

TOWN OF COLONIE SPOILS MATERIAL DISPOSAL POLICY AND PROCEDURES

I. Purpose

The purpose of this policy is to provide the Town of Colonie Department of Public Works and the citizens of the Town of Colonie with a uniform procedure for disposal of excess material called “spoils” generated during Department of Public Works construction projects and determined to have no beneficial use to the Town.

II. Policy

It shall be the policy of the Town of Colonie to dispose of Spoils at an approved Town site. It shall also be the policy of the Town of Colonie to make the Spoils available for fill to private landowners in the Town of Colonie, 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 Colonie.

The Town of Colonie does not warrant the use of this material for structural fills. 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.

III. Definitions

“SPOILS” – A term used in the construction industry to describe excess material removed during construction excavations projects, which typically contains wet sand, clays, subbase gravel, asphalt concrete, concrete, broken pipe, glass, wood and other debris. To be Spoils such material must be determined to have no beneficial use to the Town.

“APPROVED TOWN SITE FOR DISPOSAL OF SPOILS”- shall be any site owned by the Town of Colonie or its Special Districts that has been approved by the Town Board of the Town of Colonie as a site that can accommodate the depositing of Spoils and can do so in accordance with applicable laws, rules and regulations.

“DPW”- Town of Colonie Department of Public Works.

“COMMISSIONER”- The Commissioner of the Town of Colonie Public Works Department.

“PRIVATE SITE” – a location other than land owned by the Town of Colonie.

IV. Procedures

A. Spoils Determination Made

Once a DPW project occurs that results in excess material a determination shall be made by the Commissioner of Public Works whether or not such material meets the definition of “Spoils”. To be Spoils such material must be determined to have no beneficial use to the Town. A Beneficial Use Checklist (a copy of which is attached) shall be used by the Commissioner to aide in his determination of beneficial use.

B. Disposal of Spoils

If the excess fill is determined to be Spoils then the next step shall be to determine if there is an Approved Town Site for Disposal of Spoils available to handle the Spoil material or if it would be more cost effective to dispose of the Spoil material at a Private Site.

If an Approved Town Site for Disposal of Spoils is not available or if it is more cost effective to utilize a private site then the Commissioner of Public Works may consider said private site for disposal of those Spoils.

A list shall be generated of all those private sites within the Town of Colonie who have completed a “Request for Spoils Material Application”, a copy of which can be found at the DPW departments and the Town of Colonie Website. The List shall be kept in DPW’s offices. The Department of Public Works shall administer all Request for Spoils Material Applications.

When the Commissioner of the Department of Public Works is considering private sites for the disposal of Spoils he shall go to the first available site on the list that can accommodate the amount of Spoils needing disposal and that provides the Town of Colonie 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 of Colonie. 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 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 Spoil material shall be the responsibility of the property owner. The only work to be done by DPW for private site disposal shall be transporting of the Spoil material from the Town site to the approved private site, dumping the Spoil material at that approved private site and the leveling off of any material as is necessary to continue the dumping of material onto the site. Any other work needed on the private site shall be the sole responsibility of the landowner.

The Spoil material shall be for personal use and shall not be removed or sold from the private property site after DPW has placed it. Failure to comply with this requirement will eliminate any further material from being placed on said property or to any other property of said owner.

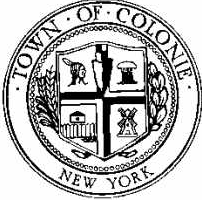
C. Town Board

If a private site has been chosen from the list using the criteria outlined above, the Commissioner of the Department of Public Works 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 be required to execute a contract prepared by the Town Attorney's Office which shall contain, among other terms, an agreement by the private site owner to hold the Town of Colonie harmless from any and all loss or damages of whatsoever kind or nature, in law or in equity, resulting from the private site owners participation in the Town of Colonie 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 at the Landfill;
- 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 contract for the private site can be made. Such approval shall be in writing and the factors used to make the determination shall be enumerated therein.



REQUEST FOR SPOILS MATERIAL APPLICATION

I hereby request that the Town of Colonie transport and place excess Spoil materials, which are derived from Town of Colonie routine maintenance and construction projects on my property. I agree to hold the Town of Colonie harmless, now and in the future, for any and all damage or loss that may occur or result from participation in the Town of Colonie Spoils program. I certify that I am the property owner of record for property where the Spoil is to be dumped and that the spoil material is for personal use and will not be sold or transferred to any other landowner.

I also understand that if I am approved to receive Spoil material, that it will be my responsibility to obtain any necessary permits to have the material placed on my property. I also understand that the Spoil material may contain wood, rocks, concrete, pieces of pipe and other debris.

Signature

Date

Property Owner Information

Print Name: _____ Telephone: _____

Mailing Address: _____

Address where Spoil is to be placed in different than above: _____

Proposed use of Spoil : _____

Amount of Spoil requested (truck loads or cubic yards): _____

Include a sketch on the back of this sheet showing the location on your property where you would like the Spoil dumped. Include the location of your house and other buildings on the property, street(s) names, drainage corridors, all utilities such as electric, natural gas, water, sewer and storm sewer or any other potential obstacles which may impact the dumping of the Spoil. If the property is not connected to the public sewer or water systems, please include the location of the septic system (septic tank & leach field) and private well on the sketch. Please, be as specific as you can with the location of the information.

Date Application Received by DPW:

Date/Time Stamp

DPW Review of Spoil Request

Request reviewed by: _____ Date: _____
Print Name Initials

Application Denied. DPW has reviewed the Request for Spoils and completed the attached cost benefit analysis and determined there is no benefit to the town of transporting the Spoil to the private landowner.

Property owner notified of DPW denial. Date: _____ By: _____

Application Approved. DPW has reviewed the Request for Spoils and completed the attached cost benefit analysis and determined there is a benefit to the town of transporting the Spoil to the private landowner.

If approved, please sign and date

_____ on _____
Name Date

Application forwarded to the Town Attorney's Office with a Town Board Agenda Request form for development of contract with private landowner and approval/denial of the Town Board on

Date: _____

Town Board Review (circle) Approval Denial Date: _____

Date contract executed by the Town Supervisor and the private landowner _____
Attach copy of signed contract.

Date(s) Spoil Material transported to site with estimated quantity of Spoil Material delivered:

Date: _____

Amount: _____

Date: _____

Amount: _____

Date: _____

Amount: _____

Date: _____

Amount: _____

Date: _____

Amount: _____

Spoils Material

Beneficial Use Checklist

Location of Material: _____

Quantity of Material: _____

Please inspect the subject material and identify if this material has a beneficial use to your operation:

DPW Division of Highway Reviewed by: _____ Date: _____

No

Yes

If yes, identify below the use and the approximate cost savings to the Division and return to the Commissioner of Public Works. If no, forward to DPW Division of Environmental Services.

DPW Division of Environmental Services – Reviewed by: _____ Date: _____

No

Yes

If yes, identify below the use and the approximate cost savings to the Division and return to the Commissioner of Public Works. If no, return to the Commissioner of Public Works.

