



LANDFILL PROCEDURES FOR CLEAN SOIL

Kahnawa'kehró:non Ratisénhaienhs
Kahnawà:ke Landfill Department
P.O Box 720, Kahnawà:ke, QC J0L 1B0
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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 common lands or for commercial development/landfilling land greater than one-acre on private land. This plan is used to assist decision-making on an application for landfill.

Excavation Project: Is 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 projects.

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 Ratisénhaienhs: 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.



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

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.

Land Management Committee: Is a committee established by the Kahnawa'kehró:non Ratisénhaienhs. The Land Management Committee is mandated to pursue a direction of managing and protecting lands.

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

Landfill Site Operation: Is a site on the Territory 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 Landfill Department 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 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 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 Department. Priority for acceptable landfill material will be given to community housing needs, infrastructure needs and emergency situations.

Discussion with the Environment Protection Department needs to occur if landfilling will be 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.

A memorandum of agreement must be signed by the 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 Landfill Department, the Environment Protection Department employee and/or the Director of Lands or designate, 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 Landfill Department Coordinator will provide an application package including the *Landfill Policy for Clean Soil* and will review package contents with the applicant. Requirements to complete an application will be provided by the Landfill Department 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, the executor or administrator of an estate will be the primary contact working with the Landfill Department. The executor, the administrator or the landholder will be responsible to complete and sign the application for landfill.

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 Landfill Department 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, discussion with the Environment Protection Department is necessary 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 the Environment Protection Department may be applied to minimize damage to sensitive habitats.

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

2.1.7 The Landfill and Environment Protection Departments will perform a *Receptor Site Assessment* (Appendix B) as outlined in Section 2.5.



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

2.2 Commercial Development or Landfill Requests for Greater than One Acre on Private Lands:

A *Landfill Application for Private Lands* (Appendix A) must be made by a Kahnawà:ke landholder for landfill requests on private lands that will exceed one acre or that involve commercial development. Procedures 2.1.1 – 2.1.3 will apply.

The applicant is required to submit a letter to the Land Management Committee that requests approval of the application. *Development Plan Requirements* (Appendix C) must accompany an application. If landfilling is planned near or in a Wetland, discussion with the Environment Protection Department is necessary so that the *2013 Best Management Practices Handbook for Activities Taking Place in and around Water Habitats in Kahnawà:ke and Tioweró:ton* outlined by Environment Protection Department may be applied to minimize damage to sensitive habitats.

2.2.1 If a landfill application is received for commercial development or for landfill requests greater than one acre on private lands, the Landfill Department Coordinator and the Director of Lands or designate will collaborate and:

1. Review the application;
2. Ensure the Landfill and Environment Protection Departments perform a *Receptor Site Assessment* as outlined in Section 2.5;
3. Ensure the Landfill Department Coordinator verifies the status of the applicant on the Kahnawà:ke Kanien'kehá:ka Registry with the Membership Department and verifies Proof of Landholding with the Land Management Department;
4. Meet with an Environment Protection Department designate on the application to ensure that consultation with the Department occurs and that any of the Department's environmental information pertaining to the application is obtained;
5. Meet with the applicant to clarify any issues regarding the application or *Development Plan Requirements* and ensure the Landfill Procedures are understood. The Environment Protection Department will participate in the meeting to ensure clarity of environmental information request pertaining to the application;

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6. Determine a recommendation for the Land Management Committee for approval or disapproval of the *Landfill Application for Private Lands*;
7. Present the landfill application and recommendation to the Land Management Committee with applicable rationale and recommendations for specific conditions of the landfill site operation 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 the determined amount of landfill loads.

The Land Management Committee makes a decision on the application and in writing, informs the applicant of the decision and ensures a copy is sent to the Landfill Department Coordinator and the Director of Lands or designate. The application will be returned to the Landfill Department Coordinator for administrative and tracking purposes.

- 2.2.2 If the Land Management Committee approves the application, the Landfill Department Coordinator will inform the applicant of placement on a wait list for acceptable landfill material availability.

If the Land Management Committee does not approve the application, the Landfill Department Coordinator will conclude the application process and file the application.

- 2.2.3 The Director of Lands or designate shall ensure that any specific conditions approved by the Land Management Committee are identified on the *Landfill Permit* (Appendix D). For greater certainty, these specific conditions are in addition to the obligations contained in the present *Landfill Procedures for Clean Soil*.
- 2.2.4 A *Memorandum of Agreement* (Appendix E) must be signed by the Source Site Contractor, the landholder and the Landfill Department Coordinator. Once the *Landfill Permit* is processed, the Landfill Department Coordinator will obtain required signatures.
- 2.2.5 All landfill delivered to a Kahnawà:ke landfill site will be subject to the random soil sampling procedures as directed by the Environment Protection Department to ensure landfill material is not contaminated.



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2.3 Common Lands:

A *Landfill Application for Common Lands* (Appendix F) must be made by the head of a community organization, a Kahnawà:ke business or individual landholder for any landfill requests on common land. Approval is required from both the Land Management Committee and Chief & Council.

A letter to the Land Management Committee that requests approval of the application must be sent including the *Development Plan Requirements* (Appendix C) drawn by the applicant directly onto an active Survey Plan obtained from the Lands Unit. If the Land Management Committee makes a recommendation to approve the application, then Chief and Council will make a final decision. If the Land Management Committee does not approve the application, the Landfill Coordinator will be informed and will conclude the application process.

A *Memorandum of Agreement* must be signed by the head of a community organization, a Kahnawà:ke business or individual landholder and the Source Site Contractor for all landfill requests on common land.

2.3.1 An application for landfill on common land will have the Landfill Department Coordinator and the Director of Lands or designate collaborate and:

1. Review the application;
2. Ensure the Landfill and Environment Protection Departments perform a *Receptor Site Assessment* (Appendix B) as per Section 2.5;
3. Ensure the Landfill Department Coordinator verifies common land holding with the Land Management Department of the common land requested to be used;
4. Meet with an Environment Protection Department designate on the application to ensure that consultation with the Department occurs and that any of the Department's environmental information pertaining to the application is obtained;
5. Meet with the applicant to clarify any issues regarding the application or *Development Plan Requirements* and ensure the *Landfill Procedures for Clean Soil* are understood. The Environment Protection Department will participate in the meeting to ensure clarity of environmental information requests pertaining to the application;
6. Determine a recommendation for the Land Management Committee for approval or disapproval of the *Landfill Application for Common Lands*;
7. Present the landfill application, development plan and a recommendation to the Land Management Committee. Applicable rationale including recommendations for specific conditions for the landfill site operation not limited to a determination



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of the maximum amount of landfill loads permitted and the maximum duration of the period over which the applicant may receive the determined amount of landfill loads will be provided.

- 2.3.2 The Land Management Committee will present its recommendation to Chief & Council for a final decision on the application request for use of common land.

Once a decision is made by Chief & Council, the Land Management Committee, in writing, will inform the applicant of the decision, and ensure a copy of the written communication is sent to the Landfill Department Coordinator and the Director of Lands or designate. The application will be returned to the Landfill Department Coordinator for administrative and tracking purposes.

- 2.3.3 If the application is approved by Chief & Council, the Landfill Department Coordinator will inform the applicant of placement on a wait list for acceptable landfill material availability.

If the application is not approved by Chief & Council, the Landfill Department Coordinator will conclude the application process and file the application.

- 2.3.4 The Director of Lands or designate shall ensure that any specific conditions approved by Chief and Council are identified on the *Landfill Permit*. For greater certainty, these specific conditions are in addition to the obligations contained in the present *Landfill Procedures for Clean Soil*.

- 2.3.5 If common land is being used by a community organization at the time a *Landfill Application for Common Lands* is received by the Landfill Department Coordinator and the amount of landfill material needed is less than fifty 12-wheeler truckloads, the community organization will be informed by the Landfill Department Coordinator of their eligibility to use a *Simplified Landfill Application for Common Lands* (Appendix G) at the discretion of the Director of Lands or designate.

1. The Landfill Department Coordinator will consult with the Director of Lands or designate whether the simplified process should be used.
2. Should the Director of Lands or designate decide the simplified process can be used, the Landfill Department Coordinator will provide the *Simplified Landfill Application for Common Lands* to the applicant and the process outlined in procedure Section 2.3 that requires a letter of request for application approval to



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the Land Management Committee and final decision by Chief and Council, will not apply.

3. Steps 1 through 5 in Section 2.3.1 will be carried out by the Landfill Department Coordinator and the Director of Lands or designate.
4. If the Director of Lands or designate is satisfied that a *Landfill Permit* should be issued, specific conditions for the landfill operation will be determined by the Landfill Department Coordinator and the Director of Lands or designate and will be reflected on the *Landfill Permit* (Appendix D).
5. The Landfill Department Coordinator will send written notification of the decision to use a simplified process to the Land Management Committee chairperson and the Lands Unit Portfolio Chief(s).
6. The process outlined in Section 3, Issuing a Landfill Permit will continue.
7. The Director of Lands or designate may decide at any time during this process that a *Simplified Landfill Application for Common Lands* be denied or be discontinued. The applicant will then be required to follow the process for *Landfill Application for Common Lands* outlined.

2.3.6 A *Memorandum of Agreement* (Appendix E) must be signed by the Source Site Contractor, the applicant and the Landfill Department Coordinator. Once the Landfill Permit is processed, the Landfill Department Coordinator will obtain required signatures.

2.3.7 All landfill delivered to a Kahnawà:ke landfill site will be subject to random soil sampling procedures as directed by the Environment Protection Department Coordinator to ensure landfill material is not contaminated.

2.4 Kahnawa'kehró:non Ratisénhaienhs Unit/Department

All Kahnawa'kehró:non Ratisénhaienhs must follow the *Landfill Policy and Procedures for Clean Soil* that 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 will be accepted on all lands in Kahnawà:ke.

2.4.1 Kahnawa'kehró:non Ratisénhaienhs 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 H) of A-B level identified by soil chemical analysis results. Inter-



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departmental coordination will facilitate planning for the best use of excavated soil in the Territory.

2.4.1.1 The Landfill Department Coordinator will organize a spring 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.

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

Both the completed source site assessment and the *Environmental Effects Identification Matrix* will be provided by the Capital Unit to the Landfill Department Coordinator and the Environment Protection Department Coordinator prior to the spring 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.

2.4.1.3 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 K) will occur in collaboration with the Landfill Department Coordinator and the Environment Protection Department designate.

2.4.1.4 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 Landfill Department Coordinator and the Environment Protection



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Department Coordinator for discussion on the best approach to soil management and potential use.

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

2.4.1.6 A Capital Unit designate will be identified by the Capital Unit Director to be the liaison responsible to meet with Landfill Department Coordinator and the Environment Protection Department Coordinator as necessary.

2.4.1.7 The Landfill Department 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 Landfill Department Coordinator as soon as possible to inform of the work carried out and how the excavated soil material was used.

2.4.1.8 The Landfill and Environment Protection Departments will perform a *Receptor Site Assessment* as outlined in Section 2.5 on all receptor sites in Kahnawà:ke.

2.4.2 Kahnawa'kehró:non Ratisénhaienhs Capital Unit Responsibilities

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

The Kahnawa'kehró:non Ratisénhaienhs 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 the Environment Protection Department needs to occur for work in any contaminated sites to prevent cross-contamination or ensure suspect material is managed using the best approach;

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3. 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;
4. Conduct an environmental review of the soil source site by completing the *Short Form: Source Site Assessment* (Appendix I) and the *Environmental Effects Identification Matrix* (Appendix J). The soil condition determination and completed forms need to be provided to the Landfill Department and the Environment Protection Department 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 Department and the Environment Protection Department. Both Departments 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 the Environment Protection Department, 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 the Environment Protection Department;
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 2.4.2.(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 Department Inspector 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;



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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 Department monthly or more frequently if requested by the Landfill Department Coordinator;
15. Meet in the spring or as necessary with the Landfill Department Coordinator and the Environment Protection Department designate(s) to discuss Capital Unit's planned infrastructure projects for the year.

2.4.3 Kahnawa'kehró:non Ratitsénhaienhs Public Works Unit

2.4.3.1 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 *Landfill Policy and Procedures for Clean Soil*.

2.4.3.2 The Heavy Equipment and Town Garage Manager of Public Works will discuss the proposed use of heavy equipment with the Landfill Department Coordinator or designate to ensure the heavy equipment proposed use complies with the *Landfill Policy and Procedures for Clean Soil*.

2.4.3.3 If necessary, the Landfill Department Coordinator should meet with the individual or Kahnawa'kehró:non Ratitsénhaienhs Unit/Department proposing use of the Public Work's heavy equipment to ensure understanding and compliance with the *Landfill Policy and Procedures for Clean Soil*. Especially important is the review of the *Documented Contaminated Sites in Kahnawà:ke* and any areas of suspect compiled by the Environment Protection Department.

2.5 Receptor Site Assessment

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

- 2.5.1 Dependent on snow conditions, the Landfill and Environment Protection Departments 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.



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- 2.5.2 Consultation between the Environment Protection Department 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.
- 2.5.3 The Landfill Department will complete the appropriate sections of the *Receptor Site Assessment* and then will provide the *Receptor Site Assessment* to the Environment Protection Department Coordinator or designate for completion of the appropriate section related to environment protection. The *Receptor Site Assessment* will be completed within five (5) working days by the Environment Protection Department Coordinator or designate once it is received from the Landfill Department.
- 2.5.4 The Environment Protection Department 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 Environment Protection Department Coordinator or designate.
- 2.5.5 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 Landfill Department Coordinator until the additional information is provided to the Environment Protection Department Coordinator or designate.
- The Landfill Department Coordinator will inform the applicant in writing of the application suspension.
- 2.5.6 Once the *Receptor Site Assessment* is complete, the Landfill Department Coordinator will advise the Director of Lands or designate of the completed process of an application for landfill.
- 2.5.7 The Landfill Department Coordinator will inform and place the landfill applicant on the landfill waiting list until acceptable landfill material is available.

3. ISSUING A LANDFILL PERMIT

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LANDFILL PROCEDURES FOR CLEAN SOIL

Kahnawa'kehró:non Ratisénhaienhs
Kahnawà:ke Landfill Department
P.O Box 720, Kahnawà:ke, QC J0L 1B0
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A *Landfill Permit* (Appendix D) is necessary for all Source Site Contractors for all landfill material entering Kahnawà:ke. All Source Site Contractors must make an appointment with the Landfill Department Coordinator to request a *Landfill Permit* and are required to work directly and only with the Landfill Department.

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 Ratisénhaienhs. Landfill fee payments will be organized by the Landfill Department Coordinator 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 individual 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 *Documented Contaminated Sites in Kahnawà:ke* (Appendix K) needs to be reviewed before excavation begins. It is important for environmental protection and public health and safety to prevent cross-contamination. The Environment Protection Department 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 Department to ensure the *Landfill Procedures for Clean Soil* are understood and applied as needed. The Source Site Contractor/individual landholder/community organization will contact the Landfill Department Coordinator or designate regarding the excavated material destination options.



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3.1.3 The Landfill and Environment Protection Departments 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 Landfill Department can assist to locate a receptor site that has already undergone a receptor site assessment.

3.1.4 A *Source Site Assessment* (Appendix L) will be carried out by the Landfill Department and approved by the Environment Protection Department for all source sites in Kahnawà:ke.

3.2 Source Site Assessment:

Acceptable Parameters (Appendix H) and the *Parameters that may be triggered for Analysis* (Appendix M) are established to ensure quality landfill material for Kahnawà:ke. Appendix H and K are subject to change at the discretion of the Environment Protection Department.

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 The Landfill Department will ensure that the Source Site Contractor provides results of a source site soil chemical analysis for all landfill material entering Kahnawà:ke.

3.2.2 Only landfill material meeting the A-B level criteria will be accepted as landfill material in the Kahnawà:ke.

3.2.3 The Landfill Department will complete a *Source Site Assessment* (Appendix L) on all source sites of landfill soil material entering or being moved within Kahnawà:ke.

3.2.4 The *Site Characterization Guide for Quebec Appendix IX (Publication du Quebec 2004, ISBN 2-551-19645-0)* will serve to guide the Landfill Department in the completion of the *Source Site Assessment*.

3.2.5 A completed *Source Site Assessment* will be provided by the Landfill Department to the Environment Protection Department for review and approval. Should there be Environment Protection Department recommendations for additional information following review, the Landfill Department will obtain the information



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and provide the *Source Site Assessment* including the additional information to the Environment Protection Department for approval.

The Environment Protection Department 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 2 years when it will be necessary to perform a new soil chemical analysis.

- 3.2.7 The Environment Protection Department Coordinator or designate in collaboration with the Landfill Department 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 Department will use material for Kahnawà:ke landfilling needs from approved source sites only.

3.3 Approval Process:

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

- 3.3.1 Once the *Source Site Assessment* is approved by the Environment Protection Department, a *Landfill Permit* (Appendix D) will be processed by the Landfill Department Coordinator or designate. Each *Landfill Permit* will identify only one receptor site for each permit issued and signed.

- 3.3.2 The Landfill Department Coordinator or designate will:

1. Organize a meeting to review documentation for new permits if requested by the permit signatory. The Landfill and Environment Protection Departments and the Director of Lands or designate will 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 Department seal;
3. Provide the *Landfill Permit(s)* to the Director of Lands 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;
7. Advise the Environment Protection Department Coordinator or designate, and the Director of Lands or designate of any changes to the *Landfill Permit* conditions.

3.4 Responsibilities Associated with a Landfill Permit

3.4.1 Source Site Contractor

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

The Source Site Contractor is responsible to:

1. Sign a *Memorandum of Agreement* and follow the provisions of the *Landfill Procedures for Clean Soil*;
2. Understand that all Source Site Contractors work directly with the Landfill Department for landfill material inspections, permit holding and payment of Landfill Fees;
3. Ensure that each truck driver delivering landfill material has a *Landfill Permit* signed and validated with an original Landfill Department 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*



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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 Landfill Department 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 Department 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 Department and the Director of Lands or designate;
12. Be aware that the *Sanitary Conditions Law* will be enforced if there is non-compliance with the *Landfill Procedures for Clean Soil*.

3.4.2 Landholder and/or Head of a Community Organization

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

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 Department for landfill material inspections, permit holding and payment of Landfill Fees;
3. Know that there are *Acceptable Parameters* (Appendix H) 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;



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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 *Landfill Procedures for Clean Soil*;
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 these *Landfill Procedures for Clean Soil*, the landholder or community organization is responsible to notify the Kahnawà:ke Peacekeepers.

4. MONITORING LANDFILL SITES

The Landfill Department 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 *Landfill Procedures for Clean Soil* 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 Landfill Department Coordinator:

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



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Each has the obligation to inform the Landfill Department or Kahnawà:ke Peacekeepers of any non-compliance with the *Landfill Procedures for Clean Soil*.

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 D) and the name of the landholder who will receive the landfill material.

4.1.1 The Landfill Inspector will send the landfill permit listing and/ or any additional information weekly to the following Kahnawa'kehrónon Ratisénhaienhs persons:

- Director of Lands or designate and Associate Director of Lands or designate,
- Environment Protection Department Coordinator,
- Landfill Department Coordinator,
- Kahnawà:ke Peacekeeper Executive Secretary,
- Roads and Highway Department Manager of Public Works,
- Director of Community Protection,
- Coordinator Occupational Safety & Health,
- Land Management Coordinator,
- Lands Unit Portfolio Chief(s).

4.2 Landfill Site Monitoring

4.2.1 Frequency Schedules

The Landfill Department 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.

Either the Director of Lands or designate or the Environment Protection Department Coordinator or designate may at any time during the landfill site operation make a request to the Landfill Department Coordinator to increase the frequency schedule.



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The Landfill Department 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 Landfill Department Coordinator that the file is closed. A new application process will be required if landfill 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 *Landfill Procedures for Clean Soil* or *Landfill Permit* conditions were not adhered to by a Source Site Contractor.

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

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

4.2.2 Landfill Inspector

The Landfill Inspector will:

- Follow a monitoring frequency schedule as directed by the Landfill Department Coordinator;
- 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 *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;



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- 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 Ratisénhaienhs Unit/Department is informed of any identified non-compliance with the *Landfill Procedures for Clean Soil*. The Landfill Department Coordinator will be notified of any communications with the Unit/Department Supervisor, Manager, or Coordinator;
- Provide landfill site monitoring reports to the Landfill Department Coordinator or designate;
- Keep the Landfill Department Coordinator informed of all non-compliance activities related to *Landfill Permit* or *Memorandum of Agreement*.

5. 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 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 Department.

6. AMENDMENTS

6.1 Procedures

The Landfill Department Coordinator in collaboration with the Environment Protection Department Coordinator will conduct a mandatory review of the *Landfill Procedures for Clean Soil* every five (5) years from the Kahnawa'kehró:non Ratisénhaienhs last approval date. Amendments to these *Landfill Procedures for Clean Soil* will be made as necessary and must be approved through a Mohawk Council Executive Directive (MCED) by the Kahnawa'kehró:non Ratisénhaienhs.



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6.2 Appendices

Modification to an appendix that occurs outside of an amendment review process requires approval from the Director of Lands or designate. Appendices for *Acceptable Parameters* and *Parameters that may be Triggered for Analysis* may be updated as required by the Environment Protection Department who will obtain approval for any updates from the Director of Lands or designate.
