



# INTERIM LANDFILL POLICY FOR CLEAN SOIL

Kahnawa'kehró:non Ratisénhaiehs  
Kahnawà:ke Landfill Office  
P.O Box 720, Kahnawà:ke, QC J0L 1B0  
Tel: 450-632-7500

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## 1. PRINCIPLES

The present *Interim Landfill Policy for Clean Soil* ("Policy") is guided by the following principles and provides the foundation for present and future decisions for landfill material entering or being moved in the Mohawk Territory of Kahnawà:ke.

We, the Kanien'kehá:ka Kahnawa'kehró:non, as part of the Iroquois Confederacy:

- are, and have always been a sovereign people;
- have consistently declared the right to govern our affairs and exercise our jurisdiction within our Territory that includes surface and sub-surface lands, airways and waterways;
- have responsibility to protect the earth from contamination, so future generations will have a clean and healthy environment in which to grow;
- must assert responsibilities to conserve and protect our Territorial lands from contamination, both common and private, including all lands that may be added through negotiation, land claims and resolutions or as result of any other means;
- are responsible to provide client based services that conserves environmental integrity and promotes awareness for the use of clean landfill soil material delivered or moved in our Territory;
- understand that wetlands serve purpose to keep waters clean and working with the Kahnawà:ke Environment Protection Office will assist the landholder to identify the best approach to protection and conservation when planning to landfill in or near a wetland;
- know that authority is balanced with responsibility to fulfill our roles to protect the natural world as guided by the Ohén:ton Karihwatéhkwén.

This Policy and its procedures ensures the provision of efficient service delivery to Kahnawa'kehró:non that minimizes and manages risk of contaminated landfill material entering or being moved within this community.

## 2. PURPOSE

As the governing body of the Mohawk Territory of Kahnawà:ke, it is the position of the Kahnawa'kehró:non Ratisénhaiehs to ensure that the necessary procedures are in place to eliminate or, at the very least, minimize any risk of environmental contamination or risk to public health because of unmonitored landfill operations.

It is the purpose and intent of this Policy to ensure standard and consistent service delivery of quality landfill material in the Mohawk Territory of Kahnawà:ke. Our



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environmental protection and conservation commitments are supported by effective monitoring practices and testing of landfill or excavation material brought into the Mohawk Territory of Kahnawà:ke so that the environmental criteria set out in the procedures are met. Monitoring and testing include material moved to and from sites within the Territory.

As an interim measure this Policy hereby identifies the Landfill Office as the only location where any landfill operation Source Site Contractors establish work plans, obtain landfill permits and that all landfill fees are paid directly to the Accounting Department of the Mohawk Council of Kahnawà:ke for all landfill material entering the Mohawk Territory of Kahnawà:ke. This Policy also hereby confirms that landfill services are a public service and is not intended for individuals to generate revenue. As such, it is hereby expressly prohibited that any individual generate any revenue or receive other such consideration for receiving landfill material at their property.

### **3. AUTHORITY**

The authority for this Policy is derived from the Kahnawa'kehró:non Ratitsénhaienhs who authorized the MCK Executive Office to direct landfill operations, on an interim basis, for the 2014 season. The Landfill Office has been mandated to coordinate and manage landfill operations on a day to day basis in accordance with the present policy and the *Interim Landfill Procedures for Clean Soil* ("Procedures").

The *Sanitary Conditions Law* and the *Kahnawà:ke Membership Law*, including any regulations pursuant to these Laws, provide fundamental authority for implementation of this Policy and its procedures. Alignment with current community laws, regulations, policies and guidelines that affect our Territorial lands are paramount.

### **4. APPLICABILITY**

The present Policy applies to individuals in the whole Mohawk Territory of Kahnawà:ke who require landfill material, who perform excavation and require movement of the material and to those who will be moving landfill material within the Mohawk Territory of Kahnawà:ke.

This Policy is intended to authorize limited operations for the 2014 construction season so that 1) private landowners can obtain the landfill material required solely for personal and immediate residential development and 2) that Capital Unit projects can proceed.



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For further clarity, this Policy does not permit large scale projects, commercial projects or future residential development. These activities are suspended until the restructuring of landfill operations is complete.

Any application requiring more than 100 loads of landfill material for an applicant's personal and immediate residential development must be vetted through the landfill application process and recommendations submitted to Chief & Council for approval.

This Policy applies to all Source Site Contractors entering or operating in the Mohawk Territory of Kahnawà:ke. Landfill permits are necessary for any residential purposes on both common and private lands for all Source Site Contractors. This Policy and the Procedures are also applicable to all Kahnawa'kehró:non Ratitsénhaiehs Units/Departments excavating or moving landfill material within the Mohawk Territory of Kahnawà:ke for commercial, institutional, residential infrastructure development or rehabilitation works.



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## 1. GLOSSARY OF TERMS

**Certificate of Possession:** Is documentary evidence of a First Nation member's lawful possession of lands as recognized by the Mohawk Council of Kahnawà:ke.

**Commercial Development:** Is proprietary land development that requires land filling in order to prepare the infrastructure needed to conduct a business.

**Clean Soil:** Is uncontaminated soil that has undergone a source site assessment and meets the acceptable parameters described in the present procedures.

**Development Plan:** Is the plan for development on a proposed parcel of land(s). Proposed structure(s) and infrastructure placement drawn onto an active Survey Plan is required for all applications or as specified by the Landfill Office.

**Excavation Project:** Any project where landfill is being transported within or outside the Mohawk Territory of Kahnawà:ke.

**Executive Office:** The MCK Unit authorized by Chief & Council to direct and oversee landfill operations on an interim basis for the 2014 construction season.

**Kahnawà:ke Conservation Officers:** Is reference to individuals appointed and sworn as Kahnawà:ke Conservation Officers pursuant to the provisions of the *Kahnawà:ke Conservation Law*, enacted 31 Kenténha/October, 1983.

**Kahnawà:ke Peacekeepers:** Is reference to individuals appointed and sworn as Kahnawà:ke Peacekeepers pursuant to the provisions of the *Kahnawà:ke Peacekeeper Law*, enacted 17, Ohiarí:ha/June, 1996.

**Kahnawa'kehró:non Ratitsénhaienhs:** Is the Mohawk Council of Kahnawà:ke, including any Unit, Department, commission, committee or person(s) mandated by the Mohawk Council of Kahnawà:ke.

**Landfill Activities:** Is the process of moving landfill material from a source site to a receptor site for remedial purposes e.g., to fill a hole in the ground to contour the land or to facilitate infrastructure needs. The landfill source site may originate from within the Territory or from a source site outside of the Territory, which is then moved to a receptor site within the Territory.

**Landfill Authority:** Is an *ad hoc* committee established by the Executive Office of the Mohawk Council of Kahnawà:ke to review and approve the issuance of landfill permits to a



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Source Site Contractor. This *ad hoc* committee shall consist of the Executive Operations Officer, a representative from Strategic & Organizational Development, and a representative from the Community Protection Unit.

**Landfill Fees:** Is the amount, as determined by the Mohawk Council of Kahnawà:ke, paid directly to its Accounting Department by the Source Site Contractor to deliver landfill and/or road base material to a receptor site in the Mohawk Territory of Kahnawà:ke.

**Landfill/Landfill Material:** Is soil, rock and/or natural stone relocated from an uncontaminated site and with concentrations of substances that respect the acceptable parameters set by the Kahnawà:ke Environment Protection Department.

**Landfill Receptor Site:** Is a site where the regulated landfill material is delivered or moved to.

**Landfill Site Operation:** Is a site on the Mohawk Territory of Kahnawà:ke where Landfill Activities are occurring.

**Low Risk Site:** Is when a Receptor Site Assessment identifies that an area is able to accept B level material.

**Member:** Is a member at birth or a person who has been confirmed as being a member of the Kanien'kehá:ka of Kahnawà:ke, according to the criteria and procedures in the Kahnawà:ke Membership Law and its regulations, provided the person's membership has not been revoked.

**Proof of Landholding:** Is the document type the Interim Landfill Coordinator will accept as Proof of Landholding:

- a) Documentary evidence issued by the Land Management Department of the Ohontsa'shon:a Ronterihwatsterítha/Lands Unit indicating the applicant is the landholder. The following documentary evidence will be accepted:

- a copy of a land transfer agreement or,
- a parcel abstract report or,
- a copy of the certificate of possession,

**OR**

- b) Document issued by the Land Management Department of the Ohontsa'shon:a Ronterihwatsterítha/Lands Unit documenting the designation of a land allotment for the construction of a primary residence.



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**Qualified Person:** Is a Civil Engineer or an individual trained to evaluate surface drainage systems to calculate storm rates and catchment areas for a specific site and translate that information into a surface drainage design is deemed to be a Qualified Person.

**Road Base Material:** Is material used to build roads only and includes rock, stone, brick, block, asphalt or concrete. Asphalt is not used in or near water and can be used for road topping.

**Source Site Contractor:** Is the Excavation Company/transportation company awarded contract work from the source site and is the one who is responsible for the transportation of clean landfill material from its original or source site location. In addition, when soil material is being excavated and moved in Kahnawà:ke, the individual or the community organization will be considered the Source Site Contractor and will be responsible for the excavated material.

**Wetland:** Land that is flooded or saturated with water and results in wet-altered soil and water-tolerant plants.

## 2. APPLICATION FOR LANDFILL

All works involving land filling in the Mohawk Territory of Kahnawà:ke ("Territory"), or the movement or sale of any excavated material within the Territory, requires completion of an application for landfill. An application for landfill is available by contacting the Landfill Office. Private landowners can obtain required Landfill Material solely for personal and immediate residential development pursuant to the present Procedures. As stated in the *Interim Policy for Clean Soil* ("Policy"), the development of large scale projects, commercial projects or future residential development are suspended until the restructuring of landfill operations is complete.

Consultation with and the approval of the Kahnawà:ke Environment Protection Department ("KEPO") must occur prior to the execution of any Landfill Activities in or near a Wetland so that *2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by KEPO can be applied.

A memorandum of agreement must be signed by the Executive Operations Officer of the Mohawk Council of Kahnawà:ke ("MCK") landholder and the Source Site Contractor for all landfill requests on private lands.

If there exists a conflict of interest between an applicant and the MCK employees designated to participate in the landfill process, a declaration of a conflict of interest will be made and an alternate will be designated to carry out the procedures for processing an application for landfill.



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## 2.1 Private Lands

2.1.1 The Interim Landfill Coordinator will provide an application package including the present Procedures and the Policy and will review package contents with the applicant. Requirements to complete an application will be provided by the Interim Landfill Coordinator.

2.1.2 A *Landfill Application for Private Lands* (Appendix A), by individuals or partnerships must be completed by the landholder(s) listed on the Certificate of Possession or Proof of Landholding document.

In the case that an application is made pertaining to lands held by an estate, only the executor or administrator of an estate is accepted as the primary contact authorized to work with the Landfill Office. The executor, the administrator or the landholder is responsible to complete and sign the application for landfill.

The applicant must provide supporting documentation that they require landfill material solely for personal and immediate residential development. Examples of such documents include building plans, construction contracts and confirmation from financial institutions.

2.1.3 The Proof of Landholding document must be attached to the completed *Landfill Application for Private Lands*.

2.1.4 A completed application is returned to the Interim Landfill Coordinator who will process and review the application, verify Proof of Landholding with the Land Management Department and verify with the Membership Department the status of the applicant/landholder being on the Kahnawà:ke Kanien'kehá:ka Registry.

2.1.5 If landfilling is planned near or in a Wetland, consultation with and the approval of KEPO must occur so that the *Wetland 2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by KEPO may be applied to minimize damage to sensitive habitats.

2.1.6 Within seven (7) working days of receipt of a completed landfill application, the applicant will receive from the Interim Landfill Coordinator an acknowledgement of application receipt and an estimated timeframe for performance of a receptor site assessment.





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2.1.7 KEPO will perform a *Receptor Site Assessment* (Appendix B) as outlined in Section 2.4.

2.1.8 All landfill delivered to a Kahnawà:ke landfill site will be subject to the random soil sampling procedures as directed by KEPO to ensure landfill material is not contaminated.

## 2.2 Common Lands

Common land development projects require the approval of the Land Management Committee and Chief & Council, following which any Landfill requests are to be approved by the Landfill Authority. For further clarity, this includes Excavation Projects.

## 2.3 Kahnawa'kehró:non Ratisénhaïenhs Unit/Department

All Kahnawa'kehró:non Ratisénhaïenhs must follow the Policy and the present Procedures, which promotes environmental protection and use of Clean Soil in Kahnawà:ke. This will minimize negative effects on the integrity of the environment and eliminate or minimize risk to public health and safety. Only A-B material is accepted on lands in Kahnawà:ke.

### 2.3.1 Kahnawa'kehró:non Ratisénhaïenhs Capital Unit

A coordinated and collaborative approach to Capital Unit's excavation projects will support the common goal of protecting the environment from cross-contamination and to support the on-going tracking of excavation sites that do not meet the *Acceptable Parameters* (Appendix C) of A-B level identified by soil chemical analysis results. Inter-departmental coordination will facilitate planning for the best use of excavated soil in the Territory.

2.3.1.1 The Interim Landfill Coordinator will organize a meeting with the Environment Protection Department Coordinator and Capital Unit designate(s) once the Capital Unit has completed the planning of projects with a purpose to work on common and/or private land infrastructure or other development or rehabilitation projects. Planned infrastructure projects will be discussed.

2.3.1.2 A Capital Unit designate with experience in conducting such assessments, will perform a source site assessment using the *Short Form: Source Site Assessment* (Appendix D). Capital Unit will complete the *Environmental Effects Identification Matrix* (Appendix E) prior to the meeting.



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Both the completed source site assessment and the *Environmental Effects Identification Matrix* will be provided by the Capital Unit to the Interim Landfill Coordinator and the KEPO Coordinator prior to the meeting. The completed *Short Form: Source Site Assessment* and the *Environmental Effects Identification Matrix* could be an indicator of a need to conduct a soil chemical analysis by the Capital Unit. Indicators that direct the need to test soil material will be discussed.

2.3.1.3 The locations of the planned infrastructure projects will be presented by the Capital Unit. A review of the *Documented Contaminated Sites in Kahnawà:ke* (Appendix F) will occur in collaboration with the Interim Landfill Coordinator and the KEPO designate.

2.3.1.4 If the planned excavation source site is a contaminated site or is an area of suspect for contamination (for example areas in and around past and current gas stations and auto repair shops or widely used highways where pollutants from gasoline, oils etc. could be present), the site will remain undisturbed.

A soil chemical analysis will be performed and results will be shared with the Interim Landfill Coordinator and the KEPO Coordinator for discussion on the best approach to soil management and potential use.

2.3.1.5 A collaborative agreement for the best approach to soil management and use will conclude the meeting of Capital Unit's planned infrastructure projects.

2.3.1.6 A Capital Unit designate will be identified by the Capital Unit Director to be the liaison responsible to meet with the Interim Landfill Coordinator and the KEPO Coordinator as necessary.

2.3.1.7 The Interim Landfill Coordinator will be responsible to contact the Capital Unit liaison between May and November of each year to determine if a new meeting is necessary so that a collaborative agreement for the best approach to soil management and use is achieved. When emergency work by the Capital Unit is carried out, the Capital Unit liaison will contact the Interim Landfill Coordinator as soon as possible to inform of the work carried out and how the excavated soil material was used.



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2.3.1.8 The Landfill Office and KEPO will perform a *Receptor Site Assessment* as outlined in Section 2.4 on all receptor sites in Kahnawà:ke.

## 2.3.2 Kahnawa'kehró:non Ratitsénhaienhs Capital Unit Responsabilités

The Kahnawa'kehró:non Ratitsénhaienhs Capital Unit has specific responsibilities under the Policy and the present Procedures that facilitates a coordinated, cooperative, and transparent approach to excavated soil material movement/transfer in Kahnawà:ke.

The Kahnawa'kehró:non Ratitsénhaienhs Capital Unit is responsible to:

1. Ensure only Clean Soil or road base material that meet Acceptable Parameters is transferred from a Kahnawà:ke source site to a Kahnawà:ke receptor site;
2. Refer to the *Documented Contaminated Sites in Kahnawà:ke* before excavating. Consultation with KEPO must occur for work in any contaminated sites to prevent cross-contamination or ensure suspect material is managed using the best approach;
3. Consultation with and the approval of KEPO must occur in or near a Wetland so that *2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by KEPO may be applied to minimize damage to sensitive habitats;
4. Conduct an environmental review of the soil source site by completing the *Short Form: Source Site Assessment* (Appendix D) and the *Environmental Effects Identification Matrix* (Appendix E). The soil condition determination and completed forms need to be provided to the Landfill Office and KEPO for discussion at an organized spring meeting;
5. Ensure that any potentially contaminated soil material found on-site will be securely stored or an alternative site will be identified by the Landfill Office and KEPO. Both offices will collaborate on the best approach to soil management that may include use of a low-risk site which does not pose a risk to public health and safety. If this cannot be achieved, the materials will be backfilled at the same location as excavation;
6. Ensure soil chemical analysis results that do not meet acceptable criteria will have alternative use options identified in collaboration with KEPO, including the option to be disposed of as necessary outside of the Territory at a licensed facility designed for this purpose;
7. Perform an environmental site characterization following the current protocol in the *Site Characterization Guide for Quebec Appendix IX* (Publication du Quebec 2004, ISBN 2-551-19645-0) if determined necessary by both the Capital Unit Director and KEPO;



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8. Know that if excavation works were carried out only by the Capital Unit without other contractors/trucks performing work at the site, and soil chemical analysis results do not meet acceptable criteria levels for acceptability for soil used at a receptor site in Kahnawà:ke, the Capital Unit will refer to section 2.3.2(5) for soil management options;
9. Ensure that when spreading the landfill that all existing piezometers (monitoring wells) and drainage patterns remain intact;
10. Ensure clean roads around the landfill site operation by making available a street sweeper/pressure washer truck and when necessary, ensure dust control measures so the landfill site operation access roads remain clean to minimize the risk of public safety hazards;
11. Adhere to recommendations received by the Landfill Office or the Kahnawà:ke Peacekeepers regarding access road safety and maintenance;
12. Maintain proper road signalization on access roads leading to the landfill site and provide a flagman as needed;
13. Repair any damage to property, repair any damage to all access roads or repair damage to the natural drainage system caused by the landfill site operation;
14. Provide copies of the Unit Excavation/Landfill Log to the Landfill Office monthly or more frequently if requested by the Interim Landfill Coordinator;
15. Meet in the spring or as necessary with the Interim Landfill Coordinator and the KEPO designate(s) to discuss Capital Unit's planned infrastructure projects for the year.

## **2.3.3 Kahnawa'kehró:non Ratitsénhaienhs Public Works Unit**

2.3.3.1 If the Kahnawa'kehró:non Ratitsénhaienhs Public Works Unit will be allowing use of their heavy equipment for soil excavation or transport by individuals in Kahnawà:ke or another Kahnawa'kehró:non Ratitsénhaienhs Unit/Department, it is imperative that the purpose for the heavy equipment use complies with the Policy and the present Procedures.

2.3.3.2 The Heavy Equipment and Town Garage Manager of Public Works will discuss the proposed use of heavy equipment with the Interim Landfill Coordinator or designate to ensure the heavy equipment proposed use complies with the Policy and the present Procedures.

2.3.3.3 If necessary, the Interim Landfill Coordinator may meet with the individual or Kahnawa'kehró:non Ratitsénhaienhs Unit/Department proposing use of the Public Work's heavy equipment to ensure



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understanding and compliance with the Policy and the present Procedures. Especially important is the review of the *Documented Contaminated Sites in Kahnawà:ke* and any areas of suspect compiled by the Environment Protection Department.

## 2.4 Receptor Site Assessment

Completion of a *Receptor Site Assessment* (Appendix B) is the final process step for an application for landfill.

- 2.4.1 Dependent on snow conditions, the Land Management Department, Capital Unit and KEPO will perform a *Receptor Site Assessment* of the applicant's receptor site. Between the months of November to March of each year, the *Receptor Site Assessment* will be carried out at the discretion of the Landfill Inspector.
- 2.4.2 Consultation between the KEPO designate and a Kahnawa'kehró:non Ratisénhaienhs Unit/Department may occur regarding land elevation and for the surface drainage system at the receptor site. A Qualified Person must carry out an evaluation of the surface drainage system of the receptor site.
- 2.4.3 A representative from Land Management will complete the appropriate sections of the *Receptor Site Assessment* and then will provide the *Receptor Site Assessment* to the KEPO Coordinator or designate for completion of the appropriate section related to environment protection. As part of the assessment, the representative from Land Management will also stake out the property boundaries in order to minimize the risk of encroachment onto neighboring properties by the Landfill Material delivered.

The *Receptor Site Assessment* will be completed within five (5) working days by the KEPO Coordinator or designate once it is received from Land Management. A representative from the Capital Unit will, if necessary, review the suitability of any development plan submitted. A representative from the Capital Unit will also provide an estimate as to the amount of Landfill Material required by the receptor site.

- 2.4.4 The KEPO Coordinator or designate may identify that additional information to the *Receptor Site Assessment* is required. A delay in completing the *Receptor Site Assessment* may occur not more than three (3) working days. The application for landfill will be held pending the completion of the *Receptor Site Assessment* by the KEPO Coordinator or designate.



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- 2.4.5 If the applicant does not accept the request for additional information to the *Receptor Site Assessment*, the landfill application process will be suspended by the Interim Landfill Coordinator until the additional information is provided to the KEPO Coordinator or designate.

The Interim Landfill Coordinator will inform the applicant in writing of the application suspension.

- 2.4.6 Once the *Receptor Site Assessment* is complete, the Interim Landfill Coordinator will advise the Landfill Authority or designate of the completed process of an application for landfill.
- 2.4.7 The Interim Landfill Coordinator will, if all requirements have been met, approve the application. The Interim Landfill Coordinator will inform and place the landfill applicant on the waiting list until acceptable Landfill Material is available.
- 2.4.8 Should it be estimated upon completion of the Receptor Site Assessment that more than 100 loads of Landfill Material is required for an applicant's personal and immediate residential development, the Interim Landfill Coordinator shall inform both the MCK Executive Office and Landfill Authority. Any application requiring more than 100 loads of Landfill Material for an applicant's personal and immediate residential development must be submitted with recommendations from the Landfill Authority to Chief & Council for approval.

### 3. ISSUING A LANDFILL PERMIT

A *Landfill Permit* (Appendix G) is necessary for all Source Site Contractors for all Landfill Material entering the Territory. All Source Site Contractors must make an appointment with the Interim Landfill Coordinator to request a *Landfill Permit* and are required to work directly and only with the Landfill Office. For further clarity, the Landfill Office, and by extension the Interim Landfill Coordinator will not work with any brokers or intermediaries.

The Interim Landfill Coordinator and/or Executive Office will only work with ownership or employees of the Source Site Contractor authorized to act on behalf of the Source Site Contractor in such matters. Proof of such authorization shall be provided to the Interim Landfill Coordinator.

Landfill Fees for Landfill Material delivered to a receptor site using a *Landfill Permit* must comply with the current landfill fee schedule established by the Kahnawa'kehró:non



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Ratitsénhaienhs. Landfill fee payments will be organized by the MCK Accounting Department directly with the Source Site Contractor.

If there exists a conflict of interest with a Source Site Contractor and the *Landfill Permit* signatory, a conflict of interest will be declared and an alternate signatory for the *Landfill Permit* will be designated.

## 3.1 Excavated Material in Kahnawà:ke

When soil material is being excavated and moved in Kahnawà:ke, the landholder or the community organization is responsible for the excavated material and is considered the Source Site Contractor.

An individual landholder or community organization is responsible for the quality of the excavated soil material from a source site in Kahnawà:ke transferred to another individual landholder receptor site in Kahnawà:ke. The Kahnawa'kehró:non Ratisénhaienhs is not responsible or liable for the excavated soil material process or the quality of the excavated soil material transferred between individual landholders.

- 3.1.1 The *Map of Documented Contaminated Sites in Kahnawà:ke* (Appendix F) must be reviewed before excavation begins. It is important for environmental protection and public health and safety to prevent cross-contamination. KEPO can assist in order to determine if a contaminated site or an area of suspect for contamination is located near the planned excavation site.
- 3.1.2 A Source Site Contractor excavating landfill material in Kahnawà:ke is required to work with the Landfill Office to ensure the Policy and present Procedures are understood and applied as needed. The Source Site Contractor/individual landholder will contact the Interim Landfill Coordinator or designate regarding the excavated material destination options.
- 3.1.3 Land Management and KEPO will perform a *Receptor Site Assessment* (Appendix B) once informed of the planned destination/receptor site of the excavated soil material.

If there is no planned destination for the excavated soil material, the Interim Landfill Coordinator, in consultation with Land Management, may assist to locate a receptor site that has already undergone a receptor site assessment.



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3.1.4 A *Source Site Assessment* (Appendix H) will be carried out by KEPO for all source sites in Kahnawà:ke.

## 3.2 Source Site Assessment

*Acceptable Parameters* (Appendix C) and the *Parameters that may be triggered for Analysis* (Appendix I) are established to ensure quality Landfill Material for Kahnawà:ke. The *Acceptable Parameters* and *Map of documented Contaminated Sites in Kahnawà:ke* are subject to change at the discretion of KEPO.

Topsoil which is the top layer of uncontaminated soil purchased from a reputable nursery is not subject to a source site assessment.

- 3.2.1 KEPO will ensure that the Source Site Contractor provides results of a source site soil chemical analysis for all Landfill Material entering the Territory.
- 3.2.2 Only landfill material meeting the A-B level criteria will be accepted as Landfill Material in the Territory.
- 3.2.3 KEPO will complete a *Source Site Assessment* (Appendix H) on all source sites of landfill soil material entering or being moved within the Territory.
- 3.2.4 The *Site Characterization Guide for Quebec Appendix IX (Publication du Quebec 2004, ISBN 2-551-19645-0)* will serve to guide KEPO in the completion of the *Source Site Assessment*.
- 3.2.5 Should there be KEPO recommendations for additional information following review, the Landfill Office will obtain the information and provide it to KEPO.

The KEPO Coordinator will ensure all actual or potential environmental aspects related to the source site will be determined prior to making a recommendation for additional information.

- 3.2.6 The cost for any soil chemical analysis is the responsibility of the Source Site Contractor. A soil chemical analysis from the source site will be required to be carried out by an accredited lab.

Results of any soil chemical analysis from the same source site will be valid for a period of two (2) years when it will be necessary to perform a new soil chemical analysis.





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- 3.2.7 The KEPO Coordinator or designate in collaboration with the Interim Landfill Coordinator or designate will determine the acceptability of the source site landfill material according to the results of the soil chemical analysis and the *Source Site Assessment* results. The Landfill Office will use material for Kahnawà:ke landfilling needs from approved source sites only.

KEPO will research whether any Notice of Contamination or other similar notices or warnings have been issued against the Source Site. Should any Notice of Contamination or other similar notices or warnings have been issued against the Source Site the Interim Landfill Coordinator is to be notified and the Source Site at issue will be rejected.

## 3.3 Approval Process

The approval process will be completed within seven (7) working days from receipt by the Landfill Office of the *Receptor Site Assessment* and the *Source Site Assessment*.

- 3.3.1 Once the *Source Site Assessment* is approved by KEPO, a *Landfill Permit* (Appendix G) will be processed by the Interim Landfill Coordinator or designate. Each *Landfill Permit* will identify only one receptor site for each permit issued and will be signed by the Executive Operations Officer or designate. The Landfill Permit will also clearly indicate the following:

- The maximum amount of loads of Landfill Material that the Source Site Contractor is permitted to deliver to a Receptor Site;
- That the landfill permit will expire at such time as it is determined that the maximum amount of loads of Landfill Material authorized pursuant by the landfill permit has been reached, failing which it will expire on [date], whichever event occurs first", and that the landfill permit remains the property of the MCK and is to be returned to the Landfill office upon expiration or revocation, as the case may.

- 3.3.2 The Interim Landfill Coordinator or designate will:

1. As needed, organize a meeting to review documentation for new permits if requested by the permit signatory. The Interim Landfill Coordinator, KEPO and the Landfill Authority may meet to discuss permit documentation no later than three (3) days prior to the need for permit distribution to the Source Site Contractor. Documentation will include, but not be limited to, the soil chemical analysis results and the approved *Source Site Assessment*;



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2. Prepare the required number of a landfill permit to accommodate the estimated number of trucks bringing landfill into Kahnawà:ke. Each landfill permit will be validated with a Landfill Office seal;
3. Provide the *Landfill Permit(s)* to the Executive Operations Officer or designate for his/her signature; Each landfill permit requires an original signature;
4. Obtain a *Landfill Permit* signature from the Source Site Contractor or authorized source site designate/company representative for each *Landfill Permit* issued;
5. Obtain *Memorandum of Agreement* signatures from both the Source Site Contractor and the applicant;
6. Provide the required number of signed and validated *Landfill Permits* to the Source Site Contractor. The Interim Landfill Coordinator will also ensure that it obtains a copy of each landfill permit issued for record keeping purposes.
7. Should any changes be required to landfill permit conditions, such as a modification in operating hours or landfilling on the weekend, the Interim Landfill Coordinator shall obtain the approval of the Executive Operations Officer or designate before implementing such changes. The Interim Landfill Coordinator shall advise the KEPO Coordinator or designate of any such changes. For further clarity, no changes to the Receptor Site listed on a landfill permit will be permitted.

3.3.3 The Interim Landfill Coordinator will, when a permit has expired and a renewal is required:

1. Will ensure that a second Receptor Site Assessment is completed and that a representative from the Capital Unit provides an updated estimate as to the amount of landfill required by the receptor site.
2. Section 3.3 will apply to the approval process for permit renewals, adapted as required to reflect that the permit is being renewed.

## **3.4 Responsibilities Associated with a Landfill Permit**

### **3.4.1 Source Site Contractor**

All Source Site Contractors have specific responsibilities under the present Procedures related to obtaining a *Landfill Permit*. The following list outlines specific responsibilities. If there are additional responsibilities related to the *Landfill Permit* request, the Interim Landfill Coordinator will inform the Source Site Contractor of these. Questions may be directed to the Landfill Office.



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## The Source Site Contractor is responsible to:

1. Sign a *Memorandum of Agreement* and follow the provisions of the present *Procedures*;
2. Understand that all Source Site Contractors work directly with the Landfill Department for landfill material inspections, permit holding and with the MCK Accounting Department for the payment of Landfill Fees;
3. Ensure that each truck driver delivering Landfill Material has a *Landfill Permit* signed and validated with an original Landfill Office seal affixed in the vehicle in plain view;
4. Ensure the delivery and quality of landfill material is carried out in accordance to the *Landfill Permit* conditions;
5. Discuss with the Environment Protection Department if landfilling will occur in or near a Wetland so that *2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by the Environment Protection Department may be applied to minimize damage to sensitive habitats;
6. Repair any damage to property, adjacent property, access roads or to the natural drainage system caused by the landfill material delivery;
7. Ensure availability of a street sweeper/pressure washer truck for access road maintenance as necessary and ensure regular use of dust control measures to eliminate or minimize risk of public safety hazards;
8. Maintain proper road signalization on roads leading to the landfill receptor site, including use of a flagman as required;
9. Know that the Interim Landfill Coordinator may suspend landfill material delivery during heavy rain or snow thaw periods until the heavy rain or snow thaw at the receptor site is determined by the Landfill Office and/or the Kahnawà:ke Peacekeepers not to be a safety hazard;
10. Cooperate with the random soil sampling procedures as directed by the Environment Protection Department;
11. Operate between 7:00 am and 5:00 pm, Monday to Friday, unless authorization is given from the Landfill office and the Director of Lands or designate; and
12. Be aware that the *Sanitary Conditions Law* will be enforced if there is non-compliance with the present Interim Procedures.

## **3.4.2 Landholder and/or Head of a Community Organization**

A Kahnawà:ke individual landholder or head of a community organization that must transfer landfill material and/or requires Landfill Material must contact the Interim Landfill Coordinator for an application package.



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**The Kahnawà:ke landholder or the head of the community organization is responsible to:**

1. Sign a *Memorandum of Agreement*;
2. Understand that all Source Site Contractors work directly with the Landfill Office for landfill material inspections and permit holding and the MCK Accounting Department for the payment of Landfill Fees;
3. Know that there are *Acceptable Parameters* (Appendix C) that ensure only Clean Soil is delivered;
4. Monitor the landfill material delivery trucks to be sure each truck has a signed and validated *Landfill Permit*;
5. Know that landfill delivery is permitted Monday to Friday between 7:00 AM and 5:00 PM, with no landfill delivery on week-ends;
6. Provide a shelter for full time site monitors when the temperature is less than 50 degrees Fahrenheit or 10 degrees Celsius;
7. Ensure there is no encroachment onto neighboring lands;
8. Ensure that proper drainage on the landfill site and neighboring land is maintained during and after the operation;
9. Discuss with the Environment Protection Department if landfilling will occur in or near a Wetland so that *2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by the Environment Protection Department may be applied to minimize damage to sensitive habitats;
10. Be aware that the *Sanitary Conditions Law* will be enforced if there is non-compliance with the present Procedures; and
11. Know there is an appeal process available if needed.

If a Kahnawà:ke individual landholder or community organization is aware of any landfill delivery that does not adhere to the present Procedures , the landholder or community organization is responsible to notify the Kahnawà:ke Peacekeepers.

## **3.5 Payment of Landfill Fees**

### **3.5.1 Pre-payment of Landfill Fees**

All Source Site Contractors must make a pre-payment for the Landfill Material that they have estimated to deliver. A Source Site Contractor will be issued an invoice from the MCK Accounting Department in advance of or on the date of meeting with the Interim Landfill Coordinator or designate to finalize the Memorandum of Agreement and the signing of permits.



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The amount invoiced for pre-payment is based on the number of loads of Landfill Material estimated for the receptor site.

All invoices are to be paid to the MCK Accounting Department through the cashier located at the main offices of the MCK.

Upon completion of the delivery of Landfill Material required for a particular site, a credit will be issued to the Source Site Contractor for the any amount of loads that remain undelivered. This credit will be applied to future invoices to the Source Site Contractor.

## **3.5.2 Issuance of Landfill Tickets after pre-payment**

Upon pre-payment to the MCK Accounting Department through the cashier located at the main offices of the MCK, the Source Site Contractor will be issued (1) landfill ticket for each load of Landfill Material for which pre-payment was made. The Source Site Contractor is responsible to distribute the tickets to his truck drivers. These landfill tickets will be remitted to the landfill monitor by each delivery truck when delivering landfill material to a receptor site. No delivery of landfill material to a receptor site will be permitted by a delivery truck if the truck driver does not have a landfill ticket to remit to the landfill monitor or designate.

The Landfill Office must reconcile the ticket distribution with the Accounting Department.

## **4. MONITORING LANDFILL SITES**

The Landfill Office will identify the need for a landfill site monitor. Site monitoring by the Landfill Inspector or site monitor will ensure the landfill site operation complies with the present Interim Procedures and can determine whether *Landfill Permit* conditions and responsibilities outlined in section 3.4 have been carried out.

The following have the authority to access a landfill site, monitor, inspect and provide landfill site operation recommendations to the Interim Landfill Coordinator:

- The Landfill Authority or designate,
- Environment Protection Department Coordinator or designate,
- Kahnawà:ke Peacekeepers,
- Roads and Highway Department Manager of Public Works,
- Kahnawà:ke Conservation Officers,



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- Coordinator Occupational Safety and Health,
- Any and all inspectors appointed pursuant to the *Sanitary Conditions Law*,
- Interim Landfill Inspector(s)/Compliance Officers,
- Interim Landfill site monitors,
- Interim Landfill Coordinator.

Each has the obligation to inform the Landfill Office or Kahnawà:ke Peacekeepers of any non-compliance with the present Procedures.

## 4.1 Landfill Permit Listing

A Landfill Permit Listing includes the name of the Source Site Contractor who has been issued a *Landfill Permit* (Appendix G) and the name of the landholder who will receive the Landfill Material.

4.1.1 The Interim Landfill Coordinator will send the landfill permit listing and/or any additional information weekly to the following Kahnawa'kehró:non Ratisénhaienhs persons:

- Environment Protection Department Coordinator,
- Interim Landfill Inspector, compliance officers and monitor,
- Kahnawà:ke Peacekeeper Executive Secretary,
- Roads and Highway Department Manager of Public Works,
- Director of Community Protection,
- Coordinator Occupational Safety & Health,
- Any and all inspectors appointed pursuant to the *Sanitary Conditions Law*,
- Land Management Coordinator.

## 4.2 Landfill Site Monitoring

### 4.2.1 Frequency Schedules

The Interim Landfill Coordinator will:

- establish a frequency schedule to monitor all landfill material site deliveries,
- assign an inspector/site monitor to fulfill the monitoring schedule,
- increase the frequency schedule at his/her discretion.



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The Executive Operations Officer or the KEPO Coordinator or designate may at any time during the landfill site operation make a request to the Interim Landfill Coordinator to increase the frequency schedule.

The Interim Landfill Coordinator can suspend a landfill site operation if the landholder denies site monitoring for inspection of a landfill site operation. If site monitoring is not accepted by the landholder within 24 hours, the landholder will be informed in writing by the Interim Landfill Coordinator that the file is closed. A new application process will be required if Landfill Material is requested by the same landholder for the same site.

The following persons can suspend a landfill site operation if it is determined through the monitoring of a landfill site operation that the conditions in the present Procedures or the Interim Policy were not adhered to by a Source Site Contractor.

- The MCK Executive Operations Officer or designate,
- The Landfill Authority,
- Kahnawà:ke Peacekeepers,
- Any and all inspectors appointed pursuant to the *Sanitary Conditions Law*,
- Environment Protection Department Coordinator or designate,
- Interim Landfill Coordinator,
- Interim Landfill Inspector / compliance officer.

If the landfill site operation is suspended, the Interim Landfill Coordinator will issue a suspension notice to the Source Site Contractor and will forward a copy to the landholder for information purposes. When the Interim Landfill Coordinator issues a suspension note, all permit listing recipients in section 4.1 will be notified.

## **4.2.2 Landfill Inspector /Compliance Officer**

The Landfill Inspector/Compliance Officer will:

- Follow a monitoring frequency schedule as directed by Public Safety;
- Visit the landfill site operation during the delivery of landfill material to ensure the Source Site Contractor or sub-contractor and anyone listed on the Landfill Permit Listing adheres to the



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*Landfill Procedures for Clean Soil* and all conditions written on the *Landfill Permit*;

- Ensure, as part of inspection, that boundaries for landfill placement are respected and ensure the height of the landfill is appropriate for the landfill site;
- Ensure follow-up of any report received by a site monitor of non-compliance by a *Landfill Permit* holder;
- Have the authority to temporarily suspend a landfill operation if weather conditions pose a public safety hazard. Such weather conditions include, but are not limited to, heavy rain, wet snow or strong winds;
- Ensure that the Supervisor/Manager/Coordinator of a Kahnawa'kehró:non Ratitsénhaienhs Unit/Department is informed of any identified non-compliance with the present Procedures. The Interim Landfill Coordinator will be notified of any communications with the Unit/Department Supervisor, Manager, or Coordinator;
- Provide landfill site monitoring reports to the Landfill Office Coordinator or designate;
- Keep the Landfill Office Coordinator informed of all non-compliance activities related to *Landfill Permit* or *Memorandum of Agreement*.

## 5. DELIVERY OF LANDFILL MATERIAL

All Landfill Material entering the Territory is subject to random sampling testing upon delivery. KEPO shall be responsible for ensuring that random sampling is completed and visual inspections of Landfill Materials are conducted.

### 5.1 Trucking of Landfill Materials

The Interim Landfill Coordinator must distribute to the Source Site Contractor all permits and tickets, who must then distribute the same to all trucking companies that will deliver the Landfill Material.

All trucking companies delivering Landfill Material will contact the Landfill Office for delivery directions/instructions. The Landfill Office must then direct the trucking companies to the receptor site where delivery is to be made. For further clarity, all landfill deliveries must be made to an individual receptor site until said receptor site no





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longer requires Landfill Material. It is only when no further Landfill Material is required at a receptor site that trucking companies will be directed to another receptor site. As such, no delivery of Landfill Material is permitted to more than one (1) receptor site at a time.

A public notice may be issued by the Interim Landfill Coordinator, with the assistance of the MCK Communications Unit, informing the community when a permit has been issued to a Source Site Contractor, the name of the Source Site Contractor, the maximum amount of Landfill Material permitted to be delivered, the expiration date of the permit, the location and owner of the receptor site.

## 5.2 Monitoring of Materials

The monitoring of the delivery of landfill will be overseen by an Interim Landfill Monitor(s). The Landfill Monitor must be stationed at the receptor site and will:

- Confirm delivery of Landfill Material;
- Verify the validity of permits;
- Collect all landfill tickets;
- Ensure that the Landfill Material is being delivered to the proper location;
- Notify the Interim Landfill Inspector /Compliance Officer immediately of any and all suspicious Landfill Materials;
- Notify the Landfill Office immediately of any and all potential encroachments of neighboring properties;
- Any other related duties.

## 5.3 Spreading and Leveling of Landfill Material

The Source Site Contractor is responsible for the spreading and leveling of any Landfill Material delivered to a receptor site pursuant to a permit issued to them. The company/sub-contractor supplying leveling and spreading services for the Landfill Material, if not completed by the Source Site Contractor directly, must be approved in advance by the Interim Landfill Coordinator or Landfill Authority.

## 6. APPEAL PROCESS

The Kahnawà:ke Communal Arbitration Procedure will be used for all appeals or disputes involving landfill site operations and the issuance of *Landfill Permits*. An appeal to the Kahnawà:ke Communal Arbitration Procedure must be made within ten



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days following the disputed decision. The Kahnawà:ke Communal Arbitration Procedure is available from the Court of Kahnawà:ke or upon request from the Landfill Office.

## **7. AMENDMENTS**

### **7.1 Procedures**

Amendments to these Procedures will be made as necessary and approved by the Executive Office.

### **7.2 Appendices**

Modification to an appendix requires approval from the MCK Executive Operations Officer or designate. Appendices for *Acceptable Parameters* and *Parameters that may be Triggered for Analysis* may be updated as required by KEPO, who will obtain approval for any updates from the MCK Executive Operations Officer or designate.

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### 2014 LANDFILL FEE SCHEDULE

All contractors are required to pay a landfill fee to deposit clean soil material in Kahnawà:ke. All contractors are required to pay the Mohawk Council of Kahnawà:ke Accounting Department directly for the number of truckloads that are deposited.

<p>\$20.00 per load</p>
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This fee schedule was approved by Chief & Council In Ohiari:ha/ June 2014.