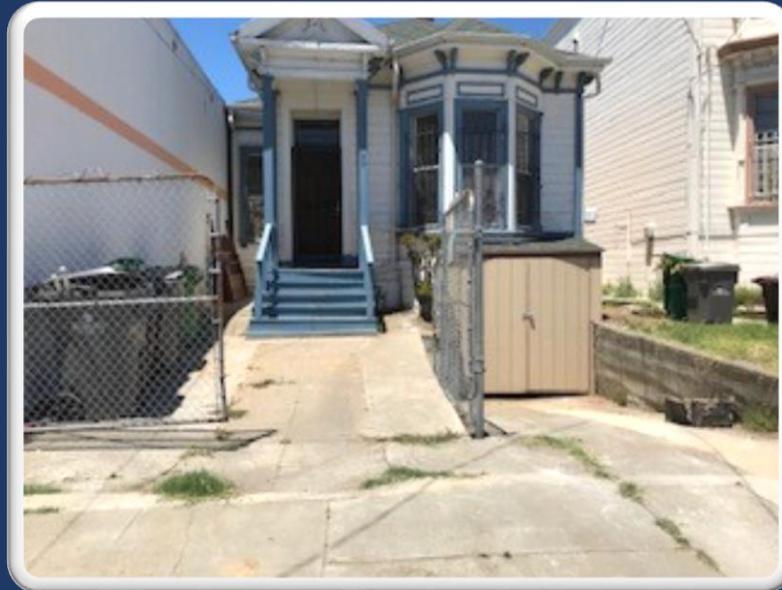
EEO Watson was contacted by the property owner before the deadline. All debris was abated by the property owner and the area was restored.

Illegal Dumping Enforcement Case

BEFORE



AFTER



EEO Watson responded via radio to illegal dumping crew on large pile of debris at residence near E 11th St. and 9th Ave.

EEO Watson spoke with a neighboring business who advised the illegal dumping is coming from the residence.

EEO Watson issued a **24-Hour Notice of Encroachment** to remove all debris.

The next day EEO Watson returned to location for follow-up. All debris was abated by the residents and the area was restored.

Illegal Dumping Collaboration Case

BEFORE



AFTER

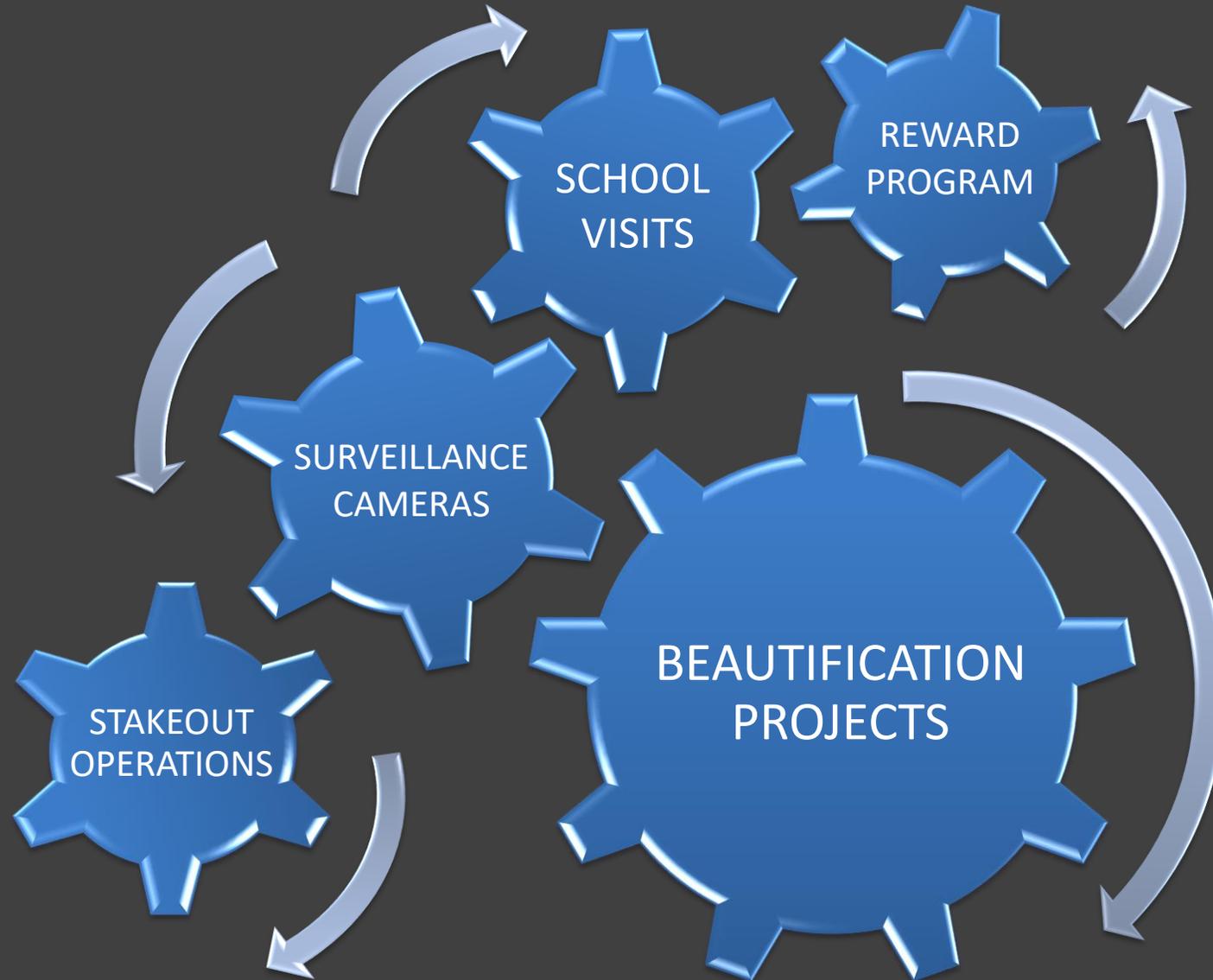


EEO improves cross-departmental collaboration:

Monday, 7/15: EEO Saechao and EEO Torrez responded to call on an abandoned trailer filled with debris on 41st Ave & San Leandro St. EEO Saechao coordinated with Garbage Blitz Crew to clear out trailer.

Monday, 7/29: Trailer towed by OPD's Abandoned Vehicle Unit.

Exciting Things to Come....





Questions?