



INTERIM LANDFILL POLICY FOR CLEAN SOIL

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

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 Ratisénhaienhs 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 reauthorized the MCK Executive Office to direct and oversee landfill operations until such time as the restructuring of the Landfill Office is complete and interim landfill measures are no longer required. 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 until such time as the restructuring of the Landfill Office is complete and interim landfill measures are no longer required so that private landowners can obtain landfill material 1) for personal and immediate residential development, 2) for future residential development, 3) for commercial development purposes on a limited basis, and 4) that Capital Unit projects can proceed.

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Approved by Chief & Council on June 24, 2014, amended June 15, 2015



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Applications for personal and immediate residential development will take priority over applications for future residential development and landfill for commercial purposes.

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