**FY 2019 Performance Oversight Post-Hearing Questions**

***Department of Public Works***

**General**

1. Please provide a list of the total overtime and worker’s compensation payments paid in FY 2019 and FY 2020, to date.

|  |  |  |
| --- | --- | --- |
| Year | Overtime | Workers Compensation |
| 2019 | $ 9,805,768.51 | $215,105.90 |
| 2020 (as of 1/31/2020) | $ 3,760,072.20 | $62,605.37 |

**Solid Waste Management**

1. The District is currently operating under settlement agreements with Waste Management and BFI/Republic that allow these parties to transfer waste at the District transfer stations for $8.33/ton. This comes at significant cost to the District; according to a fee study conducted by the Mayor’s Office in 2016, the cost to DPW to transfer waste and recycling is $22.62/ton. The settlement agreements also expressly allow the parties to bring in waste generated outside of the District. DPW has informed the Committee that these settlement agreements will be in effect until 2022.
   * + How much money are we losing annually due to the low transfer fees under the settlement agreements?
     + How is DPW preparing for the expiration of the settlement agreements to ensure that the District can move forward with more favorable terms?

The settlement haulers removed the same tonnage they tip, therefore not creating a true financial loss.

DPW will work with the settlement companies and determine a course of action to service them should they select DPW as their provider for disposal services

1. The District’s contract with Waste Management to process recycling expires August 31, 2020. What steps has DPW taken on the new contract? How will the findings of the waste diversion report and recycling stream study inform the future contract?

DPW will incorporate information from the above referenced reports to inform the rebate value of recycling into the new solicitation. A year extension will be issued and a new award will take effect after August 31, 2021.

1. In its 2018 oversight responses, DPW stated that it planned to complete an assessment during FY 2019 comparing the environmental impacts of sending the District’s waste to landfill versus incinerator/waste-to-energy facility. What is the status of this assessment and its findings?

The agency has not completed this study.

1. In November 2019, the Committee received reports from residents that observed SWMA commingling residential trash and recycling. Upon learning of this issue, DPW took immediate disciplinary action and met with supervisors to ensure that this did not continue or reoccur. What additional steps, if any, is DPW taking to ensure that trash and recycling pickup is appropriately separated?

The Agency has sufficiently addressed the issue of accidental commingling; Agency will also hire solid waste monitors to review loads of refuse and recycling at the transfer stations to minimize contamination from all contamination sources.

1. Regarding the Trash Compactor Grant Program, DPW stated in its FY 2018 oversight responses that it was collecting data on three metrics for installed compactors: (1) Percentage change in number of sanitation citations for location where compactor is installed; (2) Percentage change in number of 311 rodent activity calls citations for location where compactor is installed; and (3) Change in number of hauling trips.
   * + What percentage changes did DPW observe on these three metrics? Please describe the data collected.

1)      Percentage change in number of sanitation citations for location where compactor is installed.

Based on nineteen (19) respondents, an average of one (1) citation per business before the compactor; and zero (0) citations after.

2)      Percentage change in number of 311 rodent activity calls citations for location where compactor is installed

No pre-program data was received.  A review of the 311 calls yielded only one service request submitted for rodent investigation/abatement.

3)      Change in number of hauling trips

**# of weekly hauling trips reported by 20 of the Grantees**

|  |  |  |
| --- | --- | --- |
| **Frequency per week** | **Before Compactor Installation** | **After Compactor Installation** |
| Once a week | 10% | 20% |
| Twice a week | 30% | 40% |
| Three times per week | 30% | 15% |
| Other/ 4-6 times per week | 30% | 35% |

* + - Based on this data, does the agency believe the trash compactor grant program should be extended in future years?

DPW believes there is some benefit from the program and provides a good resource to businesses.

1. In 2019, the Council passed legislation introduced by the Mayor that would authorize the acquisition, through eminent domain, of a private trash transfer station on W Street NE. The Committee has received reports that this transfer station processes 1,500 tons of waste per day, more than the amount processed at the Fort Totten and Benning Road public transfer stations combined. DPW has assured the Committee that it is prepared to accept the trash that would be diverted in the event of a closure.
   * What are the maximum daily capacities of the Fort Totten and Benning Road transfer stations, in tons (please list each separately)?

Fort Totten- 1000 tons per day

Benning Rd – 900 tons per day

* + - What is the average tonnage of solid waste that the Fort Totten and Benning Road transfer stations process each day (please list each separately)?

*Fort Totten*

Trash – 620 tons per day

Recycling -128 tons per day

*Benning Road*

Trash -710 tons per day

Recycling-105 tons per day

* + - Given that Fort Totten’s transfer station’s renovation is currently in its first phase, what is the existing daily capacity for that transfer station? What will the daily capacity be during Phase 2?

The Existing capacity is about 600 tons - during phase 2 it will be – 1000 tons, during phase 3, it will yield 1800 tons.

* + - Benning Road’s transfer station is slated to be closed, razed, and rebuilt. It would appear, then, that the Fort Totten transfer station would be the only active District-owned transfer station during that period. Is that the case? What is DPW’s plan during that period—will all solid waste be diverted to Fort Totten?

Yes, all waste will be diverted to Fort Totten for processing.

* + What private transfer stations, other than the W Street transfer station, are in operation in the District. Roughly, what is capacity of these stations?

|  |  |  |  |
| --- | --- | --- | --- |
| Facility Name | Address | Capacity | Operational? |
| WM – Northeast Transfer Station | Adams Pl. / Queens Chapel Rd | 15,150.99 tons | Yes |
| Rodgers Bros | 2225 Lawrence Ave NE, Washington, DC 20018 | ?\* | ? |

\*We are unaware of the exact capacity of the abovementioned sites.

* + If, following the W Street Transfer station’s closure, the Fort Totten and Benning Road transfer stations cannot handle the influx of solid waste, what will be the result? Will trash simply pile up at the transfer stations? Will haulers be turned away?

The DPW will notify haulers to seek alternative disposal locations.

* + The Committee has been told that the Fort Totten and Benning Road transfer stations are currently at capacity, to the point that solid waste is sometimes stored outside the facility, due to a lack of space.
    - Is it in fact the case that there are times where the facilities have so little space that waste ends up piled up outside?

This is not accurate. The Agency has a goal to maintain a clear transfer floor at the end of each day.

* + - If yes, how does DPW argue that these two transfer stations can also handle the solid waste currently accepted at the W Street transfer station?

DPW’s Fort Totten station is currently undergoing extensive renovations to the tipping floor and office spaces. When completed, all three (3) pits will be fully functional. This will be in addition to the replacement of all three grapplers, means the station will be able to handle 1,800 tons of materials daily.

* + Does DPW have the authority, under its existing contracts, to refuse solid waste from a hauler if there is not space at the given time to accept the waste?

Yes, that is correct.

* + It is the Committee’s understanding that the District’s pricing at its transfer stations is so far below market value that haulers bring solid waste from outside the District in to be processed.

DPW is working to bring its fees in line with surrounding jurisdictions. The first increase took effect last year from $50.62 to $60.62.

* + - If our transfer stations are at capacity, how does DPW prevent or disincentivize haulers bringing waste from Maryland and Virginia to our transfer stations?

We reserve the right to turn people away at the gate, however transfer stations are not at capacity.

* + - Does DPW have such authority? Is there a legislative or regulatory change needed to provide the agency with that authority?

The Agency has sufficient authority.

* + What is the average wait time for haulers waiting to deposit solid waste at the District’s transfer stations?

The Agency keeps a constant flow of traffic, there is not a wait time except for extenuating circumstances.

* + - When haulers are waiting to deposit solid waste, do they typically idle?

As indicated above, traffic is constantly moving and wait times only exist in extenuating circumstances.

* + - Does DPW track or police truck idling at the District’s transfer stations?

No idling enforcement is taken.

* + - How does DPW work to minimize idling time?

DPW does not monitor idling time, however we work as expediently as possible to minimize traffic and idling should it occur.

1. In 2017, DPW implemented the solid waste collector registration and reporting program, which requires private waste haulers to register and report to the District on an annual basis.
   * The agency’s pre-hearing responses stated that 60% of haulers have registered under the program, which is a significant increase from last year, when only 24% of haulers registered. However, it is still far short of full compliance with the law. How does DPW plan to ensure that all haulers comply with the law going forward?

DPW’s Office of Waste Diversion (OWD) and Solid Waste Enforcement & Education Program (SWEEP) have been working hard to ramp up enforcement and outreach to solid waste collectors and landscapers. A webinar was hosted on December 11th which outlined DPW’s enforcement posture for the FY 2020 cycle. Now that DPW has accurate contact information recorded for 168 entities, compliance will become much easier to ensure. Stricter enforcement will commence this year, starting on March 1st, now that the agency has accurate contact information.

* + The agency’s responses also state that SWEEP issued 34 warnings and 8 notices of violation last year for failure to register and report. This suggests that only a small fraction of noncompliant haulers are getting fined. Why isn’t SWEEP issuing more violations and what is SWEEP doing to ensure robust enforcement of the law?

The enforcement approach employed in FY 19 placed greater importance on educating solid waste collectors and landscapers about the process as a whole and acquiring each company’s accurate contact information. Not every enforcement incident required the issuance of a fine, as many entities received Notice of Violation letters (NOVs) and reached out, as an attempt to bring themselves into compliance.

In FY 20, DPW plans to ramp-up enforcement to ensure that each and every active solid waste collector has registered and reported. Any solid waste collector that fails to comply in FY 20 will incur fines if not resolved after formal communications.

CY 19 reporting was required to be completed by February 1, 2020. For reference, as of February 10, 2020, eighty-eight (88) solid waste collectors already have reported CY 19 data compared to 72 solid waste collectors reporting CY 18 data last year. This is prior to commencing enforcement.

1. In February 2019, the Council passed legislation introduced by the Mayor to authorize the acquisition, through eminent domain, of a private trash transfer station on W Street, NE. The Committee has received reports that this transfer station processes 1,500 tons of waste per day, more than the amount processed at the two public transfer stations combined; however, DPW has assured the Committee that it is prepared to accept the trash that would be diverted in the event of a closure. What steps has the agency taken to ensure it is prepared for the facility’s closure?

See response to question #7.

1. The Committee was concerned to see in the agency’s pre-hearing responses that DPW is no longer searching for a composting facility site in the District, despite such a facility being funded in DPW’s capital budget.
   * Why does DPW no longer think a District composting facility is the best approach?

DPW has not been able to identify a site in the District for a composting facility; we would prefer to commence growing a composting program by working with neighboring jurisdiction(s) and utilizing their capacity.

* + The agency’s pre-hearing responses suggest that the agency is inclined to focus on developing regional composting capacity, rather than a District facility. What is DPW doing to develop this capacity as soon as possible?

Capacity currently is available at Prince George’s County’s composting facility, which is sufficient to handle the organics stream generated by DPW-serviced households. DPW met with Prince George’s County Department of Environment staff in October 2019 to confirm capacity and to inform planning and roll-out of a curbside compost program for both food and yard waste.

* + How will this change in strategy affect plans for a curbside composting program in the District?

The change in strategy will mean that the District will pursue an opt-in strategy for curbside composting as opposed to rolling out service to all DPW-serviced households and requiring that all DPW-serviced households participate. This is because Prince George’s County would prefer, and is best set up to service material generated from an opt-in program, as it is expected to have cleaner organic material. Rolling out curbside composting to all DPW-serviced households would likely require a composting facility to utilize equipment to screen and remove contaminants from the incoming material, a technology not currently in place at Prince George’s County Composting Facility.

**Solid Waste Diversion**

1. The Solid Waste Diversion Fund required by the Sustainable Solid Waste Management Amendment Act of 2014 was created in February 2018 and started receiving revenue on March 1, 2018. Please describe how these funds were used and how much was spent during FY 2019 and FY 2020 to date.

Solid Waste Diversion Fund (6052)

FY19- $299,222.51

·         Food Waste Drop-Off

o   Collecting and Hauling food waste- $104,708.53

o   Farmers Market Fees- $7,500

·         Recycling Outreach

o   Residential Mailer- $8,000

o   Bus Shelter Ads- $11,700

·         Recycling and Composting Outreach

o   Graphic Design Temp Staff- $10,899.60

·         Organics Planning - $61,999.90

o   Codigestion report follow-up, evaluation of organics facilities options, facility synergies and needs assessment

·         Recycling Planning and Strategy Implementation- $94,414.48

o   Glass strategic planning, facilities synergies and needs assessment, training staff on transfer station screening and contamination reduction strategies, recycling contract management guidance

FY20 (as of 12/16/19) $67,564.20

·         Food Waste Drop-Off

o   Collecting and Hauling food waste- $67,564.20

1. In its FY 2018 oversight responses, DPW stated that 36.77 percent of recyclables brought to the District’s transfer stations were lost due to contamination with trash. DPW identified the following reasons for the material loss: (1) limited capacity at material recovery facilities (MRFs), which currently only accept 13 loads per day out of the 18 loads per day DPW currently takes in; (2) backups on the tipping floor; (3) transfer station equipment issues; (4) transfer station water leaks and runoff; and (5) high residue levels in incoming recyclables. DPW stated that it was taking the following steps to address these issues: (1) procuring additional MRF capacity of 10,000 to 20,000 tons per year; (2) tipping floor improvements; (3) charging haulers trash disposal rates for contaminated recyclables; and (4) increased education to District residents and commercial establishments to decrease residue in incoming recyclables. Please provide an update on the status of all of these planned improvements, as well as any additional steps DPW has taken or is planning to take to address the five issues leading to material loss.

DPW is doing the following:

(1) Procuring additional MRF capacity of 10,000 to 20,000 tons per year; - DPW is working on a new solicitation that we hope will address this issue.

(2) Tipping floor improvements; The first phase of the construction began in 2019 and is expected to be completed by June 2020.

(3) Charging haulers trash disposal rates for contaminated recyclables; and – DPW is currently developing procedures for this plan. Critical to the plan’s success is an effective monitoring system. To that effect DPW plans to hire and train Sanitation Spotters/Monitors/Inspectors by May 2020 to screen and segregate contaminated loads at both facilities.

DPW will segregate and screen recycling received from private haulers; recycling tipped from non-settlement haulers will be screened and if the contamination rate is above the threshold, the hauler will be charged the trash disposal fee instead of the recycling rate. This request was made by the private haulers to keep the recycling tip fee lower than that of trash.

Settlement haulers who tip their recycling at our transfer station will also be segregated, and hauled separately; thus, any contamination fees may be assessed directly to the hauler and not the District.

(4) Increased education to District residents and commercial establishments to decrease residue in incoming recyclables.  The District aims to improve its recycling through a multi-pronged campaign to increase capture of recyclables, increase participation among residents, and reduce contamination. DPW intends to design and execute a CY 20 campaign aimed at reducing contamination levels from 19% to 15% and increasing the volume of recycling collected by 10%, followed by a CY 21 phase II campaign designed to increase the volume of recyclables collected by an additional 5%.

DPW conducted a small pilot of two (2) routes over two (2) weeks that focused on tagging for poorly performing routes, which produced a 20% reduction of contaminants between an initial and second tagging. Our current plan is to develop outreach materials for property managers in the spring of 2020 to release and commence promoting in the fall of 2020. This would be followed by an outreach campaign to residents in multifamily buildings commencing in the spring of 2021, and would be timed to coincide with scheduled outreach campaigns to residents in single family homes.

Notably, DPW-collected recycling inbound tonnage was up 30% and recycling transfer station loss rate has decreased sharply between July and August of 2019.

1. The Special Events Waste Diversion Act of 2013 requires applicants for a special event permit to submit a waste diversion plan. District regulations require that special event permit holders “shall provide infrastructure onsite for the separation and recycling of recyclable waste generated at the event. A permit holder who violates this subsection shall be subject to a fine of up to $5,000 per day.” The Committee has received reports of events that did not provide recycling, yet DPW stated during FY 2018 oversight that it has yet to issue a citation for violation of this provision. How does DPW ensure that special events have a workable diversion plan and that such plans are actually implemented?

DPW collects the waste diversion plans for applicants not utilizing DPW as their service provider. These are filed with our special operations/events liaison and enforcement of such plans is available. The best strategy is to encourage special event permit holders to utilize DPW as their service provide, thus minimizing non-compliance.

1. In its FY 2018 oversight responses, DPW stated that it was considering mandatory organics recycling requirement for businesses, which are the largest creators of organic waste in the District. Has DPW taken any additional steps toward this policy?

In FY19, DPW worked with Harvard’s Food Law and Policy Clinic (FLPC) to develop a memo. This memo provided a background on existing organic waste management initiatives in the District, as well as a brief overview of organic waste bans in other jurisdictions, outlined several decision points for structuring and implementing an organic waste ban – identified by OWD and FLPC – and provided options and recommendations for each decision point based on conversations with stakeholders in the District, staff from other jurisdictions, and District staff.

To produce the memo, FLPC and DPW staff conducted interviews with generators of food waste (restaurants, universities, hospitals), organics haulers, regional compost facilities, other states that have enacted similar policies, and DPW’s Solid Waste Education and Enforcement Program Administrator.

These interviews provided background information on the following topics:

* Policy Structure: disposal ban vs mandatory organics
* Covered Generators: applicability, thresholds, tiers, facility distance and needs
* Covered material: front-of-house vs back-of-house, food soiled items
* Enforcement: needs for staffing and outreach

DPW began initial planning for broader outreach with stakeholders, including listening sessions for potentially impacted groups. These plans were put on hold with the introduction of the Zero Waste Omnibus Amendment Act of 2019 and concerns about potentially confusing the public while legislation is pending.

1. The Committee has received complaints about delivery trucks blocking bike lanes, crosswalks, and double parking. How does DPW address this problem?

Whenever a violation of double parking or vehicle blocking bike lanes or crosswalks is observed, DPW Parking Enforcement Officers issue the appropriate citation. However, fine increases may not be an effective deterrent to this behavior; companies add the citation costs into their overall cost of doing business. The agency is now able to issue citation for vehicles that may leave before a physical ticket can be issued.

1. The Committee continues to receive complaints about underenforcement of parking in certain neighborhoods. How does DPW ensure that parking is enforced consistently across the District?

DPW assigns officers to beats which equitably cover each Ward. Also, throughout each day, PEMA deploys staff throughout the city to address incoming customer complaints.

1. In 2019, DDOT implemented bus lanes on H and I Streets. DPW helps keep bus lanes clear by issuing citations for parking or standing in a bus lane. Has this enforcement been effective? In London, buses have cameras on them to capture motorists driving, parking, or standing in a bus lane. Is this something that the District should consider?

The Agency continues to enforce bus lane violations. The Agency has no evidence to support that the current level of attention paid to this violation is ineffective. DPW is unfamiliar with the London bus enforcement program and would need to consult with DDOT to determine the feasibility of such a program being used in the city.

1. In the 2019 budget report, the Committee recommended that DPW consider implementing Sunday parking enforcement and build additional capacity for nighttime enforcement. Has DPW considered this recommendation or taken any action? Why or why not?

DPW has reviewed Sunday and nighttime enforcement feasibility, however given the current resources DPW deploys its staff based on a Monday-Friday or Tuesday-Saturday beats. Other enforcement agencies are able to provide coverage during off-peak and weekend hours; should additional discussion be necessary DPW may follow up with the committee.

1. The Special Events Waste Diversion Act of 2013 requires applicants for a special event permit to submit a waste diversion plan that provides for source separation.
   * How does DPW currently ensure that special events have a workable diversion plan and ensure that those plans are actually implemented?

In most instances the permit holders utilize DPW as their provider, thus minimizing issues related to recycling and refuse collection and separation.

* + How does DPW educate special event permit holders of their obligations under the law?

Special event permit holders are provided the requirements for their permits when they apply. DPW is available to consult with the permit holders should they have any questions.

* + How many citations did DPW issue under this provision of the law in FY 2019?

DPW has not issued any citations regarding this law.

**Parking Enforcement**

1. The Committee has received complaints about delivery trucks blocking bike lanes and crosswalks, including reports that some companies build the cost of tickets into their operating expenses, and don’t have any intent to comply with the law. How can the District better address this problem?

Please see response to question 15

1. In 2019, DDOT established bus lanes on H and I Streets, which the agency keeps clear by issuing citations for parking or standing in the lane.

* Has this enforcement been effective?
* In London, buses have cameras on them to capture motorists driving, parking, or standing in a bus lane. Is this something that the District should consider?

Please see response to question 17

1. In the 2019 budget report, the Committee recommended that DPW consider implementing Sunday parking enforcement and build additional capacity for nighttime enforcement. Has DPW considered this recommendation—and, if so, what has the agency concluded?

Please see response to question 18

1. The number of vehicles booted annually has gone down significantly over the past three years, from 9,490 in FY 2017 to only 3,793 in FY 2019. What is the reason for this decrease?

The reason for decreasing numbers of boots issued over the previous fiscal years was directly related to competing priorities for towing. However, booting for FY 2020 is trending upward, as a result of twenty (20) additional motor vehicle operators being added to the division and an increase in the number of tow trucks procured. DPW will also see an increase in booting when the self-release boot RFP is awarded.

1. The agency’s pre-hearing responses state that the District has sufficient space at the Blue Plains Impoundment Lot for its daily operational needs. Does this mean that the backup issues at the storage facility have been resolved?
   * The responses also state that, because transporting vehicles to Blue Plains can take up valuable time, it could be helpful to have an in-town lot. Is this something you have requested in the agency’s budget?

Although we currently have sufficient space for daily operational needs, there always has to be attention paid to lot utilization based on competing demands (which are trending upward). There is a need for an in-town lot and DPW, along with partner agencies, are actively looking for any space that might be used for this purpose. Last year the agency used an OSSE lot to catch up on a backlog of abandoned vehicles. After three months we released the space and are still searching for a more permanent solution.

1. The agency’s pre-hearing responses indicate that the revenue generated by parking tickets and towing has been steadily decreasing from $67 million in FY 2017 to $59 million in FY 2019. Is there a reason for this decrease?

The number of parking citations has steadily increased over the past three fiscal years. However, the actual revenue collected has decreased as a result of violators not paying their fines. We are issuing an RFP for a self-release booting pilot, which will help collect outstanding revenue, thus brining into balance the actual revenue collected with the potential revenue numbers.

**Fleet Management**

1. The Committee is pleased to see that DPW is now mandating that all light-duty sedans purchased through DPW must be plug-in hybrid or all-electric vehicles. Are there any plans to expand these requirements to other types of vehicles?

DPW is constantly evaluating new types of vehicles and vehicle technologies to introduce into the District fleet. Electric vehicle technology is rapidly evolving but not yet consistently proven or economically viable in many vehicle classes other than light duty sedans. Combined with the limited number of vehicle options in other classes, DPW is not planning on making these requirements for other types of vehicles at this time. However, for our larger vehicle classes, we have expanded the pilot on B-100, which will have a positive effect on our carbon emissions. As we steadily expand our biodiesel fleet and electric vehicles, we will move the agency towards the city’s climate goals.

1. What is the status of the planned EV charging stations funded in the FY 2020 capital budget?

DPW is working, along with partners from DOEE and DDOT, to identify strategies and technologies that will maximize the use of the funds. Large scale electric installations like what will be needed at multiple properties for this project have a significant effect of building infrastructure and the grid. DPW is exploring solutions that will reduce electrical infrastructure costs in order to provide the maximum amount of charging stations.