

## WASTE DISPOSAL POLICY

Policy No: 2019-01

**Purpose:** The Board of County Road Commissioners recognizes that many road projects involve the collection of debris from the right-of-way, including, but not limited to tree and branch removals, ditching operations, and de-berming operations. As these materials and debris are collected from the road right-of-way, adjacent property owners are given the right of first refusal. In the instance that the adjacent property owner rejects the materials and debris, Road Commission staff must truck them to one of their gravel pits, which are located throughout the County. In some instances, this means traveling a considerable distance, depending upon the location of the project or maintenance operation. The result is that the Road Commission gravel pits are filling up with materials and debris that will eventually become a problem for future pit operations, and costing senseless dollars, while having passed county residences that would gladly have taken the material.

**Policy:** The Board of County Road Commissioners of Van Buren County believes that the best interest of the public will be served through the implementation of procedures permitting broad latitude in the disposal of right-of-way debris. The Board, therefore, authorizes the Road Commission Engineer-Manager, or his delegate, to develop Waste Disposal Procedures that will permit the Road Commission to dispose of right-of-way debris either by delivery to a Road Commission gravel pit or public waste collection facility, or by delivery to a local resident or residents who express the desire to receive such material. The procedures developed by the Engineer-Manager, or his delegate, shall include, among other things, procedures for local residents to authorize the removal and disposal of debris, as well procedures for local residents to request and authorize the receipt of such debris.

AYES: 5

NAYS: 0

POLICY ADOPTED: 2-21-2019

# Disposal Agreements

## Trees and Spoils

When a property owner contacts the Road Commission to request wood from trees or ditching or de-berming spoils (materials and debris), the Road Commission will furnish and deliver requested materials and/or debris to a resident of Van Buren County under the following conditions:

1. A resident must contact the Road Commission to request delivery of certain materials and debris, such as trees (to include trunk, branches and limbs), ditching spoils, de-berming spoils, etc. Contact can be made either by email, phone, or in writing, and shall be first logged into the Service Request System to document the date the request was received, and the location of delivery.
2. When a project or maintenance operation takes place in the road right-of-way that creates materials and debris, the adjacent property owner shall have the right of first refusal. Property owners can be notified with a project letter outlining "first right of refusal," or individually contacted by Road Commission staff. If a letter or notice is provided to a property owner, a 14-day notice requirement exists for contacting the Road Commission to keep the material. No response within 14 days indicates refusal.
3. The Operations Director, or their designee, will review the site where any requested materials or debris are requested to be delivered. If the location is determined to be an acceptable disposal site:
  - a. A Material and Debris Refusal/Relinquishment will be completed and signed, unless the project notice included a first right of refusal indication and the time for contacting the Road Commission has expired.
  - b. A Material and Debris Acceptance Agreement will be completed and signed
  - c. Staff will verify **private** ownership exists (not LLC or business ownership) for the property. If the property is not owned by a private individual, an acceptance agreement cannot be executed.
  - d. Provide the agreement to the property owner for review and signature
  - e. Verify the signer is the owner of record
  - f. Complete an acceptance of the agreement (verify and sign off – Dan, Greg, Barry, Linnea)
4. The Service Request for receiving the wood or spoils is moved to the disposal log by category
  - a. Disposal Wood
  - b. Disposal Spoils
  - c. The transferred service request will be printed and provided to the Operations Director or their designee.
5. A push pin will be placed in the Disposal map with a flag identifying the Service Request number
  - a. COLOR for wood
  - b. COLOR for spoils
6. The Service Request as well as the executed Material and Debris Acceptance Agreement will be filed in the red binder.
7. As projects or maintenance activities are planned, the adjacent property owner has the first right of refusal. If the adjacent property owner declines, and provides a signed relinquishment, the map will be referenced for disposal areas in respect to location or proximity of the disposal site to the project or maintenance operation. If there is more than one acceptable disposal site within the same or approximate distance, the date the request was received shall take priority.
8. Periodically, property owners who have requested and completed Material and Debris Acceptance Agreements, will be reviewed to ensure that property has not changed ownership, property owners still desire materials and/or debris, etc.

**MATERIAL & DEBRIS - REFUAL/RELINQUISHMENT**

This agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the Board of County Road Commissioners of Van Buren County, hereinafter referred to as "Road Commission", and \_\_\_\_\_, the owner(s) of real property located at \_\_\_\_\_, hereinafter referred to as "Owner".

THEREFORE, it is agreed as follows:

1. The Road Commission intends to remove \_\_\_\_\_ (describe trees, limbs and branches, ditching spoils, or de-berming spoils etc.), hereinafter referred to as "Materials and Debris" from the highway right-of-way adjacent to Owner's property.
2. Owner acknowledges the right of first refusal of the Materials and Debris as described above.
3. Owner hereby refuses and/or relinquishes the right to the Materials and Debris described in paragraph 1.
4. The Road Commission will therefore remove and/or dispose of the Materials and Debris adjacent to Owner's property.
5. By signing this Agreement, OWNER acknowledges and represents as follows:

I (We) am (are) the owner (s) of the real property set forth above. I (We) have read this Agreement, understand it, and sign voluntarily. No representations oral or written, inducements, or statements have been made apart from this written agreement have been made. I (We) am/are fully competent; and execute this Agreement for full, adequate and complete consideration, and fully intend to be bound by same.

Dated: \_\_\_\_\_, 20\_\_

Board of County Road Commissioners of Van Buren County

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

Property Owner(s)

\_\_\_\_\_  
\_\_\_\_\_