

REASONS FOR DECISION

WATER USE APPLICATION MN10-085
Amendment to MN02-045
City of Dawson
Dawson City, YT

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Application MN10-085 to amend Type A Licence MN02-045 for a municipal undertaking.

Since the Licensee has submitted a new licence application (MN10-086) for a new wastewater treatment facility, the purpose of this application is to remove any reference in the existing licence to wastewater treatment, sewage disposal, the deposit of waste, and the Quigley Solid Waste Disposal Facility. The Board deliberated on both applications (MN10-085 and MN10-086) at the same sitting.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. The Board did not receive any interventions on this application.

The Board did not receive a request for a public hearing and received written approval from the Licensee to proceed without a public hearing. The Board determined that it had sufficient information to proceed without a public hearing.

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the Board's standard licence requirements, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies. The Board also relied on the documents provided to it by the applicant and interveners.

Environmental Assessment

This application did not require an environmental assessment under the YESAA.

Licence Adjustments/Changes

All references to the removal of waste will be removed from this licence, as requested by the Licensee, so that the existing water licence only covers off conditions related to obtaining water for the purpose of municipal drinking water and conveying that water through a piped distribution system in Dawson City.

GUDI Report and Implementation of Recommendations

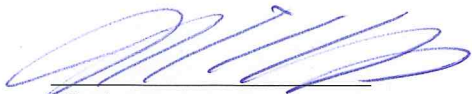
Environment Canada’s (EC) intervention for licence amendment MN10-086 (Exhibit 5.2),

submitted on March 9, 2011, contained a section 2.0 Introduction and Related Actions. In this section, EC states that they agree with the recommendations in the GUDI report and encourage the City of Dawson to implement these recommendations and in particular to implement the well head protection plan. The rationale for this recommendation is the potential vulnerability of these wells to possible contamination from various sources including potential leaks from the wastewater distribution system. EC further elaborates that the need to implement such a plan will not only ensure the protection of drinking water but improve upon mitigation for potential adverse effects to the Yukon River. It is based on EC's recommendation that the Board made the decision to reflect the recommendation as a condition in licence MN10-085. The Licensee did not respond to this recommendation in their response to interventions submitted March 29, 2011 (Exhibit 5.2.1 of Water Use Register MN10-086).

The rationale presented by EC for including this recommendation in the amended licence (Clause 23) was to ensure the ongoing protection of the drinking water supply from potential contamination from components of the wastewater treatment and distribution system that is licenced by the Board. The Board was concerned that, due to the proximity of the new wastewater treatment system to the existing groundwater wells, there could be some potential for contamination should a malfunction in the wastewater system occur. Recognizing that Government of Yukon-Environmental Health Services has the jurisdiction to ensure drinking water quality meets their required standards, the Board determined that the addition of clause 23 in the licence would provide Government of Yukon with an added tool to ensure public safety within the community. Clause 23 of the licence requires implementation of a wellhead protection plan for the protection of the drinking water quality and the aquifer the water is sourced from. At the same time, the plan will assist in the protection of the downstream receiving environment in the Yukon River which is the Board's primary focus for this application.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Amendment 1 of Water Use Licence MN02-045.



Chairperson
Yukon Water Board

Oct 12 2011

Date