

# **MOHAWKS OF THE BAY OF QUINTE**

## **Surplus Soil and Aggregate Policy**

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**DATES OF COMPLETION AND REVISIONS**

	DATE	MOTION #	SECTION
COMPILED	May 2022		All
ACCEPTED	May 25, 2022	6	ALL
REVISED	September 14, 2022	5	Policy Statement, 3.a, 3.b., 3.c., 3.d., 4.a., 4.b., 5.0 (all), 6.b., 7.0 (Added All)

**ACCEPTANCE**

- a. Duly accepted by a quorum of the Tyendinaga Mohawk Council this 25<sup>th</sup> day of May 2022.
- b. Revisions were duly accepted by a quorum of the Tyendinaga Mohawk Council this 14<sup>th</sup> day of September 2022.



\_\_\_\_\_  
R. Donald Maracle, Chief

1.0

**POLICY STATEMENT**

The Tyendinaga Mohawk Council recognizes community members may require clean fill to maintain their property for development purposes. The Mohawks of the Bay of Quinte (MBQ) will intermittingly have surplus soil or aggregate material from development projects that will undergo an environmental soil testing process and may be made available to community members.

Surplus soil and aggregates made available to community members must be used on Tyendinaga Mohawk Territory as fill for a residential or commercial development site, as determined and authorized by testing results, and may not be sold to any other party. The proposed use for the soil and/or aggregate shall adhere to best management practices as outlined in relevant legislation. In accordance with the *Indian Act*, Section 93, the soil and aggregate must not be removed from the Tyendinaga Mohawk Territory.

2.0

**PURPOSE**

The purpose of this policy is to outline the application approval process for registered community members to access surplus soil or aggregate material when available.

3.0

**ELIGIBILITY AND CRITERIA**

- a. Applicants must be registered members of the Mohawks of the Bay of Quinte.
- b. Applicants are only eligible to request a maximum of 10 loads (tri-axle dump truck or equivalent) per year.
- c. Applicants must complete the *Surplus Soil and Aggregate Application Form*. The form must indicate the proposed use and placement site details, including exact lot and concession on the Tyendinaga Mohawk Territory, to ensure the request meets placement restrictions and requirements.
- d. Applicants are responsible to initiate the site inspection process with the MBQ Infrastructure Department.

4.0

**APPLICANT RESPONSIBILITY**

- a. The Applicant is responsible for completing the *Surplus Soil and Aggregate Application Form* and must allow inspections as required by this Policy, prior to accessing or moving any surplus soil. It is suggested that the Applicant complete the application at least sixty (60) days in advance of needing the surplus soil to allow sufficient time for the inspection and approval process.
- b. The Applicant is wholly responsible for all coordination and costs with their contractor, for any removal from an MBQ construction project or a stockpile site and for the placement, levelling and grading at the receiving site.

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**PROCEDURE**

Through an application process, registered MBQ members may access surplus soil as it becomes available, either during MBQ construction projects or from stockpiles located at designated surplus material sites, subject to the proposed use and placement restrictions.

The application and approval process may take several weeks, or months to allow time for coordination with the Environmental Services Supervisor and for consultation with external agencies depending on the proposed use for the soil and/or aggregate.

- a. MBQ will ensure soil testing occurs as required by relevant legislation to confirm the status of the surplus soil or aggregate prior to offering it for use.
- b. Applicant will contact MBQ Infrastructure for a *Surplus Soil and Aggregate Application Form* (Appendix A). Applicants must submit a completed application for consideration to access any surplus soil and/or aggregate.
- c. The Applicant shall contact the MBQ Infrastructure department to arrange the required pre-inspection, to review the proposed use and receiving site. The Environmental Services Supervisor will conduct the pre-inspection as part of the approval process.
- d. If the application and pre-inspection do not meet proposed-use, site location and placement requirements, the Environmental Services Supervisor shall notify the Applicant to inform them the reason(s) their application is being declined.
- e. If the application and pre-inspection meet proposed-use, site location and placement requirements, the Environmental Services Supervisor shall prepare a standard approval letter to be provided to the Applicant.
- f. Applicant may not access soil or aggregate from an MBQ construction project or a stockpile site prior to receiving an approval letter.

- g. Once approved, the Applicant and Environmental Services Supervisor will coordinate a date and time for site access to remove soil and/or aggregate. If the soil and/or aggregate site is a current MBQ construction project, the coordination must include the project contractor. Applicant shall not access or remove soil and/or aggregate outside of the coordinated date and time.
- h. Once soil and/or aggregate is accessed and loaded, Applicant and their contractor must ensure that the site, whether an MBQ Construction project site and/or stockpile site, must be left in a condition accessible for continued use.

Applicants should be aware that other community members and contractors may be on site at the same time and adherence to safety protocols must be followed.

- i. Applicant shall notify the Environmental Services Supervisor if there are any changes to the proposed use outlined in the outlined in the *Surplus Soil and Aggregate Application Form* prior to placement at the receiving site.
- j. The Environmental Services Supervisor may conduct a follow-up site inspection, at any time, to ensure compliance of use and setback restrictions following placement of the soil and/or aggregate.
- k. Applicant shall be responsible for the coordination and costs associated with re-location of the soil and /or aggregate if actual use deviates from proposed use outlined in the *Surplus Soil and Aggregate Application Form*.
- l. Applicant may be subject to legal action by external agencies if placement deviates from proposed use outlined in the *Surplus Soil and Aggregate Application Form*.

## 6.0

### PLACEMENT RESTRICTIONS

- a. Final placement of the surplus soil is subject to restrictions based on the environmental testing results. MBQ to inform the Applicant of the environmental testing results prior to authorizing placement for the proposed use.
- b. Due to the source site of material, in many cases the soil sample results will reflect an impact from winter salting operations as demonstrated by calcium chloride exceedances. In which case, soil should only be placed in areas that adhere to environmental consultants' recommendations and in accordance with legal standards for salt impacted soils.
- c. Final use of the surplus soil is subject to other restrictions in consideration of relevant environmental legislation and at the discretion of the Environmental Services Supervisor

7.0

**APPEAL PROCESS**

In the event that an Applicant wishes to appeal a decision made under this policy:

- a. The Applicant is encouraged to request a meeting with the Mohawks of the Bay of Quinte Environmental Services Supervisor and the Director of Infrastructure to discuss any decision relating to their application.
- b. If the Applicant's issue is not resolved after meeting with the MBQ Infrastructure Department, the Applicant is encouraged to request a meeting with the MBQ Chief Administrative Officer and representatives of the MBQ Infrastructure Department.
- c. If the Applicant issue remains unresolved following the meeting with the CAO, they may choose to submit a Notice of Appeal to the Appeal Board.
- d. The Appeal Board shall consist of **Tyendinaga Mohawk Council**.
- e. Appeal Notices must be in writing and submitted within thirty (30) business days of the initial notification of the MBQ Chief Administrative Officer's decision. Copies of the Appeal Notice will be sent to all the members of the Appeal Board.
- f. The Appeal Board shall review the Applicant's position and circumstance as presented in the Notice of Appeal. The Appeal Board will also consider the MBQ Infrastructure Department decision and decision-making process.
- g. The Appeal Board will acknowledge the Appeal Notice within twenty (20) business days and will, if necessary, request a meeting and notify the Applicant of the date, time and place of the meeting.
- h. The Appeal Board will make their decision in private and render their decision in writing to the Applicant within ten (10) business days of the decision.
- i. All decisions of the Appeal Board are final. However, should the circumstances change; the Applicant will be notified that they may re-apply to the program or service at the MBQ Infrastructure Department.

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**AMENDMENTS**

- a. The Mohawks of the Bay of Quinte Administration and the Tyendinaga Mohawk Council reserve the right to amend this policy to adhere to the changing needs of the membership of the Mohawks of the Bay of Quinte.



# MOHAWKS OF THE BAY OF QUINTE

## KENHTEKE KANYEN'KEHÁ:KA

*COMMUNITY INFRASTRUCTURE / TECHNICAL SERVICES / ENVIRONMENT,  
24 Meadow Drive, Tyendinaga Mohawk Territory, ON K0K 1X0  
Phone 613-396-3424 Fax 613-396-3627*

### SURPLUS SOIL AND AGGREGATE APPLICATION FORM

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

**NAME OF APPLICANT:** Applicant must be a registered member of the Mohawks of the Bay of Quinte.

Last Name	First Name	MBO Member: <input type="checkbox"/> Yes <input type="checkbox"/> No
Primary Phone #	Email Address: <i>By providing a valid email address, you are consenting to receive e-communication from the MBO Infrastructure Department.</i>	

#### FILL REQUEST DETAILS

Fill Location:	Lot & Concession:	CP HOLDER: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, CP Holder Permission: <input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Start Date:	Proposed Dates for Pre-Inspection: <i>(Subject to Environmental Services Supervisor availability)</i>	
Method of Transportation: (ie Dump truck or trailer)		Fill Volume Estimate (m <sup>3</sup> or Truck Loads):
Type of Property: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial/Business	Contractor: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sketch: <input type="checkbox"/> Yes <input type="checkbox"/> No

#### Description of Work:

#### Release

I acknowledge and agree that accessing the surplus soil and aggregate construction or stockpile site involves potential dangers, risks and hazards. I further acknowledge that accessing the soil and aggregate construction or stockpile site and the removal of soil and/or aggregates is entirely at my own risk, and I freely accept all the inherent risks of accessing the site and possibility of personal injury or death, property damage and the loss resulting therefrom.

\_\_\_\_\_ Date \_\_\_\_\_  
Applicant's Signature

#### CONTRACTOR INFORMATION (If Applicable)

Name:	
Contact Phone Number:	
Permits:	

#### SET BACK DISTANCES

From Residence:	Property Line	Septic Bed	
Well	Surface Body Water	Wetland Area	


**\*The minimum offsets are: Surface Water Body (30 meters), Wells (100 meters), Property Line (3 meters)**

**\*\*\* PLEASE PROVIDE SKETCH OF WORK AREA ON NEXT PAGE \*\*\***



APPENDIX A: Surplus Soil and Aggregate Application Form

**SKETCH OF WORK AREA:**

**SIGNATURE**

I certify that the information provided in this application true and correct:

\_\_\_\_\_

Applicant's Signature

\_\_\_\_\_

Date

**FOR OFFICE USE ONLY**

**Pre-Work Inspection Comments**

Signature of Environmental Services Supervisor:	Date:
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**Post-Work Inspection Comments**

Signature of Environmental Services Supervisor:	Date:
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**GUIDELINES TO FOLLOW FOR ACCESSING SOIL AND AGGREGATE STOCKPILE SITES (INCLUDING MBQ CONSTRUCTION PROJECT SITES)**

- Report to Waste Depot Operator upon arrival.
  - For MBQ construction project site, inform site supervisor upon arrival.
- When accessing material:
  - Pull from edge of pile; and
  - Do not access from middle of pile.
- Equipment being used must be in good repair to prevent spills.
  - Immediately Notify ESS of any spills.
- Follow posted speed signs and use safe operating speed
- Be mindful of other community members or contractors
  - Avoid blocking access to stockpile for others.



# MOHAWKS OF THE BAY OF QUINTE

## *KENHTEKE KANYEN'KEHÁ:KA*

*COMMUNITY INFRASTRUCTURE / TECHNICAL SERVICES / ENVIRONMENT*

*24 Meadow Drive., Tyendinaga Mohawk Territory, ON K0K 1X0*

*Phone 613-396-3424 Fax 613-396-3627*

### Surplus Soil and Soil Quality Acknowledgement Receipt

In addition to the *MBQ Surplus Soil and Aggregate Policy*, the *Surplus Soil and Aggregate Application Form* and application process, the Mohawks of the Bay of Quinte require the Recipient of the soil and/or aggregates to sign this receipt as acknowledgement of receiving the requested material, the soil quality summary, the recommended uses, the final placement rules, and the Guidelines to Follow for Accessing Soil and Aggregate Stockpile Sites.

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I \_\_\_\_\_, acknowledge that the Mohawks of the Bay of Quinte have approved my request for soil and/or aggregates in accordance with the *MBQ Surplus Soil and Aggregate Policy* and have provided me with the soil quality testing results (if applicable), the recommended uses, final placement rules, and the Guidelines to Follow for Accessing Soil and Aggregate Stockpile Sites.

(Type Name)

By signing this document, I understand that I am in acceptance of the testing results (if applicable), and agree to adhere to the recommended uses, final placement rules, and Guidelines to Follow for Accessing Soil and Aggregate Stockpile Sites. Additionally, I agree to adhere to federal legislation and MBQ Policies as they relate to surplus soil, and the environment in which it is placed.

Further, I acknowledge that by signing this document I am considered to have removed the soil and/or aggregate from the stockpile and/or project site from which it is offered and am now the possessor of the requested soil and/or aggregate. If I am no longer the CP Holder of the final placement site property, I agree to provide a copy of this, and all documents associated with this received soil and/or aggregate to the new CP Holder.

\_\_\_\_\_  
(Recipient Signature)

\_\_\_\_\_  
(MBQ Representative Signature)

Date: \_\_\_\_\_

Date: \_\_\_\_\_