



Mohawk Council of Kahnawà:ke Capital Unit

Water & Sanitation Policy

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Approved Date: 2019-03-11	Policy Owner: Thomas Sky, Director of Capital Governing Body: Mohawk Council of Chiefs
Effective Date: 2019-03-11	Policy Author: Thomas Sky, on behalf of the Water & Sanitation Committee
Review Cycle: 36 months	Inquiries: Director of Capital, Capital Unit
MCK Strategic Objective: MCK 2017/2018 TO 2021/2022 Strategic Support Pillar: S1A	

1.0 Context

Objective

- 1.1 The objective of this policy is to provide the guidelines, principles and activities in providing drinking water and sanitation to those eligible for the service.
- 1.2 In addition, this policy aims to protect the health and well-being of community members.

Principles

- 1.3 The Mohawk Council of Kahnawà:ke (MCK) recognizes the right to drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.
- 1.4 Everyone is entitled to drinking water and access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.
- 1.5 Everyone is entitled to have physical and affordable access to sanitation that provides privacy and ensures dignity of community members.

Accountability and Transparency

- 1.6 This policy supports the enforcement of compliance requirements outlined in the Kahnawake Sanitary Conditions Law specifically in the protection of drinking waters and sanitation disposal systems.

Strategy

- 1.7 This policy supports the MCK Organizational Strategic Plan 2017 – 2022: Support - S1A - Ensure services are fully accessible and functioning to community satisfaction.
- 1.8 This policy also aligns with the Council of Chiefs 2016 political principle Holistic Support and Wellbeing to support and foster community member's emotional, physical, spiritual and mental health and well-being.



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2.0 Application:

2.1 This policy is applicable to any individual, party, or entity that requires water and sanitation services for a structure that is located within the current boundaries of Kahnawà:ke.

3.0 Policy:

- 3.1 The Water and Sanitation Committee shall oversee the application of this policy.
- 3.2 Appeals from community members shall be heard by Finance, Administration and Operations (FAO) Committee until such time as the Administrative Tribunal created by the Kahnawà:ke Justice Act is operational.
- 3.3 The MCK and the property holder/owner will together be responsible for the provision of drinking water and sanitation subject to the conditions contained herein.
- 3.4 All property holder/owners requiring water and sanitation services will be encouraged to utilize the centralized water and sewer system where said system is reasonably accessible.

Water & Sanitation Services

- 3.5 The MCK will provide services to make a connection to the centralized water and sanitation (W&S) network.
- 3.6 The MCK will provide non-centralized W&S services in areas where a central system is not reasonably accessible.
- 3.7 This policy will govern the installation of a drinking water well and sanitation disposal systems in non-centralized areas specifically by:
- 3.7.1 Providing guidelines to establish a water well service **or** installing a water well service, and/or
 - 3.7.2 Providing guidelines to establish a sanitation disposal system **or** install a sanitation disposal system, and/or
 - 3.7.3 Technical advice, and/or
 - 3.7.4 Estimating costs.

Eligibility

- 3.8 All residents of Kahnawà:ke will be eligible to access drinking water and sanitation services from the MCK subject to certain guidelines, requirements, specifications and standards as detailed herein.



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Requirements

- 3.9 The Property holder/owner requiring drinking water and sanitation services will be required to complete an application form. See Section 7.1.
- 3.10 The Property holder/owner who will be receiving W&S services must enter into and sign an Agreement for Water and Sanitation Services with the MCK outlining terms and conditions. See section 7.2.

Service Costs

- 3.11 The property holder/owner will be 100% responsible for the associated costs to make a connection to the centralized W&S network.
- 3.12 The property holder/owner will be 100% responsible for the associated costs for the installation of a water well and sanitation disposal system in non-centralized areas.
- 3.13 The property holder/owner will be eligible for conditional grant funding if the property holder/owner meets the established criteria outlined in this policy under the section entitled **W&S Conditional Grant Program**.
- 3.14 The MCK Finance, Administration, Operations (FAO) Committee shall determine a W&S Services Fee Schedule that will be applied to approved applicants.
- 3.15 The MCK and the property holder/owner will together share the cost of maintenance on an annual basis in accordance with the terms of the Agreement for Water and Sanitation Services and the W&S Services Fee Schedule.
- 3.16 For a drinking water well and sanitation disposal system which is not currently under an Agreement for Water and Sanitation Services with the MCK or which is not sponsored by the MCK; the property holder/owner is 100% responsible for the costs associated with maintenance of the drinking water well and sanitation systems.

W&S Conditional Grant Program

- 3.17 The grant shall be used for the installation of either a centralized or non-centralized W&S system.
- 3.18 Applicant/s can only receive benefits under this conditional grant program once in their lifetime.
- 3.19 The property holder/owner applying for services must meet the following criteria to access this program. An applicant must:
 - 3.19.1 be on the Kahnawà:ke Kanien'kehá:ka Registry
 - 3.19.2 be the land title holder for the lot applying for W&S service
 - 3.19.3 be applying for W&S services for a lot located within the current boundaries of Kahnawà:ke



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- 3.19.4 be applying for their primary residence
- 3.19.5 possess a lot large enough to accommodate proper systems requirements as detailed with the references listed in Section 8.0 of this policy
- 3.20 Applicant/s will be responsible to pay a flat rate installation fee, as determined in the W&S Services Fee Schedule.
- 3.21 A primary residence that previously had water well and sanitation system installed by the MCK will be offered a discounted installation rate to connect to the centralized water and sanitation network as it becomes available.
 - 3.21.1 The applicant's financial participation for the discounted installation rate will be 50% of the total water and sanitation installation cost up to a maximum fee as determined in the W&S Services Fee Schedule.

Ownership and Maintenance

- 3.22 The MCK shall remain owner of all mechanical installations servicing the drinking water and/or sanitation system installed by the MCK.
- 3.23 The MCK and the property holder/owner will together be responsible for the maintenance of the drinking water and sanitation systems installed by the MCK.
- 3.24 For a drinking water well and sanitation disposal system which is not currently under an Agreement for Water and Sanitation Services with the MCK or which is not sponsored by the MCK, the property holder/owner will be 100% responsible for the maintenance of the drinking water well and sanitation systems.

4.0 Consequences:

- 4.1 Noncompliance with this policy will be subjected to terms and conditions as stated within the Kahnawà:ke Sanitary Conditions Law.
- 4.2 Breach of conditions found within the *Agreement for Water and Sanitation Services*, as listed under item 7.2 of this policy, will lead to termination of the agreement by the MCK.

5.0 Foundational Records and Documents:

- 5.1. Mohawk Council Resolution No. 06/1988-89 dated July 19, 1988 which enacted the Water and Sanitation Quality Committee along with the Committee mandate and Water and Sanitation Quality Policy dated the same as this MCR.
- 5.2. Mohawk Council Resolution No. 73/1992-93 dated November 9, 1992 Enacting the revised Water and Sanitation Quality Policy dated the same as this MCR.
- 5.3. Mohawk Council Resolution No. 81/1995-96 dated November 27, 1995 Enacting the revised Water and Sanitation Quality Policy dated November 15, 1995.



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6.0 Definitions Abbreviations & Acronyms:

- 6.1 **Centralized W&S Network Connections:** means any connection to Kahnawà:ke's communal W&S network which is serviced by the Water Treatment Plant and/or Sewage Treatment Plant.
- 6.2 **Finance, Administration, and Operation Committee (FAO):** the body that is mandated to oversee and govern administrative, operational, and financial affairs of the MCK.
- 6.3 **Kahnawà:ke Kanien'kehá:ka Registry:** means the list of Kanien'kehá:ka of Kahnawà:ke maintained by the Registrar in accordance with Kanien'kehá:ka of Kahnawà:ke Law and, for greater certainty, does not mean any similar lists kept by Canada or any other government.
- 6.4 **MCK (MCK):** The legal authority responsible for the affairs of Kahnawà:ke.
- 6.5 **Non-Centralized W&S Services:** means an individual W&S system installed to service one or several structures which is not connected to the Water Treatment Plant and/or Sewage Treatment Plant.
- 6.6 **Primary Residence:** is the legal residence of an individual which refers to a dwelling where a person usually lives. It may be a house or apartment, and at a given time, a person shall not have more than one primary residence.
- 6.7 **Resident of Kahnawà:ke:** is a person who is legally authorized to reside in the Mohawk Territory of Kahnawà:ke pursuant to section 4 of the Kahnawà:ke Residency Law.
- 6.8 **W&S:** Water and Sanitation.
- 6.9 **W&S Conditional Grant Program:** is a program aimed at ensuring accessible and affordable drinking water and sanitation by providing non-repayable funds by the MCK to Kanien'kehá:ka of Kahnawà:ke who meet criteria as detailed within this policy.

7.0 Forms & Templates:

- 7.1 Application for Water and Sewer Services
- 7.2 Agreement for Water and Sewer Services
- 7.3 Agreement to Construct a Water Well in Kahnawà:ke



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8.0

References:

- 8.1 Kahnawà:ke Residency Law (upon ratification and enactment)
- 8.2 Kahnawà:ke Sanitary Conditions Law
- 8.3 Kanien'kehá:ka of Kahnawà:ke Law
- 8.4 Kahnawà:ke's Guide to Operating and Maintaining your Septic System
- 8.5 Kahnawà:ke's Guide to Water Wells
- 8.6 Guidelines for Canadian Drinking Water Quality - Summary Table (2017)
- 8.7 Bureau de Normalisation du Quebec 1809-300/2018 Construction Work – General Technical Specifications – Drinking Water and Sewer Lines
- 8.8 Quebec's "Regulation respecting waste water disposal systems for isolated dwellings" - Updated to March 1, 2018
- 8.9 Quebec's "Guide technique sur le traitement des eaux usées des résidences isolées" - Updated March 2015