

## **Pine Tree Water Control District Policy on Disposal of Spoils**

### **Disposal of Spoilage from Works of the District**

When the Pine Tree Water Control (PTWCD) or its agents, employees, or contractors performs PTWCD Work or a Project, there will be occasions when the work being done results in the accumulation of excess soils and materials. The build up of these soils and materials is referred to as a spoil bank or spoilage. This spoilage, if not incorporated back into the project or work that created the spoilage, must be disposed of. The PTWCD has established an order of priority as to how the spoilage will be disposed of, which is as follows:

1. The spoils will first be utilized or reincorporated into the project from whence the spoils were created.
2. If there is not a specified PTWCD project for the spoilage to be utilized, the PTWCD shall offer the spoils to the landowner(s) of the land(s) on which the project is being done or if the project is being done on PTWCD lands the owner of land(s) adjacent to the project. If more than one land owner, who is affected by the project through which the spoils have been created, desires the spoilage, the PTWCD administration will determine an equitable division of the spoils. If no affected landowner desires the spoils and no PTWCD project is specified for the use of the spoils, the PTWCD administration shall dispose of the spoils in a cost effective manner.
3. The spoils may be utilized in other PTWCD works or projects. This may result in the storage of the spoils at an appropriate location until the spoilage can be utilized in the identified project. The use of such spoils, in this manner, must be known to the PTWCD at the time the spoils are created and specifically designated by the PTWCD for use in a contemporaneous or future project at or prior to the creation of the spoil. It is not the intent of the PTWCD to create a spoilage bank without a specified end use or project for the accumulated spoils.

Prior to initiating a project or work the administration shall attempt to identify whether excess spoils will be created and the approximate amount of those spoils. If the excess spoils are not designated for utilization in another PTWCD work or project, the administration shall contact the affected landowners and ascertain whether the landowners would be interested in utilizing the excess spoils. The excess spoils could only be used on the landowners land adjacent to the project within a reasonable time frame (30days) to include removal from the easement and restoration of the easement to good condition as determined by the PTWCD Engineer. The proposed utilization of spoils would be subject to the approval of the PTWCD Administrator in consultation with the PTWCD Engineer. Storage of the spoilage as an ultimate use or for use on lands other than the lands affected by the

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project, which created the spoilage, will not be deemed an appropriate use and the PTWCD Administrator will not approve the transfer of the spoilage for such purposes.

If the use is approved by the PTWCD, the delivery of the spoilage onto the affected lands shall be at PTWCD's cost, but the PTWCD will only dump the spoils at an agreed upon location on the property, provided the site is accessible as determined by the Director of Operations. The landowner will solely be responsible for spreading or other distribution or incorporation of the spoilage within their property.

All spoilage shall be disposed of in an as-is condition and no warranties of use or otherwise shall be given by the PTWCD to the receiving party. The PTWCD Administrator may require a bond, access easement, and Memorandum of Understanding to recover the spoilage and insure the spoils are utilized as proposed and not built up and stored on property or otherwise utilized in a manner that would create a nuisance for the PTWCD or adjacent landowners.

If warranted the PTWCD Administrator and PTWCD Engineer may petition the Board of Supervisors at a public meeting to deviate from the provisions of this policy when exceptional circumstances arise and alternative disposal of the spoilage would be in the best interest of the PTWCD.

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