

**TOWN OF SOUTH BRISTOL
SPOILS AND SCRAP MATERIALPOLICY**

I. Purpose

The purpose of this policy is to provide the Town of South Bristol with a uniform policy for the collection and disposal of Spoils and Scrap Material.

II. Definitions

“Scrap Material” - Any material, the owner of which, has discarded, deposited, abandoned or otherwise left on or in Town property, on or along a highway right of way or in Town equipment and, which the Town and/or the Town Highway Superintendent has identified as having or possibly having value that would allow such material to be sold for cash. Scrap material shall also include Town-owned vehicles or equipment, which the Town has declared to be surplus and of no further use to the Town.

“Spoils” - Excess material removed or generated during maintenance, construction, reconstruction, alteration or repair of highways, maintenance, construction, reconstruction, alteration or repair of Town-owned property, and other public works projects or repairs, which may include soil, clay, gravel, rocks, trees or tree parts, asphalt, blacktop, concrete, broken pipe, glass, wood and other debris. To be Spoils, such material must be determined to have no beneficial use to the Town, including no value that would enable the Town to sell such excess material.

“Approved Town Site”- Any site owned by the Town or its Special Districts that has been approved by the Town Board as a site that can accommodate the depositing of Spoils and can do so in accordance with applicable laws, rules and regulations.

“Private Site” – A location other than land owned by the Town.

“Town” – The Town of South Bristol.

III. Spoils Policy and Procedures Regarding Spoils

A. Spoils Policy:

It shall be the policy of the Town of South Bristol to dispose of Spoils at an Approved Town Site. It shall also be the policy of the Town of South Bristol to make the Spoils available for fill or other private uses to private landowners or private businesses in the Town of South Bristol, at no charge, in accordance with the applicable laws, rules and regulations, so long as such disposal is found to be in the public interest of the Town. It shall also be the Town’s policy to prohibit the use of public property, equipment and personnel in situations that do not primarily benefit the Town of South Bristol. The Town of South Bristol does not warrant the use of Spoils material for structural fills or for any other use. Environmental licensing may be required and

once placed on the property is the sole responsibility of the property owner. This material may contain wood, glass, rocks and other debris.

B. Spoils Determination Made

Once a Town project occurs that results in excess material, the Town Highway Superintendent shall determine whether or not such material meets the definition of "Spoils".

C. Excess Material That is Not Determined to be Spoils

If such excess material is determined to not meet the definition of Spoils, then the Town must store or use such excess material in whatever manner and at whatever location is deemed necessary and prudent to ensure such excess material remains available either for the Town to use or the Town to sell. Any revenue generated from the sale of such excess material shall be deposited in the Town General Fund

D. Disposal of Spoils

If the excess material is determined to be Spoils, then the next step is for the Town Highway Superintendent to determine if there is an Approved Town Site available to handle the Spoils or if it would be more cost effective to dispose of the Spoils at a Private Site. If an Approved Town Site is available, the Highway Superintendent shall dispose of the Spoils at such Approved Town Site, unless there is also a Private Site where the Spoils could be disposed. If there is both an Approved Town Site and a Private Site where the Spoils could be disposed, the Highway Superintendent may dispose of the Spoils at such Approved Town Site but may also, if it is more cost effective to utilize a Private Site, consider said Private Site for disposal of those Spoils. If an Approved Town Site is not available then, if it is cost effective to utilize a Private Site, the Highway Superintendent shall consider said Private Site for disposal of those Spoils.

E. Request for Spoils Material Application

A list shall be generated of all those Private Sites within the Town of South Bristol whose owners have completed a "Request for Spoils Material Application", a copy of which can be found at the Town Highway Superintendent's Office, the Town Clerk's Office and the Town of South Bristol Website. The List shall be kept in the Highway Superintendent's office and Town Clerk's office. The Highway Superintendent shall administer all Request for Spoils Material Applications. When the Highway Superintendent is considering Private Sites for the disposal of Spoils he shall go to the first available Private Site on the list that can accommodate the amount of Spoils needing disposal and that provides the Town with the least cost to transport. The transportation costs shall include labor costs, equipment and fuel costs. The determination of least cost will be determined solely by the Town. Length of time a permit holder has waited for material shall have no effect on where the material is placed. The primary concern shall be what Private Site can accommodate the amount of Spoils needing disposal in the most cost effective manner for the Town. Any additional permits or requirements necessary for the deposit, storage or use of the Spoils material shall be the responsibility of the property owner. The only work to be done by the Town Highway Department for Private Site disposal shall be transporting of the

Spoils from the Town site to the approved Private Site, dumping the Spoils at that approved Private Site and the leveling off of any material as is necessary to continue the dumping of additional Spoils onto the Private Site. Any other work needed on the Private Site shall be the sole responsibility of the landowner. The Spoils shall be for personal use and shall not be removed or sold from the Private Site after the Town Highway Department has placed it. Failure to comply with this requirement will eliminate any further Spoils from being placed on said Private Site or on any other property of said owner.

F. Spoils Available to the Public

Any Spoils that are deposited on an Approved Town Site may, at the option of the Town Highway Superintendent, with the consent of the Town Board, be made available to residents of the Town, owners of real property within the Town or owners or managers of businesses within the Town. The Town shall not charge any fee to such members of the public who wish to take any of such Spoils but such members of the public must remove whatever Spoils they wish using their own manual equipment, their own labor and their own vehicles. The Town shall not expend any money in aid of any such member of the public to assist them in removing Spoils from an Approved Town Site and the Town shall not provide any Town equipment, Town vehicles or Town labor to assist them in removing Spoils from an Approved Town Site.

G. Approval of Private Sites

If a Private Site has been chosen from the list using the criteria outlined above, the Town Highway Superintendent shall send a request to the Town Board to approve or disapprove the use of the Private Site. If approved by the Town Board, the owner of the Private Site shall agree to hold the Town harmless from any and all loss or damages of whatsoever kind or nature, in law or in equity, resulting from the Private Site owner's participation in the Town Spoils program. Before a vote on the Private Site can be made, the Town Board shall consider and weigh the private benefit versus the public purpose. The value of the benefits received must be commensurate with the value of the work to the private party. Some items the Town Board shall consider in making this determination include, but are not limited to the following:

- 1) Does the Town need the excess material for Town use, i.e. for roads;
- 2) Does the cost to use a Private Site result in a savings to the Town when compared with the cost to use an Approved Town Site for disposal of Spoils when considering labor costs, fuel costs and equipment costs.

If the Town Board is satisfied that the public purpose outweighs the private gain, then an approval to use the private site can be made. Such approval shall be in writing and the factors used to make the determination shall be enumerated therein.

IV. Scrap Material Policy and Procedures Regarding Scrap Material

A. Scrap Material Policy:

The Town is responsible for generating revenue from the sale of Scrap Material and for ensuring that revenues derived from the sale of Scrap Material are deposited in the General Fund.

B. Scrap Material Ownership:

Once discarded materials are removed from the vehicle of transport within the Transfer Station site or other Town property or, once a Town officer or employee picks up discarded materials on or along any highway right of way and then when such discarded materials are placed in a Town-owned building, property, container, vehicle or any designated storage area, the Town of South Bristol assumes ownership of such discarded material.

C. Scrap Material Determination Made

Once the Town assumes ownership of any discarded material, the Town Highway Superintendent, any Highway Department employee designated by the Highway Superintendent or any other Town officer or employee designated by the Town Board for such purpose, shall determine whether or not such discarded material meets the definition of “Scrap Material”.

D. Scrap Material Secured:

All Scrap Material that the Town assumes ownership of is to be securely maintained by the Highway Superintendent inside the transfer station fenced area or inside buildings owned and operated by the Town. The Highway Superintendent is also responsible for securing and monitoring Scrap Material generated as a result of routine highway operations and to securely maintain such Scrap Material inside the transfer station fenced area or inside buildings owned and operated by the Town. Town Officers and Employees are prohibited from using Scrap Material for other than the authorized Town purposes, and are further prohibited from the personal sale of Scrap Material obtained during the performance of their duties as an employee of the Town.

E. Scrap Material Vendor:

The Town Board retains sole authority to award, renew or terminate contracts or agreements with vendors to provide Scrap Material services for the Town of South Bristol or with purchasers willing to buy Scrap Material from the Town.

F. Scrap Material Sale Proceeds:

Only checks from the vendor shall be accepted for the payment of Scrap Material and on no occasion shall cash be accepted for payment. All checks are to be made payable to the Town and sent to the attention of the Town Supervisor.