



Communication Report Regarding DPW Response to Garbage Complaints

Resolution 180911

September 2018

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Background

The City of Milwaukee adopted File 180481 on July 10, 2018 that directed the Department of Public Works (DPW) to develop a plan for implementing a dedicated service to respond to complaints about garbage and to immediately remove illegally-dumped solid waste and bulky items from streets, alleys and other public right-of-ways and City-owned property. The plan is to include cost estimates and identify potential funding sources.

Emergency Encroachments in Public Right-of-Way

DPW mobilizes at any hour of day to respond to emergency situations. DPW clears garbage and bulky waste in the public right-of-way immediately if there is eminent safety risk. Public right-of-way includes streets, alleys, boulevard medians, curb lawn, and sidewalks. An example of a right-of-way encroachment of debris that requires emergency response is when traffic is impeded by material tipped or spilled onto a street or if the material otherwise poses a dangerous safety concern.

Current Garbage Collection Services

By ordinance, DPW is responsible for residential garbage collection for single family through 4-family dwelling units, services which are performed by the Sanitation Section. Owners of multi-unit dwellings with five or more units may choose Sanitation's apartment garbage service under 79-2.1. Collection by the Department is conditioned upon full compliance with the provisions of Milwaukee Code of Ordinances Chapter 79 Solid Waste Regulations and the rules of the Commissioner of Public Works. In addition to base residential garbage collection service, Sanitation addresses residential bulky item pickup up to a maximum of 6 cubic yards by ordinance. Matters concerning garbage on private residential and commercial property and nuisance conditions including strewn or scattered cleanups are administered through the Department of Neighborhood Services (DNS). Both departments work together to refer violations to improve neighborhood cleanliness and the quality of life for Milwaukee residents. The ordinance (79-15) states that enforcement of Chapter 79 Solid Waste Regulations shall be by the police department, department of neighborhood services, department of health and the department of public works.

Sanitation services funded through the Solid Waste fee provide Milwaukee residents options to properly dispose of garbage and bulky waste items. Set outs of up to one cubic yard of garbage or bulky items are allowed at no additional cost with weekly residential garbage collection. For set outs of between 1 to 6 cubic yards, DPW provides supplemental fee-based collection following requisite property owner notification. Prior to Wisconsin Act 317, collection of bulky items was typically completed within 3 days. Due to compliance with the 2018 state law notice requirements, bulky item collection takes an average of 5-7 days to complete. Set outs larger than 6 cubic yards are referred to DNS to enforce as nuisance conditions because 79-6.5.3b-2 states that such quantities shall not be collected by DPW. By ordinance, residents can request an estimate from DPW for the cost to collect set outs in excess of regular service with payment required prior to DPW collection. Households that regularly generate large amounts of garbage can pay for a second garbage cart to be issued and serviced.

Table 1: Set Out Fee Structure

Set Out Amount	Fee – Following Property Owner Notification
<1 cubic yard	\$0
1 – 4 cubic yards	\$50
4 – 6 cubic yards	\$150
> 6 cubic yards	No DPW collection – Referred to DNS DPW cost estimate for collection provided upon resident request – prepayment required
Additional garbage cart	\$60 annually – paid on quarterly basis
Emergency encroachment in public right-of-way*	WI Act 317 notification requirement waived – Immediate DPW collection with assessment to property owner when appropriate

*DPW collects all emergency encroachments regardless of ability to assess cost to property owner

DPW also operates two Drop Off Centers located at 6660 N Industrial Road and 3879 W Lincoln Avenue. The City Drop Off Centers provide proper disposal including recycling and composting of a broad range of materials, most of which are not collected at cart set out. Milwaukee residents can take appliances, electronics, furniture, garden debris, motor oil and antifreeze, car batteries, tires, and other materials to a Drop Off Center for no cost. Residential construction and remodeling debris is also accepted at a cost of \$20 for one load up to 8 cubic yards and \$40 for a double load up to 16 cubic yards.

City residents can take advantage of Project Clean and Green, the annual 7-week spring clean-up program to dispose of large amounts of unwanted bulky items. Project Clean and Green offers each household one week of amnesty on set out limits and fees. For no cost, residents can set out bulky items without limit restrictions on their regular scheduled garbage day during their scheduled Clean and Green week.

To promote city cleanliness, DPW provides the Weekend Neighborhood Box Program for organized neighborhood cleanups. A 20-yard dumpster can be reserved as part of a neighborhood cleanup. DPW provides same day drop off and collection of dumpsters each Saturday from late April through July on a first come, first serve basis. Neighborhood dumpsters are not for individual, business, school or church use. Outside of this program, DPW works with community groups to accommodate debris collection resulting from neighborhood cleanups. A collection location is designated whereby bagged debris is placed after the cleanup event with Sanitation pick up on the following Monday as part of a regular collection route.

The Problem of Illegal Dumping

While options for proper disposal are available, the problem of illegal dumping and nuisance garbage persists. Much of this problem behavior is targeted and occurs on public right-of-way or other City-owned property. City-owned vacant lots and in rem properties are hotspots for illegal dumping with many properties dumped on consecutively over the course of a year. The estimated annual cost for abatement of illegal dumping on public property totals \$1.2 million. Sanitation uses both City crews and private contractors to collect and cleanup these properties. Annual contractor costs total approximately \$800,000 with City crew operations costing approximately \$400,000. Abatement costs, while significant, represent only the direct financial cost of illegal dumping. The impact to residents and neighborhoods must be included as part of the true cost of illegal dumping. They pay a 'human cost' as safety and quality of life are eroded by illegal dumping.

Sanitation is notified of garbage or illegal dumping on public right-of-way or City-owned vacant lot or in rem properties through internal and external channels. Sanitation has a presence in every neighborhood on a weekly basis for residential garbage collection. Sanitation drivers use Combined Collection reports to record and refer garbage and illegal dumping concerns they encounter on daily routes to Sanitation Supervisors to initiate processes for abatement. Sanitation Supervisors and Inspectors conduct proactive neighborhood sweeps on a daily basis to resolve problem garbage issues. Sanitation also receives violation referrals from other City departments and service requests or complaints from residents, the Common Council and the Mayor's Office. Upon receipt of a violation referral, service request or complaint, Sanitation investigates to verify and determine the nature and extent of the violation. If the violation is verified as on city property, Sanitation collects items through a contractor or with City crews. If the violation is verified as on private property, a referral to DNS is issued. Through the initiative of DNS, Sanitation now uses the City of Milwaukee MKE Mobile app to report DNS referrals for garbage on private property. Sanitation Supervisors and Inspectors use MKE Mobile in the field to locate, photograph and provide supporting information about violations to DNS. Using this information, DNS eliminates their inspection, issues property owner notification as required by

WI Act 317 and sends to collection accordingly. Of the total number of garbage violations DNS issues and collects, most are referred by Sanitation. The collaboration between DPW and DNS has reduced administrative delays with quicker cleanup of problem garbage while complying with state law. Both departments continue to work together to find ways to cost-effectively deliver improved service.

Revenue

Residential garbage and recycling collection, garbage and bulky item set-outs of up to 1 cubic yard and most Drop Off Center collections comprise base solid waste services and are provided as part of the annual Solid Waste fee. In 2017, the Solid Waste fee generated \$37.8 million in revenue. Additional revenue from residential fee for services totaled more than \$2.6 million in 2017. The breakdown of regular service and fee for service revenue includes:

Table 2: Sanitation Fee Revenue

Fee	Revenue*
Solid Waste Fee	\$37,804,600
Additional Cart Fee	\$1,516,300
Drop Off Center Waste Fee	\$878,400
Curbside Bulky Waste Collection Fee	\$107,500
Pre-Pay Curbside Collection Fee (>6 cy)	\$67,600

*Not inclusive of all revenue sources from garbage and recycling services

Roaming Garbage Collection Service

With the goal of improved neighborhood cleanliness and a priority on immediate mitigation, roaming garbage collection service dedicated to proactive locating and collecting problem garbage and illegal dumping in the public right-of-way is examined. While this could be a contracted service, the use of City crews to deliver dedicated roaming garbage collection service would provide the highest degree of accountability and management necessary for program success.

As a new service not funded through the Solid Waste fee, establishment of roaming garbage collection service would require additional dedicated staff and equipment to proactively locate and collect problem garbage and illegal dumping citywide. Based on the minimum service level defined in Resolution 180481, the cost estimate for 2 dedicated City crews totals \$1,150,000 with additional equipment purchases in the first year and annual personnel, fuel, and tipping fee costs of \$354,330 thereafter. The minimum 2 dedicated roaming crews may not be the optimal service level; this would likely need to be assessed based on service demand. Lost

revenue from foregone fee for services on the amount of debris projected to be collected by two roaming crews is estimated at \$60,100 annually. It is anticipated the City of Milwaukee would need an additional 4 Operations Driver Workers, 1 Sanitation Inspector and 1 Office Assistant IV. Additional equipment purchases would include 2 Packers, 2 Skid-Steer Loaders, 1 passenger vehicle and 2 computers.

Analysis

Factors to consider when implementing dedicated roaming garbage collection service:

- **Conflict with City Ordinances**

City of Milwaukee Code of Ordinances 79-6.5 authorizes special collection charges for garbage and bulky waste services not covered by the Solid Waste Fee. For all garbage and bulky waste over 1 cubic yard, special charges apply as prescribed in 81-15.5. Fee for services place the cost of collection on the property owner regardless of the source of the garbage or bulky waste. By ordinance, the origin of garbage is not relevant. Therefore, whether garbage or bulky waste was generated and set out by the property owner or dumped on private property, mitigation becomes the responsibility of the property owner. “It shall be the responsibility of the property owner to remove solid waste resulting from dumping activities, Milwaukee Code of Ordinances 80-44.3.” Immediate collection of any and all problem garbage and bulky waste without the leverage of fee for services to private property owners negates property owner responsibility as established by ordinance. Such collection would create a dual service standard, one where garbage and bulky waste are collected at no cost by roaming crews and another where property owners are charged a fee for collection through existing garbage collection services.

- **Compound Problem Garbage and Illegal Dumping**

Providing free, immediate collection of all garbage and bulky waste will nullify set out restrictions and eliminate onus on the property owner to properly dispose of waste. As a result, problem garbage and illegal dumping will likely increase degrading neighborhoods further. In addition, Milwaukee could become a magnet for illegally dumped waste from other communities as non-residents learn that Milwaukee picks up piles of waste “for free.” In effect, the demand for unlimited free collection will sharply increase and quickly overwhelm capacity of the 2 dedicated roaming collection crews. Adding service to meet demand will continue to drive up city collection costs. Without fee for services or set out restrictions, the onus on property owners to legally dispose of garbage is diminished which will likely compound problem garbage, rather than alleviate it.

- **Lost Revenue**

Based on Wisconsin Act 317, notice to property owners is required prior to fee for services delivery. DPW's past practice of posting properties with violations does not meet the notification requirement as set forth in WI Act 317. Notification of property owners must be by email if provided or through USPS mail. As a result, compliance with state law lengthens the time garbage and bulky waste is left in the open and postpones collection. Prior to WI Act 317, DPW averaged collection within 3-days of posting the property with the violation. Following WI Act 317, collection now takes an average of 5-7 days. Establishment of roaming garbage collection service as a means to shorten the time to collection would necessitate forgoing notice to property owners and the forfeit of fee collection for garbage or bulky items. Lost revenue from fee for services based on establishment of 2 roaming crews is estimated at \$60,100 annually. Revenue from curbside bulky waste and pre-pay curbside collection fees and Drop Off Center fees would continue to decrease as demand for free, immediate collection outpaces capacity of the 2 dedicated crews and more garbage and bulky items are disposed of illegally.
- **Jeopardize Drop Off Center Business Model**

Legislation currently under development will apply an enhanced business model to Drop Off Center operations. This model will expand access to legal disposal for both residential and commercial use and continue to accept a broad range of materials. The model will align collection services providing no cost disposal of up to 1 cubic yard of garbage or bulky items, regardless of type of material whether items are set out or brought to a Drop Off Center. The proposed fee structure will be quantity-based with the exception of tires and televisions which will be on a per item basis. There will be no charge for recyclable materials brought to Drop Off Centers. These changes aim to provide legal disposal alternatives, reduce illegal dumping and generate revenue to offset costs. Free, immediate collection of any and all waste as provided through roaming garbage collection service would discourage use of City Drop Off Centers and nullify the proposed operational changes. If residents can dispose of items at no cost, regardless of quantity, type of material, or manner of disposal, the Drop Off Center model becomes obsolete.
- **Counter to City Sustainability Goals**

The City has a 40% landfill diversion goal to increase recovery of resources and reduce waste sent to landfills. This goal was announced as part of Mayor Barrett's 2011 budget proposal and was also adopted as a target in *ReFresh Milwaukee, City of Milwaukee's Sustainability Plan 2013-2023*. As a result, the City's solid waste collection services as defined by City ordinance are structured to promote and encourage waste reduction

and recycling behavior. Fee for services and property owner responsibility are the cornerstones of City solid waste collection services aimed at resource recovery and diverting waste from landfills. Free, immediate collection of garbage would erode these tenants and would likely generate increased waste, which is counter to the City's sustainability goals. Conversely, recycling amounts have increased annually and over 20% on a pounds per household basis since 2009. Waste reduction policies such as set out restrictions and additional cart fees complimented improved recycling collection service and enhanced recycling education efforts.

Alternative Garbage Collection Services

Multiple disposal options exist for legal disposal of garbage and bulky waste. The City provides garbage collection services ranging from weekly scheduled garbage set out of up to 1 cubic yard, fee for services collection for bulky waste between 1-6 cubic yards, pre-paid collection upon resident request for greater than 6 cubic yards, 2 Drop Off Center locations, and special collection programs such as Project Clean and Green and the Weekend Neighborhood Box Program. DPW provides 24-hour emergency collection of items blocking the public right-of-way 7 days a week. Roaming garbage collection service would be detrimental to existing services and likely pose even greater illegal dumping challenges. Immediate removal of any and all garbage at no cost would lead to higher demand for this service, effectively dismantling existing legal disposal services and dramatically driving up City collection costs. To assist with cleaner neighborhoods and combat problem garbage and illegal dumping, alternative garbage collection services should encourage responsible disposal behavior and be compatible with existing services.

Proposed alternative garbage collection services would reduce barriers to legal garbage disposal and provide opportunities for process improvement. Alternatives services would reduce barriers to legal disposal through expanded access, focus on prevention, use of technology and legislative changes.

Expand Access to Legal Disposal

- Develop a centrally located Drop Off Center
Drop Off Center locations are on the city's north side at 6660 N Industrial Road and 3879 W Lincoln Avenue on the south side. While both locations are available for all city residents, central city users arguably are underserved by current Drop Off Center services and may have barriers that prevent their use. With the highest concentration

of City-owned vacant lots that attract illegal dumping, central city residents suffer the greatest burden of illegal dumping while also having effectively less convenient disposal service locations available to combat it. Development of a centrally located Drop Off Center would increase access and encourage proper disposal for a broad range of materials. A third Drop Off Center location in combination with the business model changes under development would reduce barriers to legal access and could greatly reduce problem garbage and illegal dumping.

- **New Drop Off Center Business Model**

Implementation of the business model proposal under development that expands access to City Drop Off Centers to allow both residential and commercial use would reinforce proper disposal methods. With access to legal disposal at a reasonable cost, the goal of the new policy would be to encourage users to make the right choice when disposing of waste. With a broader base of users, Drop Off Centers could play a vital role in reducing illegal dumping.

Focus on Prevention & Compliance

While the City has programs in place to collect problem garbage and illegal dumping, a focus on prevention and compliance is needed that would work in tandem with these services to improve neighborhood cleanliness. Prevention and compliance efforts would target behavior change which is the key to resolving problem garbage and illegal dumping. The cost of violating legal disposal practices must be higher than the reward of free, careless dumping. Critical to successful behavior change is responsibility. Maintaining property owner responsibility for waste disposal behavior is therefore paramount to prevention and compliance efforts. More resources are needed to detect dumping in process and pursue criminal penalties for violators which can deter future dumping activity. A dedicated compliance team would increase DPW's capacity to monitor and detect illegal dumping. The Compliance Team would work closely with and in support of DNS and the Milwaukee Police Department for purposes of citations and developing illegal dumping cases for prosecution. The cost estimate to establish a compliance team comprised of 4 Sanitation Inspectors, 1 Compliance Manager and 1 Office Assistant IV totals \$446,784 with annual personnel and fuel costs of \$347,118. Additionally, investment in cameras for installation on City vacant lots with high frequencies of dumping would also aid prevention and compliance resulting in improved neighborhoods and quality of life.

Investment in Technology Solutions

Much of the collaborative efforts between DPW and DNS have targeted process improvements that eliminate administrative delay which reduce the time garbage is left in the open, effectively “starting the clock” earlier while complying with the prerequisite property owner notification. Investment in technology, particularly for use in the field, presents opportunities for greater process improvements. Presently, Sanitation drivers manually complete Combined Collection reports that record problem garbage and illegal dumping issues they witness while on daily routes. The hand written report is submitted to a Sanitation Supervisor at the end of the day. The referral is entered into the tracking system to be assigned to a Supervisor or Inspector for further investigation. On-truck technology provides opportunities to capture data immediately with photo documentation and refer items instantly. Technology solutions exist which can document violations, take pictures with time/date stamps, issue referrals directly to Sanitation Inspectors or DNS as needed, issue notice to property owner and schedule collection based on date of property owner notification. Automation could eliminate all manual reporting and provide real time data to initiate follow-up actions that further limit the time garbage sits in the open. Investment in technology has the potential for systems change that could dramatically improve internal and external processes and deliver cleaner neighborhoods.

Legislative Changes

Policy changes currently under development that would allow DPW collection of up to 12 cubic yards and implementation of the Drop Off Center business model as previously discussed would enhance DPW’s responsiveness and expand access to legal disposal. Such policy changes if approved and adopted by the Common Council and the Mayor would align with existing collection services and would help in the fight against problem garbage and illegal dumping. Conversely, roaming garbage collection service would require legislative changes that eliminate responsibility for removal of illegally dumped garbage on private property by the property owner.

Summary

Resolution 180481 highlights the problem of garbage left in the open on city streets and alleys and the desire of city residents and the Common Council for removal in a timely manner. To this end, the resolution directs the Department of Public Works to develop a plan for dedicated service to respond to complaints about garbage and immediately remove illegally-dumped solid waste and bulky waste from streets, alleys and other public right-of-ways and from City-owned properties.

Existing solid waste collection services address complaints about garbage and remove illegally dumped waste located in the public right-of-way and on City-owned properties. DPW delivers garbage collection services to accommodate a range of disposal needs. While problem garbage and illegal dumping are significant challenges, providing free, immediate garbage collection through use of dedicated roaming garbage collection service would likely exacerbate the problem. Such service would reduce the onus for responsible garbage disposal and increase demand, leading to significantly higher City collection costs. Roaming garbage collection service is counter to existing city ordinances, conflicts with existing service models, would perpetuate problem garbage and illegal dumping behavior, and drive up City collection costs.

Alternative garbage collection services would address problem garbage and illegal dumping that maintains the integrity of existing services while expanding access to legal disposal, focusing on prevention and compliance, integrating technology for process improvement and promoting legislative changes to codify and support enhanced collection services for cleaner neighborhoods.