

Kanesatake Ratihontsanonhstats Environment



Procedures for Obtaining Landfill from a Private Source and or Contractor Mohawk Council of Kanesatake Kanesatake Ratihontsanonhstats Environment

Kanesatake Band members, and or leasers/occupiers, who wish to acquire and implement land fill for a private residence or commercial establishment, must adhere to this process in order to assure the deposit of any earth matter or materials, is tested for contamination and or toxic residual effects remaining from historical usage and foreign deposits.

Landfill will be done within the respect of environmental rules adopted by the Mohawk Council of Kanesatake, which consist of the laws of Quebec and Canada in whole or in part.

A Project Proposal Form is available at the Environment Office and must be used for any request for landfill

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Procedures

1. **Two (2) weeks prior to the activity, the owner of the land, leaser, occupier of residence and or commercial establishment must submit to Ratihontsanonhstats:**
 - Phase I Environmental Assessment from the Source site. This is normally available from the contractor of the Source site of the landfill.
 - A certificate of ownership of the land or for the leaser, a written consent from the owner. For the occupier of Federal Land, a Band Council Resolution.
 - A general location of the land plot
 - Who are the parties whom will be impacted: neighbors, access road, lake, creek, ditches, etc.
 - *Damaged band roads: will need to be repaired prior to the landfill activities by the applicant or the company as well as after the completion of the activities if needed*
 - Describe how they may be impacted: run-offs on neighboring property, lake, waterways, noises, damages to access community roads and ditches, etc.
 - A letter of intent including; the reason for the landfill and how much landfill is required.
 - A plan of the land plot with measurements of the plot, placement of any buildings on the plot, locations of wells/septic tanks & leach field, an arrow representing the natural run-off and a north arrow. Adjacent properties should be included in your plot plan with measurements to the structures and utilities located on the adjacent properties.
 - A description of what is on the property prior to the start of the project including trees, shrubs, and significant plants must be included.
 - The number of truck loads required will be determined by the environmental assessment.
 - No more than 10 daily delivery trucks per site.
 - The hours of delivery are from 7:30 am to 4:30pm.
 - The delivery trucks will respect the speed limits.
 - Open invitation for the Environment department to do site visits/inspections, and controlled sampling, at the expense of the company. Should any contaminants be discovered, remediation will be at the expense of the applicant and of the company.
2. **One (1) month prior to the activity, the owner of the land, leaser, occupier of residence and or commercial establishment must submit the soil analysis of the source by the contractor** to the Mohawk Council of Kanesatake, so that the MCK obtain this information and have it analyzed by an environment lab amend information conveyed to the Kanesatake Ratihontsanonhstats Environment Department. Upon approval a MCR will follow endorsing the project.
3. Once reaching a conclusive result, it will be given an approval and then signed by the manager of the Kanesatake Ratihontsanonhstats Environment Department and the portfolio Chief holder responsible for the environment.

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4. In the event that a source be rejected, a written response will be provided with the justification of the refusal and the applicant will have to seek another viable source.

Phase I Environmental Assessment from the Source Site:

1. Gathering information about past and present uses of the site;
2. Inspection of the site by an environment professional, usually accompanied by someone familiar with the property;
3. Reviewing environmental files maintained by the site owner and regulatory agencies;
4. Preparing a report that identifies existing and potential sources of contamination on the property.

The result of a Phase I ESA determines the need for further site investigation, i.e., the need for any type of intrusive sampling and analysis or may indicate that further investigation is not warranted.

If further investigation is warranted, then a Phase II Environmental Assessment from the Provider Site is required:

- Surface and subsurface soil sampling, groundwater and surface water sampling, soil vapor sampling (along with laboratory analysis), sediment sampling, collection of plant or aquatic species samples;
- Above/underground storage tank content and tightness testing, asbestos containing material (ACM) sampling, PCB sampling and identification, geomagnetic or geophysical surveys;
- Directly measuring conditions such as noise levels or radiation;
- Using environmental fate or transportation models to evaluate the potential migration of the contamination.


N.B. The result of a Phase II ESA is the determination of the need for a remedial work plan.

- I. **Appendices: Kanesatake Referendum on Illegal Dumping Resolution.**
- II. **Appendices: Kanesatake Communal By-Laws 1995 – Law on Sanitation**

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[illegible]

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KANESATAKE MOHAWK COUNCIL
COUNCIL MOHAWK DE KANESATAKE
RESOLUTION

Document of the Mohawk Council of Kanesatake

The Resolution: **N° de résolution**

0078 0218, page 49

NOTE: The words "Council", "Council", "Council", which appear in this document, shall mean "Mohawk Council of Kanesatake" and the words "Council" shall mean "Mohawk Council of Kanesatake".

THE MOHAWK COUNCIL OF KANESATAKE
LE COUNCIL MOHAWK DE KANESATAKE

<p>RESOLUTION: Quebec</p> <p>PLANS: Kanishkake Mohawk Territory</p> <p>DATE: July 2017</p> <p>BY: Resolution</p>	<p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p>
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ON JUNE 20, 2017, THE MOHAWK COUNCIL OF KANESATAKE HAS ADOPTED THE FOLLOWING RESOLUTION:

WHEREAS the Mohawk Council of Kanesatake, the legal governing body of the Mohawk Council of Kanesatake and the Territory, and

WHEREAS the legal and constitutional rights of dumping of hazardous or potentially hazardous materials on controlled Mohawk lands and will continue to be a threat to the environment and to the health and welfare of the people and the future, and

WHEREAS protection of Kanesatake Mohawk lands and the current dumping to the Mohawk Council of Kanesatake and the Mohawk Council of Kanesatake, and

WHEREAS a significant number of Kanesatake Mohawk members and/or Mohawk Council of Kanesatake taking the necessary measures to risk the health and to develop and maintain Kanesatake Mohawk lands and regulations regarding dumping of hazardous materials within the Territory, and

WHEREAS MOHAWK COUNCIL OF KANESATAKE dated June 20, 2017, at page 49, has adopted the following resolution:

"Whereas the Mohawk Council of Kanesatake has adopted the Council of Kanesatake of no approve requests who may even provide some input to the Council and who are the primary one in compliance with applicable laws, and"

(MOH 021.19.15.00002 continued)

Signature of the Council

Signature of the Council

Signature of the Council

Signature of the Council

Signature of the Council

"Whereas the request of the Mohawk Council of Kanesatake dated June 20, 2017, at page 49, has adopted the following resolution:

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FOR DEPARTMENTAL USE ONLY - RESERVE AU MINISTRE

<p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p>	<p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p>	<p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p>	<p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p> <p>Document: 0078 0218, page 49</p>
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Kanesatake Communal By-Laws 1995

Law Regarding Sanitation

LAW

ON SANITATION

Adopted --- December 4, 1995

Effective – December 14, 1995

1. Nothing in this law shall be construed to abrogate or derogate from the Aboriginal and treaty rights of the Mohawks of Kanesatake.

DEFINITIONS

2. For the purpose of the present Law:
 - (a) The word "debris" includes tin cans, bottles, glass, paper and unused construction materials or former parts of any construction or dwelling.
 - (b) The word "garbage" includes any offal, garbage, filth, liquid or solid waste, rotten, spoiled, or used food, wastes and generally anything which is or may be offensive or prejudicial to health or susceptible of endangering health.
 - (c) The terms "Mohawk Council" or "Council" designate the Mohawk Council of Kanesatake.
 - (d) For the purposes of this law, the terms "Kanesatake Territory", "Mohawk Territory" or "Territory" mean the Territory over which the Mohawk Council of Kanesatake has jurisdiction including, for greater certainty, property occupied by Mohawks of Kanesatake in the municipality of Oka.
 - (e) The term "Peace Officer" means any member of the Kanesatake Peacekeepers, having jurisdiction on Kanesatake Territory or a member of the Akwesasne Police or Kahnawake Peacekeepers who has been authorized by the Mohawk Council of Kanesatake to operate within Kanesatake.
 - (f) The term "Mohawk court" means a court authorized by the Mohawk Council of Kanesatake to exercise jurisdiction over the Territory and includes a court presided by a Justice of the Peace from Kahnawake or Akwesasne who has been authorized by the Mohawk Council of Kanesatake to exercise jurisdiction in Kanesatake.

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- (g) The word "person" includes any possessor, user, occupant, owner, resident, lessee, agent, husband, wife or child of any of the foregoing of property or premises situated within the limits of the Kanesatake Territory whether or not such person is a registered member of the Mohawks of Kanesatake.
- (h) The word "property" includes all property, moveable and immovable, real and personal dwellings, buildings, residences, construction appurtenances, garages, driveways, yards, pastures, ditches, water, wharves, streams, rivers, lakes, ponds and premises situated within the Kanesatake Territory of which a person or the Council has the possession, use, occupation, lease, enjoyment or exercise of rights in respect thereto.
- (i) The word "refuse" designates garbage and rubbish, unless otherwise indicated by the context.
- (j) The word "debris" includes all domestic refuse not defined as garbage as well as rags, wood, scrap, rubber, leather, metal, iron, crockery and any other trash.

FEDERAL LAWS

- 3. The federal laws of Canada, including the Criminal Code and related statutes and amendments thereto, except as the same may be inconsistent with this law, including its definitions, shall apply in Kanesatake Mohawk Territory and shall be enforced by all the Peace Officers authorized to operate on Kanesatake Territory by the Mohawk Council of Kanesatake.
- A. Section 3.1 Fiscal Year 2016 added: Federal and provincial laws regarding the "Environment" are adopted along with policies, and regulations, that will apply, in which federal statutes will be the primary lead in all cases.

RESPONSIBILITY FOR PROPERTY

- 4. Every person is responsible for the permanent maintenance of his property and premises in a sanitary and proper condition and is responsible for all damages caused by the condition of, or things on, the said property and premises if he neglects or omits such maintenance.

DUTIES OF PERSONS

- 5. Without restricting the generality of Section 4, every person shall maintain his property and premises:
 - (a) Free from anything potentially or actually dangerous to the life, health, or welfare of any person:

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- (b) Free from any fire or other hazard to life, health or property, except as set out in this law:
- (c) If it is property frequented by the public, such as a commercial establishment, it must be properly equipped to overcome any peril, including fire.

ACCUMULATION OR REFUSE PROHIBITED

- 6. No person shall accumulate, allow to accumulate, store or keep on his property or premises any debris, garbage, rubbish or any other type of refuse whatever, save as hereafter provided in Section 7.

COLLECTION OF REFUSE

- 7. All debris, garbage and any other type of refuse shall or keep on his property or premises any debris, garbage, rubbish or any other type of refuse whatever, save as hereafter provided in Section 7.

COLLECTION OF REFUSE BY COUNCIL

- 8. In the event that the Council provides for the regular removal of refuse, such refuse shall be placed in suitable containers which shall be kept in a place readily accessible for such removal at such times as the Council may direct.

CONDITION OF CONTAINERS

- 9. All refuse containers shall be maintained in a clean, dry and proper condition by each household or person responsible for such containers and shall be properly stored by such person upon the removal or disposition of refuse.

REMOVAL OF REFUSE

- 10. The Council is hereby authorized to make such provisions as it may deem necessary for the regular removal of refuse from any property or premises within the Kanesatake Territory.

REMOVAL OF HAZARDOUS MATERIAL

- 11. The Council is hereby authorized to make such provisions as it may deem necessary for the regular or irregular removal of hazardous material such as batteries, paint, and tires.

LANDFILLS WITH DANGEROUS SUBSTANCES

- 12. It is prohibited to undertake a land-fill operation which involves dangerous substances or non-biodegradable substances in Kanesatake Territory. This section does not apply retroactively.

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DANGEROUS OBJECTS

13. It is prohibited to place in, with, or close to refuse anything liable to cause accidents or damages to any person whether by combustion, corrosion, explosion or otherwise.

REFUSE ON PROPERTY OF ANOTHER

14. No person shall deposit, deliver, leave, throw, dispose of or destroy in whole or in part any debris, garbage, rubbish or any other type of refuse on property under the control of or owned by the Mohawk Council of Kanesatake or on property owned or leased of another person except with the express permission of the Council or person concerned as the case may be.

DESTRUCTION OF REFUSE PROHIBITED

15. It is prohibited at all times for persons in Kanesatake Territory to burn tires, cars or material which are dangerous to the environment.

Save as provided elsewhere in this law, no person shall store, burn, destroy or otherwise dispose of debris, garbage, rubbish and any other type of refuse whatever without the permission of the Chief with the Environmental portfolio.

The burning of leaves and small wood scraps is not prohibited by this section nor is the responsible use of fire for the purposes of clearing bush off of one's own property.

TREES ON PUBLIC PROPERTY

16. Members of the Kanesatake community may cut down trees on public property on the mountain only for their own non-commercial use and for the non-commercial use of other members of the community. Any harvesting of living trees in other parts of the Territory must be approved by the Chief with the Environmental portfolio. If it is determined that the tree population on the mountain is endangered, the Mohawk Council of Kanesatake is authorized to prohibit the cutting down of all living trees on the mountain for conservation purposes.

This section also applies to ramson, other known as wild garlic, wild onion or ail-des-bois.

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DEATH OF ANIMALS

17. The owner of any animal, including fowl, shall report the death from an unknown or transmittable disease of such animal to the Chief with the Environmental portfolio within twelve (12) hours after such death and shall immediately follow the directives of the Chief or Health Centre or of any inspector hereinafter mentioned in respect to the disposal of the carcass or body of such animal.

Dead animals must be disposed of in a sanitary manner.

CONTROL OF PESTS

18. Every person shall take all responsible precautions to control the incidence of pests, rats, rodents and other animals or things constituting a real or potential danger to health or susceptible of transmitting disease of any kind.

CONTROL OF SCRAP

19. Persons living in the Kanesatake Territory who wish to store on their property any wreck, scrap, junk or vehicles of any kind no longer capable of being used must take all reasonable steps to keep this material in an orderly and contained fashion. They must ensure that their property is large enough to support such material. Where possible, such material should be enclosed or kept out of view of public places. Persons violating this provision will be subject to a warning for a first offence and thereafter to a fine not exceeding twenty-five dollars (\$25.00) for any subsequent offenses.

SIGNS

20. No signs, posters or advertisements of any kind shall be placed on Mohawk Council buildings without the express oral or written authorization of the Council, which may order the removal of such objects at any time.

WASTE PRODUCTS

21. No person shall dispose of excrement, dirty water, chemicals or waste of any kind except through proper plumbing facilities or in sanitary privies, chemical closets or cesspools approved by an inspector appointed under the present law or the Chief with the Environmental portfolio, and provided that such disposal will not detrimentally affect drinking water or water constituting the source of wells or impair the health of any person.

EXTRA-TERRITORIAL POLLUTION

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22. Any person who by his actions outside the Kanesatake Territory causes environmental damage to Kanesatake Territory or its surrounding waters will be responsible for all such damage.

INSPECTORS

23. The Council is authorized to solicit applications from qualified individuals for the position of inspector who would be empowered to carry out and enforce the provisions of the present law.

AUTHORITY OF INSPECTORS

24. Any inspector appointed by the Council pursuant to the present law shall have the authority, upon giving at least forty-eight hours' hand-delivered, written notice to the person occupying such premises, to enter any property, premises or place situated on the Kanesatake Territory for the purpose of inspecting such property, premises or place to determine if there has been proper compliance by any person with the present law. Such written notice shall include the reasons for the inspection.

In the case of an emergency or potentially dangerous situation, an inspector may enter a premise or place situated within the Territory. If possible, the inspector should take a relative of the absent occupant with him. The inspector must immediately thereafter file a written report with the Health Center detailing the situation which caused him to believe that there was an emergency and what actions were taken by him.

POWERS OF INSPECTORS

25. In addition to the powers mentioned in Section 24 such inspector may:
- (a) Order any person to do any work or perform any act to remedy any contravention of the present law and that person shall, upon receiving written notice of such order, be obliged to carry out such work within the week following such order. Upon receiving notice of extenuating circumstances, such as financial impossibility or health restrictions, this period may be extended.
 - (b) Confiscate any movable property or think which contravenes or assists in contravening the provisions of the present law.
 - (c) Carry out any work necessary to remedy any infringement of the present law at the expense of the person responsible for such infringement, which person shall be obliged to reimburse the Council for such expense when same is incurred.

When work is carried out under (a), (b) or (c) above, the person who is obliged to reimburse the Council for expenses may apply to the Mohawk Court in order to challenge either the necessity for the work or the amount claimed.

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EX-OFFICIO INSPECTORS

26. All Peace Officers shall be ex-officio inspectors within the meaning of the present law with all the powers, authority and duties provided herein for such inspectors.

PENALTIES

27. Except where otherwise provided, any person who violates any provision of this law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$50.00 (fifty dollars) or community service for a term not exceeding thirty-five (35) hours or to both fine and community service in the case of a first offence, and to a fine not exceeding \$100.00 (one hundred dollars) or community service for a term not exceeding one hundred and forty (140) hours or to both a fine and community service in the case of any subsequent offence.

APPLICATION

28. The original English version of this law will prevail over the French translation in the case of any inconsistency between the two versions.
29. In this law the masculine includes the feminine and the singular includes the plural.

COMING INTO FORCE

30. After consultation with the Community, this law shall be adopted by the Mohawk Council of Kanesatake in the terms that it is approved by the Kanesatake

community. It shall come into force ten days thereafter.

[illegible][illegible][illegible]

RESOLUTION RESPECTING COMMUNITY LANDS

WHEREAS the Mohawks of Kahnawake, as part of the Mohawk Nation and People, possess an inherent right of governance over their affairs; and

WHEREAS that right includes jurisdiction over all persons on their Territory; and

WHEREAS the Mohawks of Kahnawake are concerned about issues of peace and good order and security on their Territory; and

WHEREAS the Kahnawake Mohawk Community members have participated in consultations between December 1994 and May 1995 regarding the content of proposed Community laws in the areas of disorderly conduct and nuisance, children and minors, vehicles, and nuisances; and

WHEREAS the wishes of the participants are reflected in the proposed Community laws on these various subjects which accompany, and form part of, this resolution.

WHEREFORE BE IT RESOLVED THAT the Mohawk Council of Kansas take
adopt and approve these Community laws to govern all
persons on the Mohawk Territory of Kansas.

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Chief
Chief

1. What is the purpose of the study?
 2. What are the research objectives?
 3. What is the research methodology?
 4. What are the results of the study?
 5. What are the conclusions of the study?

John Smith
Chief
K. J. Brown
Chief

FOI DE DÉPARTEMENTAL USE ONLY - RESERVE ADMINISTRE				
1. Name of the Agency	2. Location of the Agency	3. Type of Agency	4. Type of Agency	5. Source of Funds
6. Name of the Agency	7. Name of the Agency	8. Name of the Agency	9. Name of the Agency	10. Name of the Agency
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LANDFILL PROCEDURES FOR CLEAN SOIL

Kanesatake Ratihontsanonhstats Environment Authority
Mohawk Council of Kanesatake
681 Rang St-Philomène
Kanesatake, Quebec, J0N 1E0
Draft December 28, 2016

Mohawk Council of Kanesatake

Clean Landfill Policy

pg. 1 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

This Policy will be in effect and enforceable in 10 days upon signature of the Grand Chief and Council of The Mohawk Council of Kanestake, on behalf of the Mohawk Community of Kanesatake.

Preamble

Ohen:ton Karihwaterkwen - Thanksgiving Address

Sewatahonhsi:iost ken'nikarihwesha sewkwe:kon. Ne kati:tentshitewanonhwea:ton ne Shonkwaia'tison, ne wahi rohsa:anion akwe:kon tsi naho:ten teiotawenrie ne tsi lohontsa:te.

Let us all listen for a moment. We will give thanks to the Creator, for it is he who has made everything that is in this universe.

Ake:kon enska entsitewahwe'non:ni nonkwa'nikon:ra tanon

Let our minds come together as one mind and....

Teiethinonhwera:ton ne Onkwehshon:'a.

Let us give thanks to all the people.

Teiethinonhwera:ton ne lethi'nistenha Ohontsa.

Let us give thanks to our mother earth.

Teiethinonhwera:ton ne Kahnekaronnion.

Let us give thanks to all waters.

Teiethinonhwera:ton ne Kentson'shon:'a.

Let us give thanks to all the fish.

Teiethinonhwera:ton ne Ohtera'shon:'a.

Let us give thanks to all roots.

Teiethinonhwera:ton ne Ohonte'shon:'a.

pg. 2 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

This Policy will be in effect and enforceable in 10 days upon signature of the Grand Chief and Council of The Mohawk Council of Kanestake, on behalf of the Mohawk Community of Kanesatake.

Let us give thanks to all plants.

Teiethinonhwera:ton ne Ononhkwa'shon:'a.

Let us give thanks to all medecines.

Teiethinonhwera:ton ne Otsinonwa'shon:'a.

Let us give thanks to all insects.

Teiethinonhwera:ton ne Tionhehkwen, ne ne ahsen nikontate'ken:'a

- Onenhste, Onon'onsera, Osahe:ta.

Let us give thanks to the sustainers of life, the three sisters – corn, beans and squash.

Teiethinonhwera:ton ne Kahihshon:'a tanon kwah tkonwakowa:nen – Niiohontesha.

Let us give thanks to the fruits, and the leader, the strawberry.

Teiethinonhwera:ton ne Kontirio, tanon kwah thonwakowa:nen – Oskennon:ton.

Let us give thanks to the animals, and the leader, the deer.

Teiethinonhwera:ton ne Otsi'ten'okon:'a, tanon kwah thonwakowa:nen – A:kweks.

Let us give thanks to the birds, and the leader, the eagle.

Teiethinonhwera:ton ne Karonta'shon:'a tanon Okwire'shon:a tanon kwah
thonwakonwa:nen – Wahta.

Let us give thanks to the trees, the shrubs, and the leader the maple.

Teiethinonhwera:ton ne kaie:ri nikawera:ke – Othore:ke E:neken, Na:kon, tanon
Entie:ne.

Let us give thanks to the four winds – North, South, East and West.

Teiethinonhwera:ton ne lethihsotho:kon Ratiwe:ras

pg. 3 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

This Policy will be in effect and enforceable in 10 days upon signature of the Grand Chief and Council of The Mohawk Council of Kanestake, on behalf of the Mohawk Community of Kanesatake.

Let us give thanks to our Grandfathers, the Thunders

Teiethinonhwera:ton ne lethihsotha Ahshonthenhnekha Karahkwa.

Let us give thanks to our Grandmother Moon.

Teiethinonhwera:ton ne Ehtsitewahtsi:'a Tiehkehnehkha Karahkwa

Let us give thanks to our older brother, the Sun

Teiethinonhwera:ton ne tsi lostsistohkwaronnion Tsikaronhia:ke

Let us give thanks to the stars in the heavens.

Teiethinonhwera:ton ne Shonkwaia'tison (Ka'satstenhserako:wa Sa'oie:ra)

Let us give thanks to the Creator (all natural force/power)

O:nen tho niio:re wa'khwe:ni Toka' the:nen sonke'nikonhrhen i:se ne'e
ia'sewatahsonteren tanon ska'nikon:ra' kenhak tanon tsonhnhhiohak.

This is as far as I am capable of. If I have forgotten anything, then you continue and be
of one mind and keep healthy.

pg. 4 This policy was passed and ratified by the Community of Kanestake and the Mohawk
Council of Kanestake on the: _____ Day, in the month of: _____, year
of: _____

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Kanesatake.

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 Kanesatake.

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 or 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.

Kanesatake Peace Officers: Is reference to individuals appointed and sworn as Kanesatake Peace Officers pursuant to the provisions of the Mohawk Territory of Kanesatake Community Law(s), adopted, December 4, 1995 and in effect on December 14, 1995.

Police Service/Force: Is reference to individuals appointed and sworn as Kanesatake Peace Officers pursuant to the provisions of this policy and adopted laws, effective December 14, 1995.

Kanesatake:ron:non Ratihontsanonhstats Environment Authority: is the Mohawk Council of Kanesatake, including any Unit, Department, commission, committee or person(s) mandated by the Mohawk Council of Kanesatake.

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 Kanesatake, paid directly to the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority.

The Kanesatake Ohontsa'shon:a Lands Authority or Kanesatake Land Management Authority: Is established by the Mohawk Council of Kanesatake, the Kanesatake Ratihontsanonhstats Environment Authority, , the Kanesatake Economic Development Authority, Kanesatake Health Center, public Works Manager/Director, and or appointed members of the Mohawk Community of Kanesatake, and other services as deemed necessary. **The Land Management Authority or the Kanesatake Ohontsa'shon:a Lands Authority has the mandate 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 Kanienkeha:ka of Kanesatake, according to the criteria and procedures in the Kanesatake Membership guidelines 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 Kanesatake Ohontsa'shon:a Lands Authority indicating the applicant is the landholder. The following documentary evidence will be accepted: a copy of a land transfer agreement or a partial abstract report or, a copy of the certificate of possession. OR b) Document issued by the Land Management Department of the Kanesatake Ohontsa'shon:a Lands Authority 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 Kanesatake, 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.

Environment: Kanesatake Ratihontsanonhstats Environment Authority.
Director/Manager

Land Management: Mohawk Council of Kanesatake Land Management Department
Director/Manager.

Kanesatake Health Center: Director/ Manager or designate.

Economic Development: Manager or designate.

Chief and Council: Grand Chief of the Mohawk Council of Kanesatake and Councillors.

The **Kanesatake Ohontsa'shon:a Lands Authority:** comprised of Community Members, Kanesatake Ratihontsanonhstats Environment Authority, Mohawk Council of Kanesatake Land Management Department, Kanesatake Health Center, Economic Development, and other departments or entities that the Community and the Mohawk Council of Kanesatake deems essential.

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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 Kanesatake Ratihontsanonhstats Environment Authority and the Kanesatake Ohontsa'shon:a Lands Authority 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 Kanesatake and Tioweró:ton outlined by the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority, employee and/or the Director of Kanesatake Ohontsa'shon:a Lands Authority 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.

2.1 Private Lands

2.1.1 The Landfill Department Manager/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 Kanesatake Ratihontsanonhstats Environment Authority, Manager/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.

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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 Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator who will process and review the application, verify Proof of Landholding with the Kanesatake Ohontsa'shon:a Lands Authority and verify with the Membership Department the status of the applicant/landholder being on the Kanesatake Band Membership Registry.

2.1.5 If landfilling is planned near or in a Wetland, discussion with the Kanesatake Ratihontsanonhstats Environment Authority, Kanesatake and Tioweró:ton outlined by the Kanesatake Ratihontsanonhstats Environment Authority, 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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator an acknowledgement of application receipt and an estimated timeframe for performance of a receptor site assessment.

2.1.7 The Kanesatake Ratihontsanonhstats Environment Authority will perform a Receptor Site Assessment (Appendix B) as outlined in Section 2.5

2.1.8 All landfill delivered to a Kanesatake landfill site will be subject to the random soil sampling procedures as directed by the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake 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 Kanesatake Ohontsa'shon:a Lands Authority 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 Kanesatake Ratihontsanonhstats Environment Authority is necessary so that the "Best Management Practices and Activities Taking Place", in and around Water Habitats in Kanesatake

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and Tioweró:ton, are outlined by Kanesatake Ratihontsanonhstats Environment Authority 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 Manager, Coordinator and the Director of Lands or designate will collaborate and:

1. Review the application;
2. Ensure the Kanesatake Ratihontsanonhstats Environment Authority perform a Receptor Site Assessment as outlined in Section 2.5;
3. Ensure the Kanesatake Ratihontsanonhstats Environment Authority Manager, Coordinator verifies the status of the applicant on the Kanesatake Band Membership Registry with the Membership Department and verifies Proof of Landholding with the Mohawk Council of Kanesatake Land Management Department or Kanesatake Ohontsa'shon: a Lands Authority;
4. Meet with and designate on the application to ensure that consultation with the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority will participate in the meeting to ensure clarity of environmental information request pertaining to the application.
6. Determine a recommendation for the Kanesatake Ohontsa'shon: a Lands Authority for approval or disapproval of the Landfill Application for Private Lands;
7. Present the landfill application and recommendation to the Kanesatake Ohontsa'shon: a Lands Authority 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 Kanesatake Ohontsa'shon: a Lands Authority makes a decision on the application and in writing, informs the applicant of the decision and ensures a copy is sent to the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager and the Mohawk Council

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Director/Manager of Lands or designate. The application will be returned to the Kanesatake Ratihontsanonhstats Environment Authority for administrative and tracking purposes.

2.2.2 If the Land Management Authority approves the application, the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will inform the applicant of placement on a wait list for acceptable landfill material availability.

If the Kanesatake Ohontsa'shon: a Lands Authority does not approve the application, the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will conclude the application process and file the application.

2.2.3 The Mohawk Council of Kanesatake Director/Manager of Lands or designate shall ensure that any specific conditions approved by the Kanesatake Ohontsa'shon: a Lands Authority 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 Kanesatake landfill site will be subject to the Kanesatake Ratihontsanonhstats Environment Authority random soil sampling procedures as directed by the to ensure landfill material is not contaminated.

2.3 Common Lands

A Landfill Application for Common Lands (Appendix F) must be made by the head of a community organization, a Kanesatake business or individual landholder for any landfill requests on common land. Approval is required from both the Kanesatake Ohontsa'shon: a Lands Authority and Grand Chief & Councillors of the Mohawk Council of Kanestake.

A letter to the Mohawk Council of Kanesatake Director/Manager Lands Management 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 Director/Manager/Mohawk Council of Kanesatake Lands Management. If the Kanesatake Ohontsa'shon: a Lands Authority makes a recommendation to approve the application, then Chief and Council will make a final decision. If the Mohawk Council and the Kanesatake Ohontsa'shon: a Lands Authority does not approve the application, the Kanesatake

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Ratihontsanonhstats Environment Authority Director/Manager will be informed and will conclude the application process.

A Memorandum of Agreement must be signed by the head of a community organization, a Kanesatake 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 Kanesatake Ratihontsanonhstats Environment Authority Director/Manager and the Director of Lands or designate collaborate and:

1. Review the application;
2. Ensure the Kanesatake Ratihontsanonhstats Environment Authority perform a Receptor Site Assessment (Appendix B) as per Section 2.5;
3. Ensure the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager verifies common land holding with the Mohawk Council of Kanesatake Land Management Department of the common land requested to be used;
4. Meet with a Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority will participate in the meeting to ensure clarity of environmental information requests pertaining to the application;
6. Determine a recommendation for the Kanesatake Ohontsa'shon: a Lands Authority for approval or disapproval of the Landfill Application for Common Lands;
7. Present the landfill application, development plan and a recommendation to Kanesatake Ohontsa'shon: a Lands Authority. Applicable rationale including recommendations for specific conditions for the landfill site operation 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 will be provided.

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2.3.2 The Kanesatake Ohontsa'shon: a Lands Authority will present its recommendation to Chief and Council for a final decision on the application request for use of common land.

Once a decision is made by Chief and Council, the Kanesatake Ohontsa'shon: a Lands Authority, in writing, the Kanesatake Ratihontsanonhstats Environment Authority will inform the applicant of the decision, and ensure a copy of the written communication is sent to the Director/Manager of Mohawk Council of Kanesatake Land Management Department or designate. The application will be returned to the Kanesatake Ratihontsanonhstats Environment Authority for administrative and tracking purposes.

2.3.3 If the application is approved by Chief and Council, the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will inform the applicant of placement on a wait list for acceptable landfill material availability.

If the application is not approved by Chief and Council, the Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will conclude the application process and file the application.

2.3.4 Director/Manager of Mohawk Council of Kanesatake Land Management Department 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 Kanesatake Ratihontsanonhstats Environment Authority Manager and the amount of landfill material needed is less than fifty 12wheeler truckloads, the community organization will be informed by the Kanesatake Ratihontsanonhstats Environment Authority, Manager of their eligibility to use a Simplified Landfill Application for Common Lands (Appendix G) at the discretion of the Director Mohawk Council of Kanesatake Land Management Department or designate.

1. The Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will consult with the Director/Manager of Mohawk Council of Kanesatake Land Management Department or designate, whether the simplified process should be used.

2. Should the Director of Mohawk Council of Kanesatake Land Management Department or designate, decide the simplified process can be used, the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager will provide the Simplified Landfill Application for Common Lands to the applicant and the process outlined in procedure Section 2.3 that requires

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a letter of request for application approval to the Land Management Authority 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 Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager and the Mohawk Council of Kanesatake Land Management Department, Director/Manager or designate.

4. If the Mohawk Council of Kanesatake Land Management Department Director/Manager, or designate is satisfied that a Landfill Permit should be issued, specific conditions for the landfill operation will be determined by the and Kanesatake Ratihontsanonhstats Environment Authority Director/Manager, the Mohawk Council of Kanesatake Land Management Department Director/Manager or designate and will be reflected on the Landfill Permit (Appendix D).

5. The Kanesatake Ratihontsanonhstats Environment Authority Director/Manager will send written notification of the decision to use a simplified process to the Kanesatake Ohontsa'shon:a Lands Authority, chairperson and the Lands Management Portfolio Chief(s).

6. The process outlined in Section 3, issuing a Landfill Permit will continue.

7. The Mohawk Council of Kanesatake Land Management Department Director/Manager 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 Kanesatake Ratihontsanonhstats Environment Authority Director/Manager. Once the Landfill Permit is processed, the Landfill Department Coordinator will obtain required signatures.

2.3.7 All landfill delivered to a Kanesatake landfill site will be subject to random soil sampling procedures as directed by the Kanesatake Ratihontsanonhstats Environment Authority, to ensure landfill material is not contaminated.

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2.4 Kanesatake Ratihontsanonhstats Environment Authority

All Kanesatakeró:non Ratihontsanonhstats must follow the Landfill Policy and Procedures for Clean Soil that promotes environmental protection and use of Clean Soil in Kanesatake. 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 Kanesatake.

2.4.1 Kanesatake Ratihontsanonhstats Environment Authority Protection Office

A coordinated and collaborative approach to Mohawk Council of Kanestatake Lands Management office'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- departmental coordination will facilitate planning for the best use of excavated soil in the Territory.

2.4.1.1: Kanesatake Ratihontsanonhstats Environment Authority Director/Manager and or Coordinator, will organize an annual meeting with the Mohawk Council of Kanesatake Land Management Department or designate(s) once the Housing 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 Housing Unit designate with experience in conducting such assessments, will perform a source site assessment using the Short Form: Source Site Assessment (Appendix I). Housing Unit will complete the Environmental Effects Identification form (Appendix J) prior to the annual meeting. Both the completed source site assessment and the Environmental Effects Identification Form will be provided by the **Kanesatake Ohontsa'shon:a Lands Authority** to the Mohawk Council of Kanesatake Land Management Department, and the Kanesatake Ratihontsanonhstats Environment Authority prior to the annual meeting. The completed Short Form: Source Site Assessment and the Environmental Effects Identification Form could be an indicator of a need to conduct a soil chemical analysis by the **Kanesatake Ohontsa'shon:a Lands Authority**. 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 **Kanesatake Ohontsa'shon:a Lands Authority**. A review of the Documented Contaminated Sites in Kanesatake (Appendix K) will occur in collaboration with the Kanesatake Ratihontsanonhstats Environment Authority and the Mohawk Council of Kanesatake Land Management Department or designate.

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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 Kanesatake Ratihontsanonhstats Environment Authority and the **Kanesatake Ohontsa'shon:a Lands Authority** 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 Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager and or Coordinator will be responsible to contact the **Kanesatake Ohontsa'shon:a Lands Authority** 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 **Kanesatake Ohontsa'shon:a Lands Authority** is carried out, the **Kanesatake Ohontsa'shon:a Lands Authority** liaison will contact the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager and or 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 Kanesatake Ratihontsanonhstats Environment Authority will perform a Receptor Site Assessment as outlined in Section 2.5 on all receptor sites in Kanesatake.

2.4.2 The Kanesatake Ohontsa'shon:a Lands Authority Responsibilities

The **Kanesatake Ohontsa'shon:a Lands Authority** 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 Kanesatake.

The **Kanesatake Ohontsa'shon:a Lands Authority** Capital Unit is responsible to:

1. Ensure only Clean Soil or Road Base Material that meet Acceptable Parameters is transferred from a Kanesatake source site to a Kanesatake receptor site;

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2. Refer to the Documented Contaminated Sites in Kanesatake before excavating. Consultation with the Kanesatake Ratihontsanonhstats Environment Authority needs to occur for work in any contaminated sites to prevent cross-contamination or ensure suspect material is managed using the best approach;
3. Discuss with the Kanesatake Ratihontsanonhstats Environment Authority if landfilling will occur in or near a Wetland so that "Best Management Practices for Activities Taking Place in and around Water Habitats" in Kanesatake and Tioweró:ton outlined by the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority for discussion at an organized annual 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 Kanesatake Ratihontsanonhstats Environment Authority. The Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority, 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 **Kanesatake Ohontsa'shon:a Lands Authority** Liaison/Director and Kanesatake Ratihontsanonhstats Environment Authority;
8. Know that if excavation works were carried out only by the **Kanesatake Ohontsa'shon:a Lands Authority** 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 Kanesatake, the **Kanesatake Ohontsa'shon:a Lands Authority** will refer to section 2.4.2.(5) for soil management options;

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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 Kanesatake Ratihontsanonhstats Environment Authority Inspector or the Kanesatake Peacekeepers/Policing service regarding access road safety and maintenance;
12. Maintain proper road signalization on access roads leading to the landfill site and provide a flagman as needed;
13. Repair any damage to property, repair any damage to all access roads or repair damage to the natural drainage system caused by the landfill site operation;
14. Provide copies of the Unit Excavation/Landfill Log to the Landfill Department monthly or more frequently if requested by the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager, and or Coordinator;
15. Meet in the spring or as necessary with the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager, Coordinator and the **Kanesatake Ohontsa'shon:a Lands Authority** designate(s) to discuss planned infrastructure projects for the year.

2.4.3 Kanesatake Public Works Unit

2.4.3.1 If the Kanesatake Public Works Unit will be allowing use of their heavy equipment for soil excavation or transport by individuals in Kanesatake or another Kanesatakeró:non 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 Garage Manager of Public Works will discuss the proposed use of heavy equipment with the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager, and Coordinator or designate, to ensure the heavy equipment proposed use complies with the Landfill Policy and Procedures for Clean Soil.

pg. 18 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

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2.4.3.3 If necessary, the Kanesatake Ratihontsanonhstats Environment Authority, Director/Manager, and or Coordinator, should meet with the **Kanesatake Ohontsa'shon:a Lands Authority** and individual or 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 Kanesatake and any areas of suspect compiled by the Kanesatake Ratihontsanonhstats Environment Authority.

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 Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority Landfill Inspector.

2.5.2 Consultation between Kanesatake Ratihontsanonhstats Environment Authority designate and the Mohawk Council of Kanesatake Land Management 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 Kanesatake Ratihontsanonhstats Environment Authority will complete the appropriate sections of the Receptor Site Assessment and then will provide the Receptor Site Assessment to the **Kanesatake Ohontsa'shon:a Lands Authority** and the Mohawk Council of Kanesatake Land Management Department 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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or designate once it is received.

2.5.4 The Kanesatake Ratihontsanonhstats Environment Authority Manager/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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or designate.

pg. 19 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

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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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator until the additional information is provided to the Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or designate.

The Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator will inform the applicant in writing of the application suspension.

2.5.6 Once the Receptor Site Assessment is complete, the Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator will advise the Mohawk Council of Kanesatake Land Management Department Director/Manager of Lands or designate of the completed process of an application for landfill.

2.5.7 The Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator will inform and place the landfill applicant on the landfill waiting list until acceptable landfill material is available.

A Landfill Permit (Appendix D) is necessary for all Source Site Contractors for all landfill material entering Kanesatake. All Source Site Contractors must make an appointment with the Kanesatake Ratihontsanonhstats Environment Authority Coordinator to request a Landfill Permit and are required to work directly and only with the Kanesatake Ratihontsanonhstats Environment Authority.

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 Landfill fee payments will be organized by the **Kanesatake Ohontsa'shon:a Lands Authority** Liaison and Kanesatake Ratihontsanonhstats Environment Authority directly with the Source Site Contractor.

If there exists a conflict of interest with a Source Site Contractor and the **Kanesatake Ohontsa'shon:a Lands Authority** Landfill Permit signatory, a conflict of interest will be declared and an alternate signatory for the Landfill Permit will be designated.

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3.1 Excavated Material in Kanesatake

When soil material is being excavated and moved in Kanesatake, 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 Kanesatake transferred to another individual landholder receptor site in Kanesatake. The **Kanesatake Ohontsa'shon:a Lands Authority** 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 Kanesatake (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 Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake is required to work with the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or designate regarding the excavated material destination options.

3.1.3 The Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority and approved by the **Kanesatake Ohontsa'shon:a Lands Authority** for all source sites in Kanesatake.

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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 Kanesatake. Appendix H and K are subject to change at the discretion of the Kanesatake Ratihontsanonhstats Environment Authority.

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 Kanesatake Ratihontsanonhstats Environment Authority will ensure that the Source Site Contractor provides results of a source site soil chemical analysis for all landfill material entering Kanesatake.

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

3.2.3 The Kanesatake Ratihontsanonhstats Environment Authority will complete a Source Site Assessment (Appendix L) on all source sites of landfill soil material entering or being moved within Kanesatake.

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 Kanesatake Ratihontsanonhstats Environment Authority in the completion of the Source Site Assessment.

3.2.5 A completed Source Site Assessment will be provided by the Kanesatake Ratihontsanonhstats Environment Authority to the **The Kanesatake Ohontsa'shon:a Lands Authority** for review and approval. Should there be any Kanesatake Ratihontsanonhstats Environment Authority recommendations for additional information following review, the Kanesatake Ratihontsanonhstats Environment Authority will obtain the information and provide the Source Site Assessment including the additional information to the **Kanesatake Ohontsa'shon:a Lands Authority** for approval.

The Kanesatake Ratihontsanonhstats Environment Authority Manager/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.

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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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or Mohawk Council of Kanesatake Land Management Department designate in collaboration with the **Kanesatake Ohontsa'shon:a Lands Authority** 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. They will use material for Kanesatake 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 Kanesatake Ratihontsanonhstats Environment Authority of the Receptor Site Assessment and the Source Site Assessment.

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

3.3.2 The Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator or designate will:

1. Organize a meeting to review documentation for new permits if requested by the permit signatory. The Kanesatake Ratihontsanonhstats Environment Authority and the Mohawk Council of Kanesatake Land Management Department, Director/Manager 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; of the Receptor Site Assessment and the Source Site Assessment.

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

3.3.2 The Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator or designate will:

1. Organize a meeting to review documentation for new permits if requested by the permit signatory. The Kanesatake Ratihontsanonhstats Environment Authority and the Mohawk Council of Kanesatake Land Management Department, Director/Manager 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;
2. Prepare the required number of a Landfill Permit to accommodate the estimated number of trucks bringing landfill into Kanesatake. Each Landfill Permit will be validated with a Landfill with a Landfill Department seal;
3. Provide the Landfill Permit(s) to the Mohawk Council of Kanesatake Land Management Department Director/Manager or designate for his/her signature; Each Landfill Permit requires an original signature; Department seal;
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 Kanesatake Ratihontsanonhstats Environment Authority, Manager/ Coordinator or designate, and the Mohawk Council of Kanesatake Land Management Department, Director/Manager of Lands or designate of any changes to the Landfill Permit conditions.

pg. 24 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

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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 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 Kanesatake Ratihontsanonhstats Environment Authority Landfill Procedures for Clean Soil;
2. Understand that all Source Site Contractors work directly with the : Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority 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 **Kanesatake Ohontsa'shon:a Lands Authority** if landfilling will occur in or near a Wetland so that 2013 Best Management Practices for Activities Taking Place in and around Water Habitats in Kanesatake and Tioweró:ton outlined by the Environment Protection Department may be applied to minimize damage to sensitive habitats;
6. Repair any damage to property, adjacent property, access roads or to the natural drainage system caused by the landfill material delivery;
7. Ensure availability of a street sweeper/pressure washer truck for access road maintenance as necessary and ensure regular use of dust control measures to eliminate or minimize risk of public safety hazards;

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8. Maintain proper road signalization on roads leading to the landfill receptor site, including use of a flagman as required;
9. Know that the Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority and/or the Kanesatake Police Service/Peacekeepers not to be a safety hazard;
10. Cooperate with the random soil sampling procedures as directed by the Kanesatake Ratihontsanonhstats Environment Authority Kanesatake Ratihontsanonhstats Environment Authority;
11. Operate between 7:30 am and 4:30 pm, Monday to Friday, unless authorization is given from the Landfill Department and the Director of Lands or designate;
12. Be made 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 Kanesatake individual landholder or head of a community organization that needs to transfer landfill material and/or requires landfill material must contact the Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator for an application package.

The Kanesatake 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 Kanesatake Ratihontsanonhstats Environment Authority 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;

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5. Know that landfill delivery is permitted Monday to Friday between 7:30 AM and 4:30 PM, with no landfill delivery on week-ends;
6. Provide a shelter for full time site monitors when the temperature is less than 50 degrees Fahrenheit or 10 degrees Celsius;
7. Ensure there is no encroachment onto neighboring lands;
8. Ensure that proper drainage on the landfill site and neighboring land is maintained during and after the operation;
9. Discuss with the Kanesatake Ratihontsanonhstats Environment Authority if landfilling will occur in or near a Wetland so that Best Management Practices for Activities Taking Place in and around Water Habitats in Kanesatake and Tioweró:ton outlined by the : Kanesatake Ratihontsanonhstats Environment Authority may be applied to minimize damage to sensitive habitats;
10. Be made 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 Kanesatake 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 Kanesatake Policing Service/Peacekeepers.

4. MONITORING LANDFILL SITES

The Kanesatake Ratihontsanonhstats Environment Authority 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 Kanesatake Ratihontsanonhstats Environment Authority Manager/Coordinator:

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- Mohawk Council of Kanesatake Land Management Department, Director/Manager of Lands or designate,
- Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator or designate,
- Kanesatake Police Service/ Peacekeepers
- Roads and Highway Department Manager of Public Works
- Kanesatake Conservation Officers (4)
- Coordinator Occupational Safety and Health
- Landfill Inspector(s)
- Landfill Department Coordinator

Each has the obligation to inform the Kanesatake Ratihontsanonhstats Environment Authority or Kanesatake Police Service/ 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 the **Kanesatake Ohontsa'shon:a Lands Authority** persons:

1. Mohawk Council of Kanesatake Land Management Department, Director/Manager of Lands or designate,
2. Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator,
3. Landfill Department Coordinator,
4. Kanesatake Police Service/Peacekeeper Executive Secretary,
5. Roads and Highway Department Manager of Public Works,
6. Director of Health/Community Protection,
7. Coordinator Occupational Safety & Health,
8. Land Management Coordinator,
9. Mohawk Council of Kanesatake Lands Portfolio Chief(s)

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4.2 Landfill Site Monitoring

4.2.1 Frequency Schedules

The Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator will:

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

Either Mohawk Council of Kanesatake Land Management Department, Director/Manager of Lands or designate or the Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator or designate may at any time during the landfill site operation make a request to the **Kanesatake Ohontsa'shon:a Lands Authority** to increase the frequency schedule.

The Kanesatake Ratihontsanonhstats Environment Authority, Manager/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 Kanesatake Ratihontsanonhstats Environment Authority Manager/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.

- Mohawk Council of Kanesatake Land Management Department, Director/Manager of Lands or designate,
- Kanesatake Police Service/Peacekeepers,
- Kanesatake Ratihontsanonhstats Environment Authority, Manager/Coordinator or designate,
- Landfill Coordinator,
- Landfill Inspector.

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

pg. 29 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

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4.2.2 Landfill Inspector

The Landfill Inspector will:

- Follow a monitoring frequency schedule as directed by the Kanesatake Ratihontsanonhstats Environment Authority Manager/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;
- 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 the **Kanesatake Ohontsa'shon:a Lands Authority** be informed of any identified non-compliance with the Landfill Procedures for Clean Soil. The Kanesatake Ratihontsanonhstats Environment Authority Landfill Coordinator will be notified of any communications with the **Kanesatake Ohontsa'shon:a Lands Authority or a Supervisor, Manager, or Coordinator**;
- Provide landfill site monitoring reports to the Kanesatake Ratihontsanonhstats Environment Authority;
- Keep the Kanesatake Ratihontsanonhstats Environment Authority Landfill Coordinator informed of all non-compliance activities related to Landfill Permit or Memorandum of Agreement.

5. APPEAL PROCESS – (Kahnawake Courts will be used)

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.

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6. AMENDMENTS

6.1 Procedures

Kanesatake Ratihontsanonhstats Environment Authority Landfill Manager/Coordinator in collaboration with the **Kanesatake Ohontsa'shon:a Lands Authority** will conduct a mandatory review of the Landfill Procedures for Clean Soil every five (5) years from the Kanesatake Ratihontsanonhstats Environment Authority last approval date. Amendments to these Landfill Procedures for Clean Soil will be made as necessary and must be approved through a Mohawk Council of Kanesatake and **Kanesatake Ohontsa'shon:a Lands Authority**.

6.2 Appendices

Modification to an appendix that occurs outside of an amendment review process requires approval from the Mohawk Council of Kanesatake Land Management Department, the **Kanesatake Ohontsa'shon:a Lands Authority** Director/Manager and the Kanesatake Ratihontsanonhstats Environment Authority. Appendices for Acceptable Parameters and Parameters that may be "Triggered for Analysis" may be updated as required by the Kanesatake Ratihontsanonhstats Environment Authority who will obtain approval for any updates from the **Kanesatake Ohontsa'shon:a Lands Authority**.

pg. 31 This policy was passed and ratified by the Community of Kanestake and the Mohawk Council of Kanestake on the: _____ Day, in the month of: _____, year of: _____

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