

SAMPLE  
CONTRACT

Agreement Between  
BOULDER COUNTY  
AND

(Hauler)

for Acceptance Of Recyclables at  
Boulder County Recycling Center (RC)  
Located at 1901 63rd Ave., Boulder, Colorado, 80301

Recyclable materials shall be accepted at the RC, located at 1901 63rd Ave., Boulder, Colorado, for processing and sales to interim or end use markets. Acceptance of Recyclable Materials is contingent upon the conditions listed below.

Supplier is defined as any provider of recyclable materials to the Center. Hauler is defined as any entity delivering Recyclable Materials to the RC and registered by the county. It is acknowledged by all parties that the Supplier and Hauler may be two different entities or a single entity.

Hours of Operation

RC hours will open to designated vehicles routinely between 7 am and 5 pm Monday through Friday, excluding holidays. The facility will also be open on Saturdays which follow holidays and special hours by appointment. Appointments can be made by contacting EcoCycle at (720) 564-2228.

Unacceptable Materials

Materials unacceptable at the RC include, but are not limited to, non-Recyclable Materials and Hazardous Waste. A listing of Unacceptable Materials is included as Attachment A. Suppliers/Haulers are responsible for all damages, losses and expenses incurred as a result of Unacceptable Materials delivered to the RC by Supplier/Hauler.

Hauler Licensure

Haulers delivering Recyclable Materials to RC shall be licensed by the county. Licensure shall be activated once the following is provided:

1. Complete the Hauler Application Form
2. Complete and sign the Self-Certification Form
3. **Calculate your license fee** based on an annual fee of \$50.00 for up to the first three vehicles (if you operate one, two, or three vehicles, the cost is \$50.00). Each additional vehicle is \$10.00 (i.e., if you operate four vehicles, the cost is \$60.00).
4. Send the two forms referred to above and your license fee payment to me at the address below **with checks made payable to Boulder County Treasurer:**

**Boulder County Resource Conservation Division  
Attn: Hauler License Unit  
1901 63rd Street  
Boulder, CO 80301**

Upon receipt of your Application, Self-Certification Form and payment, your Hauler License will be issued. With issuance of your license, you will receive the appropriate number of windshield stickers

for your vehicles. Forms can be found online at

<http://www.bouldercounty.org/env/trash/pages/haulerlicense.aspx>. If you have questions, please call (720) 564-2220.

License can be applied for during initial vehicle visit to the RC by contacting the Boulder County Resource Conservation Division on the second floor of the RC's administrative building between 8 am and 4:30 pm Monday through Friday. Complete license information must be on file before materials payment (if any) can be issued.

#### Vehicle Driver Requirements

Operators of vehicles used to deliver recyclables to RC shall:

- Obtain hauler license from county
- Obtain all permits, licenses or other approvals required by local, state or federal government
- Drive safely and accommodate other vehicles maneuvering in the yard
- Obey safety rules and report any safety problems or accidents to the Scale House attendant
- Access RC yard via Arapahoe Road and 63rd St. - do not make left-hand exit out of yard
- Be aware of load contents, source of recyclables - be sure to verify where to tip load with Scale House attendant
- Approach the scale correctly to avoid damage to the structure or unsafe conditions
- Stay with vehicle and not wander into RC - wear appropriate protective gear if access to RC is necessary (hard hat and eye protection at minimum)

#### Insurance and Indemnification

- RC Haulers shall provide a copy of their automotive insurance card upon execution of the agreement.

Indemnity: The Supplier/Hauler shall be responsible for all damages and injury to persons or property caused by or arising out of the actions, obligations, or omissions of the Supplier/Hauler, its employees, agents, representatives, or other persons acting under this contract. The Supplier/Hauler will indemnify and hold harmless the County, its elected and appointed officials, employees, agents and representatives (hereinafter referred to as the "Indemnified Parties") from any and all liability, claims, demands, actions, damages, losses, judgments, costs or expenses, including, but not limited to attorney's fees which may be made or brought or which may result against any of the Indemnified Parties as a result or on account of the actions or omissions of the Supplier/Hauler, its employees, agents or representatives, or other persons acting under the Supplier/Hauler's direction or control hereunder. By requiring this right to indemnification, the County in no way waives or intends to waive the County's immunity protections which are provided to the County and its employees under the Colorado Governmental Immunity -Act, C.R.S. Section 24-10-101, et seq., as amended.

Independent Contractor: The parties recognize and agree that the Supplier and/or Hauler is an independent contractor for all purposes, both legal and practical, in performing services under this Agreement, and that the Supplier and/or Hauler and its agents and employees are not agents or employees of Boulder County for any purpose. As an independent contractor, the Supplier/Hauler shall be responsible for employing and directing such personnel and agents as it requires to perform the services contemplated under the Agreement, shall exercise complete authority over its personnel and agents, and shall be fully responsible for their actions.

Third Party Beneficiary: The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the County and the Supplier and/or Hauler, and nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any other or third person. It is the express intent of the parties to the Agreement that any person receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.

#### Rate Structure

Payment or charges may be associated with the recyclables supplied to the RC depending on the materials quality and the market price.

Payments/charges are dynamic and subject to change without prior notice as a function of the market. At any time either the Supplier/Hauler or county may provide information pertaining to the quality of Recyclable Materials delivered to the RC. All parties shall evaluate whether an alternative payment/charge method should apply to the materials.

Term of Agreement

This document shall be in effect from January 1, 2016 until December 31, 2016 and shall automatically renew for two one-year periods, unless terminated in writing by either party.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on

\_\_\_\_\_

COUNTY OF BOULDER  
STATE OF COLORADO

ATTEST: \_\_\_\_\_  
Administrative Assistant/Clerk to the Board of  
Commissioners

BY: \_\_\_\_\_  
Elise Jones, Chair  
Board of Commissioners

Supplier/Hauler (entity and address):

Signature: \_\_\_\_\_  
Print: \_\_\_\_\_  
Title: \_\_\_\_\_

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Company Address: \_\_\_\_\_

(If this Agreement is executed on behalf of a corporation, it must be signed by an agent duly authorized the corporation to execute such contract, and the corporate seal must be affixed to the agreement by the Secretary of the corporation or other authorized keeper of the corporate seal. Authority of the agent to execute this Agreement must be shown by an accompanying resolution by the Board of Directors of the corporation, duly certified by the Secretary or other officer of the corporation.).

Attachment A  
UNACCEPTABLE MATERIALS SCREENING PROGRAM

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## **I. Program Purpose**

The Unacceptable Materials Screening Program (UMSP) which includes load-checking procedures, is intended to prevent suspected hazardous wastes from entering the Boulder County Recycling Center (RC) and to comply with Section 2.1.2 of the Regulations Pertaining to Solid Waste Disposal Sites and Facilities 6CCR1007-2. The program is designed to detect suspected hazardous waste and prevent it from entering the RC, identify the transporter delivering the suspected hazardous waste to the RC, and/or remove suspected hazardous waste from the material delivered to the RC.

### **Unacceptable Materials**

The RC is prohibited from knowingly accepting the following: hazardous wastes, regulated under 6CCR1007-2, friable asbestos, liquid wastes, medical or infectious wastes. A list of unacceptable wastes is attached. This list, included for general guidance, is not intended to include all unacceptable waste. From time to time, the list may be amended.

### **Acceptable Materials**

Materials which can be received are recyclable materials including glass, plastic, aluminum and steel containers, drink boxes and milk cartons, newspaper, kraft bags and corrugated container, mixed paper (junk mail, chipboard, etc.), magazines, high grade paper (sorted ledger, computer printout, etc.), low grade paper and telephone directories. The list of materials may be amended from time to time.

### **Public Notice and Information**

Signs have been posted at the RC gate/entrance stating “ABSOLUTELY NO HAZARDOUS MATERIAL, TOXIC SUBSTANCES, LIQUIDS OR OTHER UNACCEPTABLE WASTE ACCEPTED.”

Information is also contained in handouts made available to facility users. Facility users will be notified that they retain responsibility for any hazardous waste or other unacceptable material detected in their loads. The handout will also provide information regarding the proper disposal of hazardous waste or other unacceptable materials.

### **Load-Checking Procedures**

The load check program includes general questions, to be used as a guide, for site employees to ask facility users regarding the contents of their vehicles, routine examination of recyclable materials dumped on the tip floor of the receiving area; examination of suspicious loads, detailed inspection of random loads; and examination of material processed on the sort lines.

### **Initial Screening**

All drivers, entering the RC will be questioned at the gate regarding the contents of their load. The questions asked will depend somewhat on the type of vehicle and whether the account is a commercial hauler or a residential load.

Haulers carrying suspected household hazardous waste will be allowed to proceed to dump recyclable materials if the household hazardous wastes can be easily separated (for example, a hauler with several cans of paint along with approved recyclable materials), or directed to exit the RC if the suspected household hazardous waste cannot be easily separated. If permitted to use the facility, the scale house

personnel will contact the tip floor employees (via radio) to ensure that the household hazardous waste material is removed from the load of recyclable material and removed from the RC by the driver or isolated and contained.

### **Routine Inspection**

Material dumped on the tipping floor will be routinely inspected for the presence of suspected hazardous waste. Equipment operators and tip floor spotters have been trained to identify suspected hazardous waste. Suspected hazardous waste will be isolated and contained.

If any personnel observe unacceptable wastes being unloaded, they will halt the unloading operation and summon the operations supervisor, facility manager, or Owner. Non-hazardous unacceptable waste will be reloaded and removed by the hauler.

Any suspected hazardous waste encountered will be isolated and contained. An attempt will be made to identify the hauler. The facility manager will notify the Owner and coordinate the proper removal of the suspected hazardous waste from the RC. If the hauler cannot be identified, the Owner will contact the hazardous waste contractor promptly for removal and proper disposal of the suspected hazardous waste.

### **Random Load Screening or Suspicious Loads**

Vehicle load checks will be performed in a similar manner whether they are random checks or checks performed on suspicious loads. Checks on suspicious loads would be determined based on past experience, material source, visual observations at the scale house, loader operator judgment, or information obtained from the driver. A minimum of 2 random load checks will be performed each week using the protocol outlined below.

1. The driver will be notified that an inspection of the load is to be performed to determine if suspected hazardous wastes are present and that the driver must remain at the RC until the inspection is completed. If the driver refuses to allow the load check to be performed, the driver will be directed to leave the RC. The Operator will notify the RC Owner of the refusal. The notification will include the reasons why the vehicle was scheduled for a load check (random screening or suspicious load), the license number of the vehicle, the hauling company, the drivers name, if available, and the reason provided, if any, for the driver not allowing the vehicle load to be inspected.
2. The driver will be directed to dump the load at a designated area in the receiving area of the RC. The load-checking area will be separated from areas where other material is being dumped.
3. The load checker will inspect materials visually or by using a rake or other hand held tools looking for unacceptable material. The load may be spread out by motorized equipment used for recycling operations.
4. The hauler, driver, license number of vehicle delivering the load, type of material received, materials found in the load, and the name of the person inspecting the load will be recorded on the load check recording form. If no unacceptable material is found, the driver will be allowed to leave the facility.
5. If non-hazardous unacceptable material is found during the load check, the driver will be notified that the materials are not accepted at the facility, and that the driver is responsible for removing them from the facility. RC will not accept any closed containers that are not approved or easily identifiable and we will also not attempt to open any containers which are not easily classified. These containers will not be accepted unless the

owner/transporter can address all issues concerning the acceptability of the containers. The intent of the RC is to accept only easily classified and recyclable containers that have been rendered useless by being open and empty.

- If unacceptable material is found, the inspector will record type of waste found, and amount of waste found. If the material is suspected to pose an immediate danger to employees, facility users, or to the facility, the Boulder Fire Department and Boulder County Health Department will be notified immediately.
- 6. The driver or his company will remove unacceptable non-hazardous waste found during the load check. The Operator will notify, in writing, any hauler who attempts to deliver unacceptable waste.
- 7. In the event that suspected hazardous waste is found in the load, or if the same hauler, company or driver makes repeated attempts to deliver suspected hazardous waste, the Owner, the City of Boulder and the Boulder County Health Department will be notified. More stringent measures, such as civil penalties may be pursued by the Boulder County Attorney's Office.

### **Common Prohibitive Wastes**

#### Automotive Products

- Batteries
- Coolant
- Lubricating Oils
- Degreasers
- Fuels

#### Household Cleaners and Related Products

- Cleaners
- Drain Openers
- Polishes and Waxes
- Liquid Wastes (any)

#### Miscellaneous Household

- Batteries
- Smoke Detectors

#### Medical or Infectious Waste

- Syringes (needles)
- Blood

#### Fly Ash

#### Bulk Dead Animals

#### Demolition Debris

- Pipe or Duct Insulation (Friable Asbestos)

#### Electronics

#### Glues and Solvents

#### PCBs

#### Pressurized Tanks

- Propane Bottles
- Compressed Air Tanks
- Welding gases

#### Paints and related products and packaging

- Solvent-based paints
- Water Based Paints
- Oil-Based Paints
- Shellac
- Varnish
- Stains
- Thinner
- Paint Removers

#### Pesticides

- Insecticides
- Fungicides
- Rodenticides
- Herbicides

#### Pool Chemicals

- Acids
- Chlorine
- Bromine

#### Sludges

- Municipal

#### Wood Treatment Products

- Creosote