



# MOHAWKS OF THE BAY OF QUINTE

## *KENHTEKE KANYEN'KEHÁ:KA*

*COMMUNITY INFRASTRUCTURE / TECHNICAL SERVICES / ENVIRONMENT*

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### **Soil Management Requirements Protocol**

In the event of a new or proposed infrastructure/development project on the Tyendinaga Mohawk Territory (TMT), the Mohawks of the Bay of Quinte (MBQ) aim to adhere to this standard soil management protocol to ensure environmental health, public health, and compliance with relevant legislation.

In recognition of the Indian Act s.93, where safely reasonable, MBQ aim to keep all surplus soil and/or aggregates on the TMT and reuse it for the benefit of the community.

The following steps are required by MBQ departments, Project Leaders, Engineers/Consultants and/or Contractors for soil management when soil is to be moved or removed:

- Consult with the MBQ Environmental Services Supervisor (ESS) to determine best practices for project specific soil management.
- The ESS will work with relevant contacts toward determining the appropriate receiving/stockpile site(s) for any excess soil. The receiving/stockpile site(s) will be contingent on factors, including, but not limited to the soil quality testing results.
- Submit a soil sampling plan to the ESS for review and approval prior to conducting any soil quality testing.
- Conduct soil quality testing via a Qualified Person (QP), and as approved by the ESS prior to soil removal or movement.
  - Soil sampling frequency should be discussed between the ESS and QP and should often align with requirements in the O.Reg 406/19. Soil quality sampling should be at a frequency to best represent the quantity of soil being removed or moved for the project.
  - Soil analysis should be discussed between the ESS and QP and should often align with requirements in the O.Reg 406/19. Analysis should generally test for BTEX, VOCs, PHCs (F1-F4), PAHs, PCBs, metals & inorganics including SAR, EC, and pH, but may vary depending on the source site and advice from the QP.
  - A soil quality report should be generated by the QP for the project and have a summary referencing and comparing to O.Reg 406/19 Table 1 standards for residential, parkland, institutional, industrial, commercial, community (RPIICC) property use, Table 2.1 and 3.1 ESQS for residential, parkland, institutional (RPI) , industrial, commercial, community (ICC) property use, and/or the most appropriate relevant table(s), as well as compare to the CCME "Soil Quality Guidelines for the Protection of Environmental and Human

health” for agricultural, residential/parkland, commercial and industrial use. Additionally, the report should provide recommended soil use based on relevant legislation for public and environmental health.

- Soil shall not be removed or moved by any project party or contractor until the ESS has received and reviewed the soil quality report and they have provided written approval for soil movement, final placement, and/or use.
- Once written approval is provided, project soil may be removed, moved, and/or managed only as outlined in writing by the ESS.
- Surplus soil and/or aggregates will typically have to be moved to one or a combination of the following receiving/stockpile sites based on estimated quantity and quality results:
  - \*When surplus material is rock it is inherently considered “clean” \*
  - \*Definitions of “dirty” and “clean” will be at the discretion of MBQ and the ESS based on relevant soil legislation and considerations at the time.
- Soil may be reused on the project site where possible.
- Soil tested “dirty”: will need to be hauled off the TMT to a licensed facility for proper disposal.
- Soil tested “clean”: may be hauled to one or various community member properties based on an internal MBQ application and approval process.
- Soil tested “clean”: may be hauled to a final placement stockpile site and must be sorted and shaped onsite into appropriate piles as outlined by the ESS.
- Soil tested “clean”: may be hauled to a final placement site where a future infrastructure/development project is proposed. Creation of a site entrance and soil shaping may be required and will be discussed when need be.
- Where applicable MBQ will have a soil quality acknowledgement and disclaimer document for receiving parties to sign to ensure the safety of MBQ and project parties.
- It is likely that MBQ and the ESS will require pre and post topographic surveys be conducted at the receiving/stockpile site as a record of quantity and space availability. Topographic survey discussions should be carried out prior to soil movement.
- Quantities of soil moved, dates moved, and start and end locations must be recorded and tracked by the contractor and reported to the ESS.
- When surplus soil is considered liquid soil, final placement can be determined by the ESS given quality testing applies and there is an appropriate receiving site. A vehicle generating and moving liquid soil must ensure that all liquid soil is only that generated from the MBQ project. In most cases, it is likely that the ESS will request it be properly disposed of off the TMT.
- Given that the TMT is considered Federal lands the MBQ must adhere only to Federal legislation but may lean on Provincial legislation as a standard for public and environmental safety where there is no Federal guideline, as a result MBQ may use or forgo use of Provincial legislation/standard when appropriate.
- When soil and/or aggregate must be removed from the TMT, it is the responsibility of the contractor/hauler to adhere to relevant Provincial legislation. Once soil and/or aggregate is no longer on the TMT it is no longer the responsibility of MBQ or in MBQ’s possession.

If there are any questions on the above, please do not hesitate to contact the MBQ ESS.

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