

2018 AMENDING AGREEMENT – LANDFILL

BETWEEN:

THE MISSISSAUGAS OF THE NEW CREDIT FIRST NATION

of the First Part
(hereinafter referred to as “New Credit”)

and

THE CORPORATION OF HALDIMAND COUNTY

of the Second Part
(hereinafter referred to as “Haldimand County”)

and

THE CORPORATION OF NORFOLK COUNTY

of the Third Part
(hereinafter referred to as “Norfolk County”)

WHEREAS New Credit and the Regional Municipality of Haldimand-Norfolk entered into an Agreement dated October 11, 1996 with respect to the Tom Howe Landfill Site as part of the Environmental Assessment of the Region’s Waste Management Master Plan (hereinafter referred to as “the Tom Howe Agreement”);

AND WHEREAS Haldimand County and Norfolk County are the successors in law to the rights and obligations of the Regional Municipality of Haldimand-Norfolk;

AND WHEREAS the Tom Howe Agreement was amended by the parties by Amending Agreement dated March 30, 2000, January 29, 2008, November 1, 2010, and February 27, 2017;

AND WHEREAS the parties are desirous of further amending the Tom Howe Agreement in relation to Appendix 5, Boundary Criteria, Table C.1

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and conditions herein contained, the parties hereto hereby covenant and agree as follows:

1. Appendix 5, "Table C.1, Boundary Criteria, Background Levels for Groundwater" be revoked in its entirety and be replaced with the revised "Table C.1, Boundary Criteria, Background Levels for Groundwater", as attached to this Amending Agreement.
2. For the purposes of this Amending Agreement, all references to the "Region" are references to Haldimand County and Norfolk County jointly and severally.
3. All capitalized words and phrases used herein have the same meaning as in the Agreement, if not defined herein.
4. Haldimand County and Norfolk County are jointly and severally liable for the terms and obligations of this Agreement.
5. Save as modified by the terms herein contained, all other terms and conditions of the Tom Howe Landfill Agreement shall remain in full force and effect.
6. In the event of any conflict or ambiguity between the Agreement and this Amending Agreement, the provisions of this Amending Agreement shall govern.
7. This Amending Agreement shall be known as the 2018 Amending Agreement – Landfill.

IN WITNESS WHEREOF the parties have hereunto executed this indenture on this ____ day of _____, 2018

THE MISSISSAUGAS OF THE NEW CREDIT FIRST NATION

Per:

Chief R. Stacey Laforme

Cynthia Jamieson, Executive Director

I/We have authority to bind the corporation.

THE CORPORATION OF HALDIMAND COUNTY

Per:

Ken Hewitt, Mayor

Evelyn Eichenbaum, County Clerk

I/We have authority to bind the corporation.

THE CORPORATION OF NORFOLK COUNTY

Per:

Charlie Luke, Mayor

Andy Grozelle, Clerk/Manager of Council Services

I/We have authority to bind the corporation.

APPENDIX 5

**TABLE C.1
BOUNDARY CRITERIA**

BACKGROUND LEVELS FOR GROUNDWATER

This Table sets out background levels of indicator parameters for the groundwater pumping and monitoring wells along the New Credit boundary of the Tom Howe Landfill Site. The monitoring wells are to be installed by December 31, 1996 and the pumping wells are to be installed by December 31, 1998.

Any exceedance of these background levels (which has been confirmed and which has been determined to have been caused by leachate or other contaminants from the Tom Howe Landfill Site) shall trigger implementation of Contingency Plans as set out in Section No. 7 of this Agreement, whether it occurs before or after closure of the Site.

Indicator Parameter	Background Concentrations
Chloride	40 mg/L
Sodium	100 mg/L
Alkalinity	300 mg/L
Boron	2 mg/L
Manganese	0.2 mg/L
VOCs	no detections

The list of trigger wells, to which Table C.1 shall apply, includes OW10-17, OW17-15, OW29-18, OW38-16, PW2, PW3, and PW4.

These background levels should be reviewed every 5 years throughout the post closure period and refined by experts from New Credit, Haldimand County, and Norfolk County.

Revision Date: _____, 2018