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MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: David Ferguson
Interim Director, Oakland
Public Works

SUBJECT: Update on the Environmental
Enforcement Program

DATE: June 30, 2021

City Administrator
Approval

Date: Jul 1, 2021

INFORMATION

Purpose

This Informational Memorandum provides the Mayor, City Council, and community with an update on the Environmental Enforcement Program from Oakland Public Works (OPW).

Background

In 1992, illegal dumping reached the crisis level in Oakland and City Council 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 activities and provide outreach. The city also received a \$500,000 grant from the State of California to pay for mitigation measures (fencing, signage, surveillance cameras, etc.), outreach, and education.

The LEOs used forensic investigative techniques, enforcement, fines, and monitoring/surveillance to address illegal dumping issues in the public right-of-way. In addition, LEOs educated the public through community outreach and established 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 Program was directly related to uncollectable debt due to a number of factors. The Office of the City Auditor conducted an OPW Illegal Dumping Accounts Receivable Audit and discovered that the majority of people identified in the audit were often deceased, no longer lived at that address, or were able to convince a hearing officer of their innocence. Also, residents were routinely reluctant to testify, despite the fact that they were witnesses to illegal dumping. As a result, OPW ceased to develop cases leading to enforcement.

Finally, the number of LEOs decreased to six (6) Full Time Equivalent (FTE) in 2005, later reduced to three (3) FTE in 2009, and ultimately the program was eliminated on July 22, 2011,

due to budget constraints. In 2010, Oak311 received approximately 12,500 Service Requests for illegal dumping and by 2018, that number rose to over 30,000. The decision to dissolve the program led to several years of lawlessness and was a major contributor to the problem spiraling out of control.

Analysis

In May 2018, City Council voted to reinstate the program by hiring four (4) Environmental Enforcement Officers (EEOs), formerly known as the Litter Enforcement Officers, and one (1) Clean Community Supervisor. In February 2019 the EEOs were onboarded and began training.

Operationally, the Environmental Enforcement Unit (EEU) has divided the city into four (4) zones, each patrolled by one (1) EEO.

- Zone 1 contains West Oakland and north of Lake Merritt to city limits (Council Districts 1 and 3).
- Zone 2 includes east and north of Lake Merritt to High St (Council Districts 2, 4, and 5).
- Zone 3 covers High St to 82nd Ave (Council Districts 4, 5, and 6). Finally, Zone 4 encompasses 82nd Ave to the city limits (Council Districts 6 and 7).

The EEO team have a passion for the job and are dedicated to turning the tide on this persistent problem with the goal of making Oakland clean and beautiful. The EEOs realize that each citation or resident encountered is an opportunity to change long-held behavior. The EEOs issued over 667 citations with three (3) officers on staff from July 2020 – May 2021. Compare these statistics to the City of Los Angeles, who received 6,767 Service Requests and issued a total of 508 citations in 2020, with a staff consisting of one (1) Chief II, two (2) Assistant Chiefs, four (4) Lieutenants, and twenty-nine (29) Environmental Officers.

EEO activities adopt a 3-prong approach when combatting Oakland's illegal dumping crisis: Educate, Enforce, and Eradicate. For a power point containing more details on the EEO program with examples, please see ***Hyperlink below.***

<https://www.oaklandca.gov/documents/environmental-enforcement-program-ppt>

Educate – EEOs ensure businesses and residents know the proper ways to dispose of their waste and the full impacts of illegal dumping. Zone Walks are a form of outreach where EEOs confirm that businesses have proper and sufficient disposal services, concentrating on problem areas such as the Fruitvale District, Lakeshore Ave. Chinatown, and the Produce District, among others.

EEOs also conduct outreach to elementary and middle school age children and funnel them into the OPW Student Ambassadors Program once they reach high school. Residents and businesses are routinely encouraged to report illegal dumping through Oak311 via verbal communication and written educational materials. EEOs also assist with the monthly Bulky Block Party events and provide information to patrons.

Enforce – EEOs hold violators accountable by issuing a “24 Hour Order to Abate” notice and a citation when they observe a pile of debris in front of a resident or business. If the pile is not abated when the EEO returns in 24-hours, it is referred to OPW’s Keep Oakland Clean and Beautiful Division (KOCB) for removal. The abatement and investigative costs are added to the citation. Most citations are written under three (3) ordinances: Oakland Municipal Code (OMC) 8.11.310 – illegal dumping and littering, OMC 8.28.110 – insufficient garbage service after 15-day notice issued, and OMC 8.28.160 – litter container abuse.

Many residents are unaware that it is unlawful to hire a private hauler. Waste Management of Alameda County (WMAC) is the exclusive franchise hauler for trash and compost in Oakland. WMAC sends a weekly list of Bulky Waste Pick-Up appointments to differentiate debris piles from scheduled pick-ups. WMAC provides a status report for properties missed that day. The EEOs will follow up with those properties to confirm that residents are advised.

The EEO aims to continue partnerships with Alameda County (ALCO) and the Oakland Police Department (OPD) as shown by the tow/illegal dumping sweep in March 2021. EEO works closely with various City Departments and outside Agencies such as the Oakland Housing Authority (OHA), Caltrans, Business Improvement Districts (BID), etc. Many of these agencies have no enforcement for illegal dumping. EEO works with these community partners to expediate debris removal and assist with possible enforcement.

Eradication – EEOs protect public health, safety, and preserve the City’s appearance by removing dumping from city streets. This includes assisting tenants and property owners with WMAC Bulky Waste Pick-Up instructions. EEOs work in tandem with KOCB crews, investigate debris piles during scheduled Garbage Blitzes, and focus on noted “hot spots”, where illegal dumping occurs frequently. This approach produced a notable increase in recovered evidence and citations issued.

Respectfully submitted,



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For questions, please contact Frank Foster, Operations Manager, at (510) 434-5109.

