

CLEAN SOIL POLICY

Kahnawa'kehró:non Ratisénhaienhs

**Ohontsa'shon:a Ratiia'takwe'ní:ios
Tsi Iehiatónhkwa**



STRENGTH

PEACE

UNITY

Kahnawá:ke Landfill Office

Kahnawá:ke Environment Protection Office

KAHNAWA'KEHRÓ:NON RATITSÉNHAIENHS
CLEAN SOIL POLICY

POLICY

1.	Introduction	2
2.	Purpose	2
3.	Authority	2
4.	Application	3
5.	Definitions	3

PROCEDURES

1.	Landfill Application Process	5
1.1	Landfill Application for Private Lands	5
1.2.	Shoreline Stabilization	6
1.3	Landfill Application for Communal Lands	7
1.4	Transitional Provisions for Existing Landfill Operations	8
2.	Receptor Site Evaluation Report	8
3.	Landfill Permit Process	9
3.1.	Source Site Assessment	10
3.2.	Landfill Permit Approval Process	11
3.3.	Landfill Permit Listing	11
3.4.	Landfill Permit Operation Suspension	11
4.	Appeal Process	12
5.	Responsibility of Landfill Source Site Contractor	12
6.	Responsibility of Kahnawa'kehró:non Ratitsénhaienhs	12
7.	Responsibility of a Landholder or a Kahnawà:ke Organization	12
8.	Responsibility of a Landholder and a Landfill Source Site Contractor for Large Scale Projects	13
9.	Monitoring of Landfill Sites	13
9.1	Monitoring by the Landfill Inspector	14
9.2	Site Monitoring Frequency	14
10.	Amendments	14
11.	Appendices	14

POLICY

1. INTRODUCTION

The People of Kahnawà:ke, as part of the Mohawk Nation, are and have always been part of a Sovereign Nation. We have historically and consistently exercised jurisdiction within our Territory including surface and sub-surface lands, airways and waterways.

Indiscriminate landfill dumping has resulted in contaminated tracts of land in Kahnawà:ke. In 1987, Kahnawa'kehró:non took a stand against indiscriminate landfill dumping. Efforts led to a variety of document reviews and revisions to policies resulting in a Clean Soil Policy with procedures that will monitor landfill material coming into the community as well the monitoring of landfill material moving from one area of the community to another.

The evolution of the document for landfill operations occurred in 1987 and 1988. In 1996, the Kahnawa'kehró:non Ratitsénhaienhs through MCR #14/1996-1997 resulted in support of the Kahnawà:ke Landfill Policy. Environmental standards, protection, and conservation of our Territorial lands are paramount.

2. PURPOSE

The Clean Soil Policy will provide procedures for landfill operations in our community. It provides decision-making processes for the Kahnawà:ke Landfill Office that will improve environmental protection and the regulation of landfill material being delivered or moved within the Territory.

The authority to support the following statements is derived from the Kahnawa'kehró:non Ratitsénhaienhs mandate that identifies the role of the Ohontsa'shon:a Ratiia'takwe'ní:ios Tsi Iehiatónhkwa:

1. Assert our responsibilities to protect our Territorial lands, including all lands that may be added through negotiation and resolutions or as result of any other means.
2. Ensure all landfill material brought into the Mohawk Territory of Kahnawà:ke or moved to and from sites within the Territory meet the environmental criteria set out in this policy.
3. Apply the fundamental principles of environmental protection.
4. Provide procedures to ensure equitable and standardized service delivery.
5. Serve as a decision-making tool for the approval of the *Landfill Permit* applications.
6. Prohibit landfill operations solely for profit.

3. AUTHORITY

Under the authority of the Mohawk Council of Kahnawà:ke this policy is aligned with current community laws, regulations, policies and guidelines that affect our Territorial lands and replaces all previous policies and forms relating to landfill within our Territory, including the 1987 Landfill Guidelines, the 1988 Landfill Guidelines amendments and MCR #14/1996-97 that accepted the Kahnawà:ke Landfill Policy.

Community laws, including the *Kahnawà:ke Sanitary Conditions Law*, supports jurisdiction by Kahnawa'kehró:non. Support of the implementation of this policy will include the roles and duties of the Kahnawà:ke Peacekeepers and Conservation Officers.

4. APPLICATION

The Clean Soil Policy applies to all Kahnawa'kehró:non who require landfill material, Landfill Permits will only be issued for residential, institutional or commercial development purposes.

The Clean Soil Policy is applicable to all source site contractors and Kahnawa'kehró:non Ratitsénhaienhs Units/Departments moving landfill material within the Territory for both large-scale and small-scale landfill operations.

The Clean Soil Policy is applicable to all commercial, institutional, and residential large-scale projects requiring landfill material.

The Clean Soil Policy is applicable to all land filling operations, including landscaping projects that use landfill material other than topsoil/black earth or gravel purchased from a recognized commercial retail company.

5. DEFINITIONS

For the purpose of this policy, the following definitions apply:

Business: A commercial undertaking carried out for profit.

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

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

Excavation Project: Any proposed plan involving excavation work other than that which is done for individual home construction. This includes both private and public sector commercial development and any private or public sector projects.

Kahnawà:ke Communal Arbitration Procedure: A procedure to settle a dispute between two parties which was enacted by the Kahnawa'kehró:non Ratitsénhaienhs through MCR No. 113/1989-90 on February 5, 1990.

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

Kahnawà:ke Peacekeepers: Refers 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: The Mohawk Council of Kahnawà:ke, including any Unit, Department, commission, committee or person(s) mandated by the Mohawk Council of Kahnawà:ke.

Landfill Fees: Are the amounts, as determined by the Mohawk Council of Kahnawà:ke, paid by the source site contractor to deliver landfill and/or road base material to a receptor site.

Landfill/Landfill material: Is uncontaminated, non-water-soluble, non-decomposable, inert, solid material.

Land Filling: 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 material 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.

Land filling (Large Scale): Includes all requests of 500 12-wheeler truckloads or more.

Land filling (Small Scale): Includes all requests less than 500 12-wheeler truckloads.

Landfill Permit: The permit issued by the Landfill Office allowing landfill material to be delivered to the Territory.

Landfill Permit Listing: The Landfill Permit Listing includes all the contractors or sub-contractors who have been issued a Landfill Permit.

Landfill Receptor Site: Site where the regulated landfill material is delivered to or moved to.

Landfill Site Operation: A site on the Territory where land filling is occurring.

Landfill Source Site: Site where the regulated landfill material originated.

Land Management Committee: Enacted by the Kahnawa'kehró:non Ratitsénhaienhs through MCR No. 37/1995-96 on June 26, 1995, the Land Management Committee was created and mandated to pursue a direction of managing and protecting lands. The Committee is composed of representatives from the following sections of the Kahnawa'kehró:non Ratitsénhaienhs; Technical Services, Land Management, Chief & Council, Administration, the Kahnawà:ke Lands and Trusts Services and the Environment Protection Office.

Low-Risk Site: A receptor site where Level B criteria landfill material can be used, beneath an impermeable surface such as pavement, sidewalk or concrete.

Materials under Suspect: Any materials that have been affected by a spill or release of regulated substances should not exceed concentrations of values listed in the *Mandatory Parameters* (Appendix F). Materials under suspect may originate from construction and/or demolition work sites that is separate from other waste.

Ohontsa'shón:a Ratiia'takwe'ní:ios Tsi Iehiatónhkwa: Refers to the Mohawk Council of Kahnawà:ke Lands Unit.

Ordinary High Water Mark: Considered to be the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

Ordinary Low Water Mark: The low water mark means the ordinary low water mark of water reached during cyclical tides. This mark varies depending on the tides of the location, and only a surveyor can assess where that line is located in a given area by measuring the tides.

Proof of Landholding: Any of the following documents will be accepted as proof of landholding by the Landfill Office:

a) Document issued by the Land Management Office of the Ohontsa'shón:a Ratiia'takwe'ní:ios Tsi Iehiatónhkwa indicating land transfer accompanied by an updated map of the site registered in the name of the applicant.

b) Document issued by the Land Management Office of the Ohontsa'shón:a Ratiia'takwe'ní:ios Tsi Iehiatónhkwa documenting the designation of a land allotment for the construction of a primary residence.

Qualified Person: A qualified person is a Civil Engineer able 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. An individual trained to perform these functions would also be deemed a "qualified person."

Remediation: A process to improve or reverse damage.

Road Building Material: Material used to build roads only. The term includes road-building materials, rock, stone, asphalt, brick, block or concrete.

Source Site Contractor: Is the Excavation Company awarded contract work from the source site and is the one who is responsible for the transportation of regulated landfill material from its original or source site location.

Top Soil: The top layer of uncontaminated soil purchased from a reputable nursery.

PROCEDURES

1. LANDFILL APPLICATION PROCESS

A *Landfill Application for Private Lands* (Appendix A) or for *Communal Lands* (Appendix B), can be obtained from the Environment Protection Office or Landfill Office. There is no fee to file a *Landfill Application*.

In addition to the landfill application process, both the landholder and the source site contractor are responsible to sign a Memorandum of Agreement (Appendix L) for any commercial development, large-scale land filling, or for large or multi-year excavation projects on private or communal lands, as referenced in section 8.

1.1 Landfill Application for Private Lands:

- 1.1.1 A *Landfill Application for Private Lands* (Appendix A), by individuals, partnerships or corporations must be completed by the landholder(s) (or authorized legal designate) listed on the Certificate of Possession.
- 1.1.2 A certified copy of the Certificate of Possession (signed by a Commissioner of Oaths or Notary) must be attached to the completed *Landfill Application*.
- 1.1.3 The completed *Landfill Application* must be returned to the Landfill Coordinator or designate who will process the application.
- 1.1.4 The Landfill Coordinator will review the completed *Landfill Application for Private Lands* and verify for proof of landholding with the Land Management Department.
- 1.1.5 As landfill is considered a service to the community, an applicant will only be eligible for the service providing they are on the Kahnawà:ke Kanien'kehá:ka Registry List. The Landfill Coordinator will verify the status of the applicant/landholder pertaining to the Kahnawà:ke Kanien'kehá:ka Registry with the Membership Department.
- 1.1.6 If a landfill application is received for commercial development, large-scale land filling, or for large or multi-year excavation projects on private lands, the Landfill Coordinator will refer the landfill application to the Director of Lands or designate and to the Environment Protection Coordinator or designate who will collaborate and:
 1. Review the application,
 2. Meet with the applicant to clarify any issues regarding the application and ensure the Clean Soil Policy and procedure requirements are understood,
 3. Determine a recommendation for the Land Management Committee for approval or disapproval of the landfill application,

4. Present the landfill application and recommendations to the Land Management Committee including applicable rationale.

1.1.7 The Land Management Committee will deliberate and make a final decision on the application. Once the Land Management Committee informs the Landfill Coordinator of the decision, the applicant will be required to continue with procedures for an application for landfill.

1.1.8 Upon expiration or revocation of any approved landfill application for commercial development, large-scale land filling, or for large or multi-year excavation projects on private lands authorized under this Policy and Procedure, any landholder wishing to continue receiving landfill on said lands for any purpose, is required to re-apply and receive a new authorization from the Land Management Committee.

1.2 Shoreline Stabilization:

If a landholder has a need to stabilize the shoreline, the landholder must consult with the Environment Protection Coordinator to discuss options and determine an appropriate plan for shoreline stabilization.

The Landholder, the Environment Protection Coordinator and any required expertise or consultant will collaborate to develop a shoreline stabilization plan that will consider the Ordinary High Water Mark, the Ordinary Low Water Mark, the Environmental Impact Assessment and other relevant documents or studies to determine the best approach that will address the landholder's shoreline problem.

All costs that require expertise from an Engineer, a Surveyor or other technical consulting services, will be at the expense of the landholder.

1.2.1 The Environment Protection Coordinator or designate will facilitate discussion with the landholder regarding the shoreline problem and potential solutions.

1.2.2 The Environment Protection Coordinator or designate will ensure that the Ordinary High Water Mark (OHWM) and the Ordinary Low Water Mark (OLWM) are identified, and will conduct consultation with Land Management to obtain the legal boundaries of the lot in relation to the shoreline.

1.2.3 The Environment Protection Coordinator or designate will ensure that an Environmental Impact Assessment is conducted to determine potential impact shoreline stabilization may have on the environment. Section 2.4 will apply.

1.2.4 When a draft shoreline stabilization plan has been completed, and all environmental needs have been addressed, the Environment Protection Coordinator or designate will involve the Director of Lands to collaborate and:

1. Review the shoreline issue and draft shoreline stabilization plan,
2. Meet with the landholder to clarify any shoreline issue, finalize the draft shoreline stabilization plan and ensure the Clean Soil Policy and procedure requirements are understood,
3. Determine a recommendation for the Land Management Committee for approval or disapproval of the shoreline stabilization request,
4. Present the draft shoreline stabilization plan and recommendations to the Land Management Committee including applicable rationale.

- 1.2.5 The Land Management Committee will deliberate and make a final decision on the shoreline stabilization issue and draft shoreline stabilization plan. The Land Management Committee will inform the landholder of the decision.
- 1.2.6 If the draft shoreline stabilization plan has been approved, the Land Management Committee will determine a shoreline stabilization-monitoring schedule and will inform the landholder and appropriate Lands Unit personnel.
- 1.2.7 If the landholder decides not to pursue a shoreline stabilization plan, the process will terminate and the Environment Protection Coordinator will inform the Land Management Committee of the issues and outcome.

1.3 Landfill Application for Communal Lands:

A *Landfill Application for Communal Lands* (Appendix B) by a Kahnawà:ke organization, or a Kahnawà:ke business must obtain approval for any landfill operations from the Land Management Committee. The Committee will make the recommendation to Chief and Council. The applicant must send a letter to the Land Management Committee Chairperson to request approval.

- 1.3.1 All applications for commercial development, large-scale land filling, or for large or multi-year excavation projects on communal lands, will have the Landfill Coordinator refer the landfill application to the Director of Lands or designate and the Environment Protection Coordinator or designate who will collaborate and:
 - 1. Review the application,
 - 2. Meet with the applicant to clarify any issues regarding the application and ensure the Clean Soil Policy and procedure requirements are understood,
 - 3. Determine a recommendation for the Land Management Committee for approval or disapproval of the landfill application,
 - 4. Present the landfill application and recommendations to the Land Management Committee including applicable rationale.
- 1.3.2 The Land Management Committee will deliberate and make a final decision on the application. Once the Land Management Committee informs the Landfill Coordinator of the decision, the applicant will be required to follow procedures for submitting an application for landfill.
- 1.3.3 The completed *Landfill Application for Communal Lands* must be returned to the Landfill Coordinator or designate who will verify the status of the land with the Land Management Department.
- 1.3.4 The need for landfill material, a landfill receptor site, and/or to transfer landfill material by Capital, Public Works and other Units/Departments of the Kahnawa'kehró:non Ratisénhaienhs, with a purpose to work on communal infrastructure or projects, must complete a *Request for Landfill and/or a Landfill Transfer Receptor Site* (Appendix C) by Kahnawa'kehró:non Ratitsénhaienhs Unit/Department.
- 1.3.5 The Kahnawa'kehró:non Ratitsénhaienhs Unit/Department will provide a copy of an excavation/landfill log to the Landfill Coordinator or designate who will maintain weekly records of land filling by the Unit/Department.
- 1.3.6 The Landfill Inspector must complete the *Receptor Site Evaluation Report* (Appendix D) for each landfill receptor site request.

- 1.3.7 The completion of the *Request for Landfill and/or a Transfer Receptor Site* form is required for each work plan for a Kahnawa'kehró:non Ratitsénhaienhs Unit/Department. The completed form is returned to the Landfill Coordinator or designate for landfill planning.

Consultation with the Kahnawa'kehró:non Ratitsénhaienhs Unit/Department will be coordinated by the Landfill Coordinator or designate when required.

1.4 Transitional Provisions for Existing Landfill Operations

If the operation being carried out is for small-scale land filling, the landholder or Kahnawà:ke organization receiving landfill pursuant to a MCK permit as of September 5, 2007 and upon coming into force of the present amended Policy and Procedures, the operation shall be carried out according to the terms of the original approval.

If the operation being carried out is for commercial development, large-scale land filling, or for large or multi-year excavation projects on private or communal lands, the landholder or Kahnawà:ke organization receiving landfill pursuant to a MCK permit as of September 5, 2007 and upon coming into force of the present amended Policy and Procedures, the operation will be subject to the following expedited process. The landholder or Kahnawà:ke organization will:

1. Be granted project approval for permits in conformity with the quantity of landfill approved as of September 5, 2007 unless doing so would constitute a danger to the health and safety of the community of Kahnawà:ke as determined by the Land Management Committee, pursuant to the assessment by the Director of Lands or designate and the Environment Protection Coordinator or designate.
2. Know that the landfill operation must be authorized to continue operating by the Land Management Committee which has authority to determine specific conditions as outlined in section 2.9 and know that the landholder and the source site contractor are responsible to sign a Memorandum of Agreement (Appendix L).
3. Abide by the other provisions of the amended Policy and Procedure that are not inconsistent with the present section, including the General Responsibilities for Landfill Site Operations in Kahnawà:ke (Appendix I).

2. RECEPTOR SITE EVALUATION REPORT

- 2.1 Within ten working days of the receipt of the completed *Landfill Application*, the Landfill Inspector will evaluate an applicant's receptor site and complete a *Receptor Site Evaluation Report*.
- 2.2 The completed *Receptor Site Evaluation Report* will be reviewed and approved by the Environment Protection Coordinator or designate. At their discretion, the Environment Coordinator or designate will request additional information to the *Receptor Site Evaluation Report*.
- 2.3 Consultation by the Landfill Inspector and the Kahnawa'kehró:non Ratisénhaienhs Unit/Departments will occur regarding the elevation of the receptor site. A Qualified Person must carry out an evaluation of the surface drainage system of the receptor site.
- 2.4 Any additional costs associated with the need for an Environmental Assessment, as identified by the Environment Protection Coordinator or designate, will be at the expense of the holder(s) of the Certificate of Possession.

- 2.5 After being approved by the Environment Protection Coordinator or designate, the completed *Receptor Site Evaluation Report* will be forwarded by the Landfill Inspector to the Kahnawa'kehró:non Ratisénhaienhs Landfill Portfolio Chief for information purposes.
- 2.6 The Landfill Coordinator or designate will inform the applicant of the status of the *Receptor Site Evaluation Report*.
- 2.7 If the Environment Protection Coordinator determines that the *Receptor Site Evaluation Report* requires additional information the following will occur:
- 2.7.1 The Environment Protection Coordinator or designate will request that the Landfill Inspector obtain additional information to the *Receptor Site Evaluation Report*. The landfill applicant must agree with the request for additional information.
- If the applicant does not accept the request for additional information to the *Receptor Site Evaluation Report*, the *Landfill Application* process will be suspended until the additional information is provided.
- 2.7.2 The *Landfill Application* is held pending the completion of the *Receptor Site Evaluation Report*.
- 2.7.3 The Landfill Inspector will re-submit the Receptor Site Evaluation Report to the Environment Protection Coordinator or designate for review.
- 2.7.4 The Environment Protection Coordinator or designate will approve/disapprove the *Receptor Site Evaluation Report*.
- 2.8 The Landfill Coordinator or designate will forward the approved *Receptor Site Evaluation Report* to the Kahnawa'kehró:non Ratisénhaienhs Landfill Portfolio Chief.
- 2.9 In the event that the Land Management Committee approves a landfill application according to Section 1.1.6 and 1.3, the Land Management Committee shall determine specific conditions of the landfill operation with the approval, including, but not limited to, a determination of the maximum amount of landfill loads permitted and the maximum duration of the period over which the applicant may receive said landfill loads.
- The Director of Lands shall ensure that the specific conditions established by the Land Management Committee are identified on the landfill permit. For greater certainty, these specific conditions are in addition to the obligations contained in the present Policy and Procedures.
- 2.10 The landfill applicant will be informed of the approval of the *Landfill Application*.
- 2.11 The landfill applicant will be placed on the Landfill Waiting List until acceptable landfill material is available. Priority for acceptable landfill material will be given to community housing needs, infrastructure needs and emergency situations.

3. LANDFILL PERMIT PROCESS

Source site contractors are required to make an appointment with the Landfill Office Coordinator to request that a Landfill Permit (Appendix E) be issued.

Landfill fees for landfill material delivered to a receptor site using a Landfill Office

Permit must comply with the current fee schedule established by the Mohawk Council of Kahnawà:ke. Fee payments by the source site contractor will be organized by the Landfill Office Coordinator.

3.1 Source Site Assessment:

- 3.1.1. All landfill material from the source site of less than 50 12-wheeler truckloads will undergo an inspection and completion of a *Source Inspection Checklist* (Appendix H), by the Landfill Inspector.
- 3.1.2. A chemical analysis according to the *Mandatory Parameters* for landfill material from the source site will be required from the source site contractor if:
 - a. The landfill request is 50 or more 12-wheeler truckloads,
 - b. The source site is under suspect,
 - c. Any of the activities identified in the *Site Characterization Guide for Quebec Appendix IX* (Publication du Quebec 2004, ISBN 2-551-19645-0) were carried out on or near the source site.
- 3.1.3. The *Mandatory Parameters* and the *Parameters that may be triggered for Analysis* are established parameters in reference for adherence to quality landfill material and land filling projects, and is subject to change at the discretion of the Environment Protection Coordinator or designate.
- 3.1.4. Soil sampling from the source site must follow the protocol in the *Site Characterization Guide for Quebec* (Publication du Quebec 2004, ISBN 2-551-19645-0), and an accredited lab must carry out the chemical analysis.
- 3.1.5. The Environment Protection Coordinator or designate in collaboration with the Landfill Coordinator will determine the acceptability of the landfill material according to the results of the chemical analyses, the source site assessment and any additional information requested as referenced in section 2.7.
- 3.1.6. Only landfill material meeting the B level criteria or better will be acceptable for landfill material originating from outside the community.
- 3.1.7. For landfill material originating from a source site within the community contaminated in excess of the B level criteria as determined by soil analysis results, discussion will occur with the Kahnawa'kehró:non Ratisénhaienhs Unit/Departments and the Environment Protection Coordinator or designate. A review will be carried out by the Environment Protection Office to make recommendations regarding the possibility of using the landfill material in a low-risk site which does not pose a threat to the health and well being of the community and one that must be covered by an impermeable surface such as pavement, sidewalk or concrete.
- 3.1.8. The Landfill Inspector will send the *Source Site Inspection Checklist* to the Environment Protection Coordinator or designate for review and assessment.
- 3.1.9. The Environment Protection Coordinator or designate in consultation with the Landfill Inspector will identify whether additional information is required. Should additional information be required, the Source Site Assessment process will be repeated.

3.2 Landfill Permit Approval Process:

3.2.1 When the *Source Site Inspection Checklist* is accepted by the Environment Protection Coordinator or designate, a *Landfill Permit* will be forwarded for approval.

3.2.2 The Landfill Coordinator or designate will:

1. Forward the *Source Site Inspection Checklist* and the *Landfill Permit* signed by the Environment Protection Coordinator or designate, to the Director of Lands or designate for his/her signature and approval,
2. Obtain *Landfill Permit* signature by the source site contractor, or authorized source site designate,
3. Stamp each *Landfill Permit* with an Environment Protection Office Seal to validate the permit,
4. Issue the required number of *Landfill Permits* to accommodate the estimated number of trucks bringing landfill into the Territory,
5. Ensure that any changes to the *Landfill Permit* will be approved by the Environment Protection Coordinator or designate, or the Director of Lands or designate.

3.2.3 A Validated *Landfill Permit* must have the signatures of:

1. The Environment Protection Coordinator or designate,
2. The Director of Lands or designate,
3. The source site contractor or authorized source site designate

3.3 Landfill Permit Listing:

A Landfill Permit Listing includes all the source site contractors who have been issued a *Landfill Permit*. The Landfill Permit Listing is updated weekly by the Landfill Inspector and is distributed to a list of recipients involved in monitoring landfill sites and the enforcement of the Clean Soil Policy.

3.3.1 The Landfill Permit Listing and/ or any additional information will be forwarded to the following Kahnawa'kehro:non Ratitsénhaienhs areas by the Landfill Inspector:

- Director of Lands and Associate Director of Lands,
- Environment Protection Coordinator,
- Kahnawá:ke Peacekeepers,
- Roads and Highway Department Manager of Public Works,
- Kahnawá:ke Conservation Chief Officer,
- Health & Safety Manager,
- Land Management Coordinator,
- Landfill Portfolio Chief.

3.4 Landfill Permit Operation Suspension:

If it is determined through monitoring that this policy was not adhered to by the source site contractor, any of the following persons can suspend the landfill site operation for a specified period of time with explicit recommendations as to if and when to resume operations:

- The Director of Lands,
- Kahnawà:ke Peacekeepers,
- Environment Protection Coordinator,
- Landfill Inspector.

4. APPEAL PROCESS

The Kahnawà:ke Communal Arbitration Procedure may be used for all appeals or disputes involving landfill operations. An appeal to the Kahnawà:ke Communal Arbitration Procedure must be made within ten days following the decision. This procedure is available from the Court of Kahnawà:ke or upon request from the Landfill Office.

5. RESPONSIBILITY OF LANDFILL SOURCE SITE CONTRACTOR

All source site contractors are required to sign a *Memorandum of Agreement* (Appendix K). Responsibilities are outlined in Appendix I.

The source site contractor is responsible to cooperate with random soil testing of source site material as directed by the Environment Protection Coordinator and the Director of Lands.

6. RESPONSIBILITY OF KAHNAWA' KEHRÓ:NON RATITSÉNHAIEHNS UNIT/DEPARTMENT

Capital, Public Works and other Kahnawa'kehró:non Ratitsénhaienhs Units/Departments moving landfill material within the Territory or require landfill material for communal infrastructure projects, must follow the parameters of the *Responsibility Reference Sheet* (Appendix J).

6.1 If the weather or the road conditions of a landfill site operation poses a safety hazard, the Landfill Coordinator in consultation with the Health & Safety Manager, Roads and Highway Department Manager of Public Works, and the Kahnawà:ke Peacekeepers can suspend landfill site operations.

6.2 The Kahnawa'kehró:non Ratitsénhaienhs Unit/Department supervisor, manager or coordinator is responsible to ensure the:

1. Repair of any damage to property or to the natural drainage system caused by the landfill site operation,
2. Repair of any damage to all access roads,
3. Availability of a street sweeper/pressure washer truck for access road maintenance when required, and that landfill site operation access roads remain clean to lower risk of safety hazards,
4. Maintenance of proper road signalization on roads leading to the landfill site operation, including fulfillment of the need for a flagman,
5. Maintenance of the road safety so the landfill site operation does not create hazards, including dust control measures,
6. Suspension of the landfill site operation during heavy rain or snow thaw periods until deemed operational, which is done in consultation between the Landfill Coordinator, the Health & Safety Manager, Roads and Highway Department Manager of Public Works, and the Kahnawà:ke Peacekeepers,
7. Availability of a street sweeper/pressure washer truck for access road maintenance when required.

7. RESPONSIBILITY OF A LANDHOLDER OR A KAHNAWÀ:KE ORGANIZATION (OTHER THAN A KAHNAWA'KEHRÓ:NON RATITSÉNHAIEHNS UNIT/DEPARTMENT)

Any Kahnawà:ke landholder or organization that needs to transfer landfill material and/or requires a landfill site operation must contact the Landfill Coordinator.

The Kahnawà:ke landholder or the organization is responsible to ensure that their obligations under the policy and procedures for a landfill site operation adheres to, and complies with the *General Responsibilities for Landfill Site Operations in Kahnawà:ke* (Appendix I). If a Kahnawà:ke landholder or organization is aware of any land filling activities that do not adhere to these Clean Soil Policy and Procedures, the landholder or the organization is responsible to notify the Kahnawà:ke Peacekeepers.

8. RESPONSIBILITY OF A LANDHOLDER AND THE LANDFILL SOURCE SITE CONTRACTOR FOR LARGE SCALE PROJECTS

All applications for large-scale land filling on private or on communal lands as outlined in sections 1.1.6 and 1.3.1, are required to follow procedure for the Land Management Committee approval, as well as are required to adhere to any specific conditions as referenced in section 2.9.

A landholder who is given approval by the Land Management Committee for a large scale landfill project have additional requirements as outlined in the following points.

- 8.1 A landholder and a source site contractor are required to sign a Memorandum of Agreement (Appendix L).
- 8.2 Each new or additional source site contractor delivering landfill to the same large-scale landfill project site as in 8.1, will be required to sign a new Memorandum of Agreement (Appendix L).

9. MONITORING OF LANDFILL SITES

The following have the authority to inspect, temporarily suspend a landfill site operation and have the obligation to inform the Landfill Office of any non-compliance with this policy:

- Director of Lands or designate,
- Environment Protection Coordinator,
- Kahnawà:ke Peacekeepers,
- Roads and Highway Department Manager of Public Works,
- Kahnawà:ke Conservation Officers,
- Health & Safety Manager,
- Landfill Inspector(s),
- Landfill Coordinator.

The Landfill Office Coordinator will identify the need for a site monitor. If the responsibilities outlined in section 6.2 and the general responsibilities outlined in Appendix J for Kahnawa'kehró:non Ratitsénhaienhs Units/Departments are not carried out, the site monitor will ensure that the Supervisor/Manager/Coordinator of the Unit/Department is informed of any identified non-compliance with this policy. The site monitor will notify the Landfill Inspector of any reports to a Unit/Department Supervisor, Manager, or Coordinator.

The Landfill Inspector will follow-up to ensure compliance and determine whether responsibilities have been carried out as recommended, and hold at his/her discretion, to continue to have monitored the landfill site operation. The Landfill Inspector will keep the Landfill Coordinator or designate informed of all reports by site monitors.

9.1. Monitoring by the Landfill Inspector:

The Landfill Inspector will:

1. Follow a frequency inspection schedule as directed by the Landfill Coordinator or designate,
2. Visit the landfill site operation during the delivery of landfill material to ensure the contractor or sub-contractor and those listed on the *Landfill Permit*, adhere to the terms and conditions in this policy,
3. Ensure follow-up of any report by the site monitor of non-compliance by *Landfill Permit* holders, including identification of responsibilities to be upheld as outlined in the *Landfill Permit* and in the *Memorandum of Agreement*.

9.2 Site Monitoring Frequency:

The following individuals may at any time during the landfill site operation make a request to the Landfill Office Inspector to increase the frequency of landfill site operation inspections:

- Landfill Coordinator,
- Environment Protection Coordinator or designate,
- Director of Lands or designate

If the frequency inspection schedule for a landfill operation site is denied by the landholder, the Environment Protection Coordinator or designate may suspend the landfill site operation until the frequency schedule is accepted.

A suspension notice will be issued to the source site contractor. A copy of the suspension notice will be forwarded to the landholder for information purposes.

10. AMENDMENTS

10.1 Amendments to this policy must be approved through a Mohawk Council Executive Directive (MCED) by the Kahnawa'kehró:non Ratitsénhaienhs. Amendments will be prepared for approval 30 days prior to the start of the Mid-Winter Festival in Tsothohrhkó:wa/January. The approval process will be completed before the Maple Festival begins in Enniskó:wa /March. Exceptional amendments may occur at other periods of the year or as may be required.

10.2 The Landfill Coordinator in collaboration with the Environment Protection Coordinator will review this policy for amendments every five years or earlier, if necessary.

11. APPENDICES

The appendices section also includes sample forms. Appendix F, Mandatory Parameters and Appendix G, Parameters that may be triggered for Analysis, may be updated as required by the Environment Protection Coordinator or designate, who will obtain the approval by the Director of Lands or designate.