

Cape Royale Utility District

Policy and Operating Regulations

Brush Site and Large Item Disposal Facility

Effective Date:

1.0 Subject Title:

Policy for Cape Royale Utility Brush Site Facility

2.0 Purpose:

The Cape Royale Utility District accepts yard waste for disposal at the District Facility pursuant to this Policy. This Policy's primary purpose is to preserve and protect the public health, safety, and welfare. This Policy is also intended to promote District effectiveness and to afford facility users fair notice and process.

3.0 Persons Affected:

This Policy is applicable to Cape Royale PROPERTY OWNERS, RESIDENTS, and the EMPLOYEES OF THE SAME. Any other waste generator or transporter, except for those under contract with the Cape Royale Utility District, are not allowed to the dispose of waste under this policy.

4.0 References:

Policy for Cape Royale Household Waste Disposal Facility Texas Water Code Sections 49.004 and 54.205 Code of Federal Regulations, Title 40, Part 261 Texas Government Code, Section 27.031

5.0 Definitions:

5.1 Accepted-

For the purpose of this Policy, "accepted" means accepted for disposal as solid waste at the Cape Royale Utility District facility. This Policy does not address acceptance of household waste or hazardous waste at this District Facility.

5.2 Not Accepted-

For the purpose of this Policy, "not accepted" means that the district facility is not allowed to accept the type of waste described. Any waste that is not specifically noted as "accepted" will be refused and the person (or persons) in possession of the waste material is completely responsible for disposal outside of Cape Royale.

5.3 Commercial-

For the purpose of this Policy, Of or connected to commerce, trade, or business. Commercial also means not residential in nature.

5.4 Construction, Demolition, and Land Clearing Waste (CDL)-

For the purpose of this Policy, any recyclable or non-recyclable construction, demolition or land clearing waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures, or from land clearing for development, and requires removal from the site of construction, demolition and land clearing.

5.5 Container-

For the purpose of this Policy, any device used for the collection, storage, and /or transport of solid waste including but not limited to reusable, disposable or detachable containers and "dumpsters" provided by solid waste disposal contractors.

5.6 Hazardous Waste-

For the purpose of this Policy, Solid waste designated by 40 CFR Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency.

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6.0 Policies:

Cape Royale Utility District Brush Site Facility is designed, constructed, and operated strictly for the collection and disposal of solid waste associated with regular landscape maintenance and large items. The Districts' Policy for acceptance of various waste types are described below.

6.1 Leaves contained in bags are ACCEPTED. Loose leaves (not contained in bags and not still attached to tree or shrubbery limbs) are NOT ACCEPTED.

6.2 Wood fiber material such as tree limbs, trunks and branches are ACCEPTED. Tree trunks or limbs that are longer than 12 feet or larger than 12 inches in diameter are NOT ACCEPTED.

6.3 Lumber that does not exceed the above dimensions and has not been treated with any type of preservative is ACCEPTED. Lumber that contains nails, screws or any other metal objects are NOT ACCEPTED.

6.4 Cardboard containers that have been flattened are ACCEPTED.

6.5 Oil, Chemicals NOT ACCEPTED.

6.6 PAINT NOT ACCEPTED unless DRIED OUT COMPLETELY.

6.7 Batteries and Tires are NOT ACCEPTED.

6.8 Burning or smoldering material is NOT ACCEPTED.

6.9 Construction, demolition and land clearing (CDL) waste is NOT ACCEPTED.

6.10 Large appliances such as computer monitors, televisions, water heaters, refrigerators, ranges, barbeque pits, etc. are ACCEPTED in the designated area of this facility. Discarded furniture items are ACCEPTED as well.

6.11 Household Waste is NOT ACCEPTED at this facility. Refer to the Policy for Cape Royale Household Waste Facility.

6.12 Loads Suspected of containing unacceptable waste, waste which is classified as hazardous/dangerous, containing improperly handled waste, burning waste, untreated infectious waste or improperly packaged waste may be denied entry. District Personnel shall have the right to inspect all loads before their entry into the facility. Suspicious loads may be identified by the following means:

6.12.1 Observation (live or recorded) of regulated materials, warning labels, smoke, fumes or the presence of liquids, suggesting the presence of regulated and unacceptable materials.

6.12.2 Highly offensive, irritating, or noxious odors that cause discomfort to employees, customers, or surrounding residents, or are otherwise indicative of regulated and unacceptable materials.

6.12.3 Observation (live or recorded) of loose items okayed into Facility Containers.

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7.0 Operating Regulations:

Action By:

Cape Royale Utility District Staff

Action:

7.1 Provide adequate yard waste disposal access, containers and collection service for Cape Royale Residents and persons affected (Section 3).

7.1.1 Access will be available to the facility from 8:00AM to 4:00 PM, 7 days a week except for District holidays.

7.1.2 Two containers with the capacity of 30 cubic yards will always be available.

7.2 Provide adequate signage at the entrance to the facility which summarizes acceptable waste types and a warning of the penalties for violations of this Policy.

7.3 Provide Maintenance and groundskeeping to ensure safe and sanitary conditions.

7.4 Enforce this policy through written notice and other necessary actions.

7.4.1 The General Manger of the District, or his/her designee, is authorized and responsible to enforce or seek enforcement of this policy pursuant to the civil penalty provisions of the Texas Water Code, Section 49.004.

7.4.2 All infractions of this Policy should be reported to the District Office as soon as possible. All reports made by persons other than District agents or personnel will be made on a written form provided by the district and signed by at least one eyewitness.

7.4.3 Violations will be handled as follows:

7.4.3.1 First Offense- Written notice to the violator including a copy of this Policy.

7.4.3.2 Second and Subsequent Offenses- The district may levy penalties not to exceed the jurisdiction of a justice court as provided in Section 27.031, Texas Gov't. Code, currently up to \$5,000.00. Such penalties shall be in addition to any other penalties provided by the laws of the state of Texas. Further, in any suit to enforce its rules, the district shall seek to recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the district before the court.