

Definitions	<p>For the means of this policy, the following shall have the corresponding meanings:</p> <ul style="list-style-type: none"> <li>a) “Hazardous Waste” means municipal hazardous or special waste as defined in <i>Ontario Regulation 542</i> under the <i>Waste Diversion Act, 2002, S.J. 2002. C.</i> and includes, but is not limited to, a wet or dry cell battery, pressurized container, antifreeze and coolant, aerosol container, propane container, portable fire extinguisher, fertilizer, pesticide, oil filter/containers, fluorescent light bulb or tube, pharmaceutical, medical syringe, mercury switch or thermostat household cleaner or detergent, wax or polish.</li> <li>b) “Qualified Professional” means a person who is a current member of the Association of Professional Engineers (P.Eng.) and/or Geoscientists of Ontario (P.Geo.) and is a member in good standing.</li> <li>c) “Recyclables” means waste that is capable of being recycled, and including, but not limited to, the materials set out in <b>Schedule “A”</b>.</li> <li>d) “Waste Management Plan” means a plan for managing Waste generated on a property or at an event.</li> <li>e) “Waste” means garbage, organics, recyclables, special collection waste and non- collectable waste.</li> <li>f) “WEEE”-means waste electrical and electronic equipment</li> </ul>
Waste Management Systems	<ol style="list-style-type: none"> <li>1. The general goal and intent of this section is to outline infrastructure-related objectives and policies to manage waste management facilities. This includes, but is not limited to, the landfilling activities which occur on the reserve property.</li> </ol> <p><b>1.1 Objectives</b></p> <ol style="list-style-type: none"> <li>2. To provide waste management facilities which are of appropriate size and type to accommodate present and future needs.</li> <li>3. To locate and design waste management facilities in accordance with applicable legislation and standards.</li> <li>4. To investigate and promote appropriate means for diverting waste by means of recycling and/or other methods.</li> <li>5. To ensure waste management facilities have minimal impact on the environment and activities are completed on a regular basis to reduce the environmental and safety risks.</li> </ol>
Waste Management Facility	<ol style="list-style-type: none"> <li>1. Waste Disposal Assessment Areas are shown on <b>Land Use Plan figure</b> as an overlay designation. The existing or prior use of the lands for the disposal of waste may have an effect on future uses of these lands</li> </ol>

**Comment [LM1]:** Reference regulation 101

and possibly adjacent lands. In recognition of this, Waste Disposal Assessment Areas will include a 500 m buffer zone from the property perimeter. These areas are regulated in order to protect public health and safety and ensure land use compatibility with adjoining uses.

2. The location, operation, monitoring, maintenance and rehabilitation of any waste management facilities developed pre Land Code are the responsibility of AANDC, and any waste management facilities developed post Land Code are the responsibility of Atikameksheng Anishinabek Chief and Council.
3. The existing waste management facility located on the reserve will be utilized until such time as a Municipal Transfer Service Agreement can be established with the City of Greater Sudbury to establish a waste transfer station at the existing landfill site, and transfer all waste produced in the community to a City landfill site. Once such an agreement is initiated, the existing landfill site will be permanently closed and monitored in a manner that will meet any existing federal regulatory requirements. Provincial standards will be used as a guideline in the absence of federal regulations.
4. Future waste management facilities will be identified either on or off-reserve to meet projected community needs.
5. All future waste management facilities shall be closed and monitoring in accordance with provincial standards and requirements as a guideline.
6. The development and/or expansion of a new waste management facility onto reserve land not currently designated for waste management use will require an Environmental Assessment as outlined in the EA Law and policies, and will be subject to appropriate standards and requirements as outlined in the Environmental Management Action Plan.

This shall include a surface and groundwater monitoring program to determine the potential impacts to groundwater and surface water quality. This monitoring program shall be evaluated on a yearly basis in the form of an Annual Report to ensure no detrimental environmental impacts are occurring.

7. A contingency plan shall be developed for all existing and new waste management facilities. This plan will outline what to do in the event of a spill and/or if environmental impact is noted.
8. The development or expansion of a new waste management facility shall not occur within 500 meters of a groundwater drinking source

**Comment [LM2]:** Look into this

	(well) or within a 1 kilometer radius of a surface water intake.
Development near the Waste Management Facility	<p>9. Development near the waste management facility will not be permitted within 500 meters of the perimeter of the fill area of and active and/or closed landfill site as identified in the Land Use Plan.</p> <p>a. No new development shall be permitted on or within 500 meters of an active or closed waste management facility unless approval is obtained from Chief and Council and the proponent has</p> <p>Completed studies that show the development is compatible and can safely take place. These studies must be completed by a qualified professional. These studies must include, but are not limited to,</p> <ul style="list-style-type: none"> <li>i. Landfill gas pressures and composition meaning determination of any landfill (methane) gas concentration and lower explosive limits to ensure the safety of the new development.</li> <li>ii. Leachate migration meaning characterization of the landfill leachate and determination of any impacts occurring off-site in the proposed new development area.</li> <li>iii. Hydrology/ Hydrogeology meaning the study of groundwater and surface water flow directions and groundwater and surface water quality.</li> <li>iv. Structural stability meaning the ability for the soils to support the proposed structure.</li> <li>v. Presence of hazardous wastes meaning confirmation that the land does not contain any hazardous waste from historical landfilling activities.</li> </ul> <p>b. Written approval is received from the Chief and Council that the above provisions are met.</p> <p>c. Measures are taken to the satisfaction of the Chief and Council to control and mitigate any problems identified in the study.</p> <p>d. Only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law.</p>
Development of a New Waste Management Facility On- Reserve	<p>10. Any new development of a waste management facility will need to be completed as per the permitting process required with "The Indian Reserve Disposal Regulation". C.960 pursuant to the "Indian Act", or any further applicable legislation.</p> <p>11. Any new development will require an Operations and Monitoring Plan to ensure compliance and environmental protection.</p>

**Comment [LM3]:** Check standards to determine if sufficient.

**Comment [LM4]:** Check this out

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	<p>12. A new waste management facility will not be approved if within:</p> <ul style="list-style-type: none"> <li>a. 500 m of a residential development from the fill area boundary</li> <li>b. 500 m from the fill area boundary to a highway, cemetery or park</li> <li>c. 500 m from the fill area boundary to a known fish habitat significant wetland and/or significant wildlife habitat</li> <li>d. 500 m from the site boundary to a stream or lake</li> <li>e. 500 m from the site boundary to a well-used for drinking water</li> <li>f. 8 km from the fill area boundary to a licenced airport</li> </ul>
<p>Development of a Waste Transfer Station On-Reserve</p>	<p>13. Any new development of a waste transfer system on the reserves lands must be approved by the Chief and Council.</p> <p>14. Any new development must consider the following:</p> <ul style="list-style-type: none"> <li>a. Types of accepted waste (industrial, commercial, institutional, residential)</li> <li>b. Capacity</li> <li>c. Site selection</li> <li>d. Design and Operation</li> <li>e. Facility Oversight</li> </ul>
<p>Waste Management Plan/Operational Plan</p>	<p>15. The development of a Waste Management Plan/Operation Plan for the Waste Management Facility will aid in the protection of the community from exposure to toxic chemicals. This plan will also raise awareness with respect to environmental concerns and reduce the environmental and safety risk associated with waste management facilities. This plan shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>a) A description of the operations at any new waste management sites describing the time, location, the method of waste handling and the individuals or contractors responsible for operating the site, the services being provided and, any agreements pertaining to the operation.</li> <li>b) Monthly Operational Monitoring including:             <ul style="list-style-type: none"> <li>i. Landfill seep inspections (i.e., looking for leaking/ runoff of landfill leachate)</li> <li>ii. Description of waste types and quantities (weights) of waste and/or recyclables or other waste types being stored, transported and/or disposed of in the landfill.</li> <li>iii. Description of where the waste is being placed</li> <li>iv. No burning will be permitted.</li> <li>v. Description of any air emissions including evidence of dust,</li> </ul> </li> </ul>

	<p>odour, noise or other airborne materials.</p> <p>vi. Confirmation that site security is being maintained.</p> <p>c) Completion of an annual report summarizing waste management activities. <b>This report should be completed based on the guidance provided in the document "Monitoring and Reporting for Waste Disposal sites Groundwater and Surface Water Technical Guidance Document, Ministry of the Environment, November 2010."</b></p> <p>d) Information with respect to access roads and maintenance, hours of operation, site operations, air emissions, buffer zones, contingency plan, inspections, supervision and security, fees, signage, prohibited wastes, disposal area, waste handling including cover, fire break, burning, recycling, litter, closure, record keeping, equipment, maintenance, vectors and salvage and scavenging must be included in an Operation Plan.</p> <p>e) As resources become available, the development of a monitoring program to determine and mitigate potential impacts will be required.</p>
<p>Waste Management Facility Closure</p>	<p>16. Once capacity has been reached, a Closure Plan will be developed and implemented to ensure the long term environmental and community protection with respect to the waste management facility.</p> <p>17. The Closure Plan must include the following (but is not limited to):</p> <ol style="list-style-type: none"> <li>a. Site Setting</li> <li>b. Site Design including design and waste characteristics, end use, closure design, buffer zones and grades, final contours and final cover.</li> <li>c. Leachate, surface water, landfill gas management plan</li> <li>d. Site facilities (i.e., fencing and signage)</li> <li>e. Site Monitoring</li> <li>f. Final cover requirements</li> </ol>
<p>Waste Management Program</p>	<p>18. Atikameksheng Anishinabek will investigate methods to increase waste reduction and waste diversion efforts, and will promote and participate in programs aimed at achieving such objectives.</p> <p>19. Diversion efforts will include the following:</p> <ol style="list-style-type: none"> <li>a) Increase in the amount of recyclables diverted from landfilling activities.</li> <li>b) Diversion of Hazardous Wastes from landfilling activities</li> <li>c) Increase in removal of organics from landfill waste. This includes the promotion of composting initiatives.</li> <li>d) Diversion of WEEE from landfilling activities.</li> </ol>

**Comment [LM5]:** Where you are referencing provincial legislation I think we will need to talk to Esther about how /if she wants it done this way. Or if it is better to detail the regulatory info in this policy.

ES- or if we can include the guidance as a schedule in the back rather than re-typing it all. The document is meant for guidance, so we could pair it down a lot and include it in a separate schedule for this section as well.

**Comment [LM6]:** These topics I think we will need to provide additional guidance to the community in this policy on what the appropriate norms are

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Event Based Waste Management Plans	<p>20. The organizer of a special event to be held on the reserve shall provide Atikameksheng Anishinabek, at the time of applying for permission to use reserve property, provide the Chief and Council a Waste Management Plan for the special event.</p> <p>21. This plan shall identify with respect to the special event the following:</p> <ul style="list-style-type: none"> <li>a) An estimate of the types and volumes of Waste generated</li> <li>b) Any opportunities for Waste minimization</li> <li>c) The steps that will be taken to maximize the use of the collection of Recyclables and re-usable materials</li> <li>d) The method of collection of Waste for the specific event and transfer to the Waste Management Facility.</li> </ul>
Incinerators	22. No incinerator facilities will be permitted on reserve lands of Atikameksheng Anishinabek.
Crematoriums	23. No crematoriums will be permitted on reserve lands of Atikameksheng Anishinabek.
Burning	24. Burning of any type of waste is prohibited and is punishable by a fine as outlined in <b>Appendix X.</b>
Outdoor Storage of Hazardous Wastes	25. To ensure the safety of the residents every waste generator and property owner shall ensure that no hazardous waste be stored outdoors. Outdoor storage of hazardous waste is punishable by fine as outlined in <b>Appendix X.</b>
Outdoor Storage of Residential Waste	<p>1. To ensure the safety of the residents every waste generator and property owner shall ensure that residential waste stored outdoors is stored in Outdoor Waste Storage Receptacles which:</p> <ul style="list-style-type: none"> <li>2. Are constructed of durable, non-porous, easily cleanable material</li> <li>3. Are closed with tight-fitting lids or covers</li> <li>4. Do not permit Waste contained therein to become a public nuisance</li> <li>5. Do not permit any liquid to escape, leak or spill</li> <li>6. Are not located so they block any doorway or fire route</li> </ul>
Duties of the Public	<p><b>No Scavenging</b></p> <p>7. No person shall pick over, interfere with or remove any Waste set out for collection whether on public or private property without the</p>

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	<p>consent of the Chief of Council and the applicable Property Owner. Fines will be implemented for scavenging as outlined in <b>Appendix X.</b></p> <p><b>No Depositing or Refuse</b></p> <p>8. No person shall throw, place or deposit Refuse on any public or private <b>property.</b></p>
Hazardous Waste	<p>9. Hazardous Waste shall not be permitted for disposal in the landfill.</p> <p>10. Efforts shall be made to reduce the amount of hazardous materials from entering the landfill through waste diversion programs and special Hazardous Waste Days.</p> <p>11. Construction and demolition waste containing asbestos is prohibited and fines will be implemented for deposition of this waste as outlined in Appendix A.</p>
Violation	<p>12. Every person who:</p> <ol style="list-style-type: none"> <li>Violates any provision of this Law</li> <li>Causes or permits any act or thing to be done in contravention or violation of any provisions of this Law</li> <li>Neglects or omits to do anything required under this Law</li> <li>Fails to comply with any order, direction or notice given under this Law</li> <li>Prevents or obstructs, or attempts to prevent or obstruct, the entry of the Land Department or any officer or agent onto the property <b>under Section XX.</b></li> </ol> <p>13. Unless some other procedure is provided for by law, the summary conviction procedures as part of the Criminal Code, as amended from time to time, apply to offences under this law.</p>
Penalty	<p>14. Any person who commits an offense as described in section 1.8 is punishable upon summary conviction and shall be liable to a fine not exceeding <b>XXXX</b> per day plus any costs incurred by the First Nation to remove illegally dumped materials.</p>
Schedule A-	<p><b>Examples of material included in the definition of "Recyclables"</b></p> <ul style="list-style-type: none"> <li>aluminum: foil, a pie plate, pop can, and the like;</li> <li>styrofoam (all forms)</li> <li>boxboard: a tissue or cereal box, paper towel roll, frozen juice container, and the like;</li> <li>cardboard: a flattened box, pizza box, brown Kraft paper bag, and</li> </ul>

**Comment [LM7]:** We need to come up with some fines and enforcement mechanisms. Also, we need to address Hazardous Waste and possible ways of handling this.

**Comment [ES8]:** Might need this section created, see Tsawwassen FN modified transport of soil  
[http://www.labrc.com/documents/New%20folder/Model%28Generic%29\\_Anotated\\_Transport\\_and\\_Deposit\\_of\\_Soils\\_Law.pdf](http://www.labrc.com/documents/New%20folder/Model%28Generic%29_Anotated_Transport_and_Deposit_of_Soils_Law.pdf)

**Comment [ES9]:** Not sure if this is needed. If so I would add one for Waste and hazardous waste as well. I can pull this from the city of Guelph document in the work folder.

**Comment [LM10]:** I would keep in.



	<p>the like;</p> <ul style="list-style-type: none"> <li>• glass: a bottle or jar (any colour), and the like;</li> <li>• newsprint: a newspaper including a flyer or insert, an</li> <li>• egg carton or flat, a magazine or</li> <li>• catalogue, a telephone book, and the like;</li> <li>• paper: writing paper, an envelope (includes windowed), calendar (spiral binding removed), book (covers removed), and the like;</li> <li>• a gable top: a milk or juice carton, and the like;</li> <li>• an aseptic container: a juice or other drink box (tetra pack), and the like;</li> <li>• a plastic container: any plastic container, such as a bottle or jar, food or beverage container, tub and lid (margarine, yogurt, etc.);</li> <li>• steel: food or beverage can or tin (soup, juice, etc.);</li> <li>• an empty, dry paint can (lid removed); and</li> <li>• any other item designated as a Recyclable by the Chief and Council</li> </ul>
<p>Schedule B-</p>	<p>Examples of material included in the definition of “Hazardous Materials”</p> <ul style="list-style-type: none"> <li>• Paints, stains, and coatings;</li> <li>• Solvents (paint thinners, strippers, degreasers, and others);</li> <li>• Non-rechargeable batteries;</li> <li>• Vehicle engine antifreeze/coolant;</li> <li>• Fertilizers;</li> <li>• Pesticides;</li> <li>• Empty oil containers;</li> <li>• Oil filters;</li> <li>• Pressurized cylinders that held propane, oxygen, helium, or other gases.</li> </ul>

**Comment [ES11]:** Not sure if this is needed. If so I would add one for Waste and hazardous waste as well. I can pull this from the city of Guelph document in the work folder.

**Comment [LM12]:** Keep in