

PART A - DEFINITIONS

“Act” means *Waters Act* and any amendments thereto.

“Application” means Water Use Application MN07-071, including any additional submissions and/or revisions submitted to the Yukon Water Board by the Licensee, up to the date of the Board’s decision.

“Board” means the Yukon Water Board.

“Inspector” means any person designated as an Inspector under the Act.

“Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water is so common and usual and so long continued as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, both in respect to vegetation and in respect to the nature of the soil itself. In addition, the best estimates of the edge of dormant or old side channels and marsh areas are considered to be Natural Boundaries.

“Regulation” means the *Waters Regulation* made under the Act.

“Spill Contingency Plan” means the Spill Response Plan for Petroleum Products (Fuels) and Sewage that was submitted as part of the Application and included in Water Use Register MN07-071 as exhibit 1.2D and any subsequent revisions.

“Waste” means any substance as defined in the Act.

“Watercourse” means any stream, lake, pond, river, creek, spring, ravine or swamp whether ordinarily containing water or not.

PART B - GENERAL CONDITIONS

Representations, Warranties and Undertakings

1. In this licence, the Board has relied on the representations, warranties and undertakings provided by the applicant in the material filed in the Application.
2. Where there is a discrepancy between the Application and this licence, the conditions of this licence shall prevail.

Other Laws

3. No condition of this licence limits the application of any other federal, territorial, first nation or municipal legislation.
4. All construction or installation of works authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.

Correspondence

5. Where any direction, notice, order or report under this licence is required to be in writing, it shall be given:
 - a) To the Licensee, if delivered, faxed or mailed by registered mail to the following address:

Selkirk First Nation
P.O. Box 40
Pelly Crossing, YT Y0B 1P0
Fax: (867) 537-3902

and shall be deemed to have been given to the Licensee on the day it was delivered or faxed, or 7 days after the day it was mailed, as the case may be.

- b) To the Board, if delivered, faxed or mailed by registered mail to the following address:

Yukon Water Board
Suite 106, 419 Range Road
Whitehorse, YT Y1A 3V1
Fax: (867) 456-3890

and shall be deemed to have been given to the Board on the day it was delivered or faxed, or 7 days after the day it was mailed, as the case may be.

- c) The Board or the Licensee may, by notice in writing, change its address for delivery.

Non-Compliance

6. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, subject to the Act, cancel the licence.

Other Uses

7. If, subsequent to the issuing of this licence, the Licensee uses water and/or deposits Waste in one or more ways not authorized in this licence, and the combined effect of those uses and/or deposits of Wastes, as determined by an Inspector:
 - a) has no potential for significant adverse environmental effects; and
 - b) does not interfere with existing rights of other water users or Waste depositors; and
 - c) satisfies the criteria set out in column 2 of Schedule 8 of the Regulation;

no amendment to this licence will be required for that use of water and/or deposit of Waste.

Spills and Unauthorized Discharges

8. The Licensee shall develop and submit to the Board an updated Spill Contingency Plan within 30 days of the effective date of this licence. This updated plan shall include site-specific spill contingency procedures, including truck and transfer operations, and reporting requirements.
9. The Licensee shall immediately contact the 24-hour Yukon Spill Report number, (867) 667-7244, and implement the Spill Contingency Plan should a spill or an unauthorized discharge occur. A detailed written report on any such event including, but not limited to, dates, quantities, parameters, causes and other relevant details and explanations, shall be submitted to the Board not later than 10 days after the occurrence.
10. All personnel shall be trained in procedures to be followed and the equipment to be used in the containment of a spill.
11. The Spill Contingency Plan shall be posted on site for the duration of the works.

Annual Reports

12. On or before the anniversary of the date of issuance of this licence, and for each year during which this licence is in effect, the Licensee shall submit an annual report to the Board. The report shall include the information required by the Regulation including, but not necessarily limited to:
 - a) estimates of daily quantities of inflow to the facility;
 - b) water and sludge levels in the two treatment cells and the evaporation cell;
 - c) annual volume of sludge build-up in the treatment cells and evaporation cell;
 - d) annual assessment of the water balance for the treatment cells and evaporation cell including estimated annual exfiltration volumes;
 - e) results of sampling and testing carried out on composted sludge;
 - f) dates and volumes of sludge removed and location of final disposal;

- g) results of sampling and testing carried out as part of the groundwater monitoring plan;
- h) a detailed record of any major maintenance work carried out or planned to be carried out that could have an impact on water;
- i) an annual inspection report, including photographs, repairs or plans for modifications required by the physical monitoring program;
- j) an annual report summarizing the adaptive management program;
- k) a summary report of community education activities, related to proper use of household septic systems, conducted during the year;
- l) a description of the disposal of materials contaminated with hydrocarbons; and
- m) the status of the decommissioning and reclamation plan, and/or any updates to the plan.

Reports

- 13. Unless otherwise specified in this licence, all reports shall be submitted to the Board in an unbound form that is reproducible by standard photocopier and shall be accompanied by 5 copies.
- 14. All reports shall be submitted in digital form on computer diskette using an IBM compatible format that is readable using commonly available software.

Term of Licence

- 15. The term of this licence is for the period from the effective date to October 31, 2027.

PART C - OPERATING CONDITIONS

Description of Water Use and Deposit of Waste

- 16. The Licensee is hereby authorized to:
 - a) to store municipal sewage sludge and wastewater in two treatment cells and one evaporation cell; and
 - b) to discharge municipal wastewater via exfiltration to ground;as described in the Application, and subject to the conditions of this licence.
- 17. The Licensee shall operate the facility such that there will be no discharge to a surface Watercourse.

18. Composted sewage sludge shall remain on site for future site reclamation. Sludge shall not be used for on-site reclamation purposes until it meets the following criteria:

Parameter	Maximum Concentration in Sludge (mg/kg dry weight)
Metals	
Arsenic	75
Cadmium	20
Chromium	1060
Cobalt	150
Copper	757
Lead	500
Mercury	5
Molybdenum	20
Nickel	180
Selenium	14
Zinc	1850
Pathogens	
Fecal Coliforms	< 1000 MPN/g of total solids (dry weight)

19. Notification, including the name and phone number of the field supervisor, shall be provided to the Board, in writing, 10 days prior to the start of construction.

PART D – PLANS

20. Within 6 months of the effective date of this licence, the Licensee shall submit a plan for the development of a groundwater monitoring program for the facility to the Board, which will include, at a minimum but not necessarily be limited to, one upgradient well and two downgradient wells. This plan shall include a surface water drainage study and any related work to support the identification of the proposed location of the wells.
21. Within 12 months of the effective date of this licence, the Licensee shall submit a groundwater monitoring plan to the Board that includes as-constructed details of the groundwater wells including GPS and/or surveyed coordinates for all groundwater monitoring wells, as well as, a physical description of the location of the wells. A summary of activities carried out under the plan shall be submitted to the Board as part of the annual report.

22. Within 6 months of the effective date of this licence, the Licensee shall submit a conceptual adaptive management plan to the Board for the facilities authorized by this licence. The conceptual adaptive management plan shall include at a minimum, but not necessarily be limited to:
- a) an outline of the approach that will be taken for the monitoring, assessment and mitigation of impacts to groundwater and surface water due to the operations of the facility including hydrocarbons;
 - b) an outline of the indicators and triggers for action, proposed monitoring locations and parameters, methods to be used to evaluate data;
 - c) an outline on how appropriate actions plans will be developed; and
 - d) reporting procedures.
23. The Licensee shall submit a final adaptive management plan to the Board by October 31, 2009. A summary of activities carried out under the adaptive management plan shall be submitted to the Board as part of the annual report.
24. The Licensee shall submit an operations and maintenance plan for the facility to the Board within 90 days of the effective date of this licence. The plan shall include at a minimum, but not necessarily be limited to:
- a) routine operational and maintenance requirements;
 - b) monitoring requirements;
 - c) staff training;
 - d) procedures for the identification of the presence of hydrocarbons during transfer from the truck;
 - e) procedures for the prevention of hydrocarbon contamination from entering the treatment cells and evaporation cell; and
 - f) procedures should hydrocarbon contamination in the treatment cells and/or evaporation cell be identified.
25. Subject to any required assessments, authorizations or approvals, the Licensee shall implement all plans required by this section of this licence.

PART E – MONITORING AND SURVEILLANCE

26. Water and sludge levels in the treatment cells and evaporation cell shall be measured monthly during non-frozen conditions and shall be reported to the Board in the annual report.
27. All sampling and sample preservation shall be done in accordance with commonly accepted methods.

28. All analysis shall be conducted in accordance with methods prescribed in the current edition for *Standard Methods for the Examination of Water and Wastewater* and for the testing of composted sludge in accordance with the sampling and analytical methods outlined in the Canadian Council of Ministers of the Environment (CCME) *Guidelines for Compost Quality (2005)*.
29. Groundwater sampling and testing shall be carried out annually between June 15 and August 15, at a minimum but not necessarily be limited to, one upgradient well and two downgradient wells.
30. Groundwater samples shall be tested for the following parameters:
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|---------------------------------|---|
| Field Parameters: | Temperature, Conductivity, pH, water level |
| Dissolved Metals: | Al, As, Ba, Be, Cd, Cr, Co, Cu, Fe, Pb, Mn, Hg, Mo, Ni, Se, Si, Ag, Sr, Tl, Sn, Ti, V, Zn |
| Major/Minor Cations and Anions: | Cations: Na, K, Ca, Mg
Anions: Sulphate, Chloride, carbonate and bicarbonate alkalinity |
| Nutrients: | NH ₃ -N, NO ₃ -N, NO ₂ -N, PO ₄ , Total Kjeldahl Nitrogen |
| Organics | Total Organic Carbon, Extractable Petroleum Hydrocarbons |
| Bacterial | <i>E. coli</i> |
31. Visual inspection for presence of hydrocarbon contamination during transfer of sludge and/or wastewater from the truck to the facility shall be conducted prior to exiting the facility. If the presence of hydrocarbon contamination is evident, the procedures set out in the operations and maintenance plan shall be implemented.
32. The Licensee shall compile data relating to the monitoring program and submit to the Board as part of the annual report.

Physical Inspections and Monitoring

33. All facilities associated with the undertaking shall be inspected physically once a month by a qualified person and once every year by a Professional Engineer licensed to practice in Yukon. The reports shall document the inspection locations and methodologies, the results of the inspection, all problems identified, and remedial measures recommended. The status of any remedial measures recommended in the previous year's report shall be appended to the report together with an explanation regarding any recommendation not implemented. A report on the monthly inspections and a report on the annual inspection, prepared by the Professional Engineer, shall be submitted as part of the annual report.

PART F - DESIGN AND CONSTRUCTION

Design

34. A freeboard of not less than 1.0 metres shall be maintained in the 2 treatment cells and evaporation cell at all times.

35. Ten days prior to the commencement of construction, the Licensee shall submit to the Board final detailed design construction drawings of the facility. The final detailed design drawings must be consistent with the drawings which were submitted as part of the Application and sealed by a Professional Engineer licensed to practice in Yukon. All construction shall be carried out in accordance with the final design drawings.
36. The Licensee shall submit as-built design drawings of the facility, sealed by a Professional Engineer licensed to practice in Yukon, to the Board within 60 days of construction.
37. Staff gauges shall be installed in the treatment cells and evaporation cell for the purposes of monitoring water levels.
38. The facility shall be fenced, gated and locked to prevent entry by the public.
39. The facility shall be posted with signage indicating the presence of a sewage disposal facility and advising of caution.
40. Where site conditions require minor modifications to the designs submitted to the Board, the Licensee shall notify the Board, a minimum of 10 days in advance, of the details of the modifications or variations from final detailed design, construction schedule, specifications and quality assurance/quality control procedures previously submitted to the Board. The notice shall be in writing and must include an explanation of the reasons for the change and an assessment of the potential impact on the performance of the works. The notice shall be sealed by a Professional Engineer licensed to practice in Yukon.

Construction

41. All works associated with the undertaking shall be maintained in good repair.
42. Construction and/or maintenance equipment shall be mechanically sound and free of leaks.

PART G - SITE DECOMMISSIONING AND RESTORATION

43. All materials contaminated with hydrocarbons shall be disposed in accordance with the provisions of the *Contaminated Sites Regulations* of the *Environment Act* of the Yukon Territory and shall include a description of the disposal as part of the annual report.
44. The Licensee shall develop a decommissioning and reclamation plan for the closure of the facility and submit the plan to the Board within 24 months of the effective date of this licence. The plan shall include, but not necessarily be limited to, a schedule and cost for completion of decommissioning and reclamation activities. Any updates to this plan shall be submitted to the Board as part of the annual report. As part of each annual report, the Licensee shall report on the status of the decommissioning and reclamation plan.

45. The Licensee shall notify the Board no less than 6 months prior to the commencement of any decommissioning activities and, subject to any required assessments, authorizations or approvals, the Licensee shall implement the plan required by this section of this licence.
 46. All disturbed ground surfaces shall be regraded in a manner which is consistent with the topography of the site and which prevents erosion and surface runoff from carrying sediment into any Watercourse. Where soil conditions permit, disturbed areas shall be re-vegetated with appropriate reclamation seeds and/or plant species that are native in Yukon.
 47. All construction materials, equipment, temporary structures and debris shall be removed from the site upon completion of the work.
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**Yukon Environmental & Socioeconomic Assessment Act
Consolidated Decision Document**

This document meets the Yukon government's and Infrastructure Canada's requirements as Decision Bodies as set out in the *Yukon Environmental & Socioeconomic Assessment Act*

Decision Document Issued By

YG Decision Body:	Territorial Minister, as authorized under section 7, to Assistant Deputy Minister, Community Development Division
Federal Decision Body(ies):	Infrastructure Canada
First Nation Decision Body(ies):	Not Applicable

Project

Project Name : Selkirk First Nation Long Term Sewage Disposal Facility	YESAA File Number 2007-0036
Proponent Name:	Selkirk First Nation
<p>Project Description: The principal activity of this project is to construct a long term sewage disposal facility to handle sewage disposal for the community of Pelly Crossing.</p> <p>Principal activities include:</p> <ul style="list-style-type: none"> • Construction of 2 treatment cells and 1 evaporation cell • Clearing of site and access road • Construction of access road <p>Accessory Activities include:</p> <ul style="list-style-type: none"> • Construction of perimeter fence • Sewage hauling and treatment • Sludge storage and removal • Decommissioning <p>Access to the site will be via the Klondike Highway and the new access road.</p>	

Other Decision Bodies

Other Decision Body Consultation:	<i>Not applicable</i>
Consolidated Decision Document:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <i>Infrastructure Canada</i>

Non-Self Governing First Nations

Non-self governing First Nation Consultation:	<i>Not applicable</i>
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Decision

Pursuant to YESAA s. 75, 76 and 80, the Yukon Government, Infrastructure Canada and have considered the assessment of this project and:	
	a) The decision bodies accept the following recommendation (inserted below)
	b) The decision bodies reject the following recommendation (inserted below) for the following reason(s):
<input checked="" type="checkbox"/>	<p>c) The decision bodies vary the following recommendation (inserted below) as follows for the reason(s) specified:</p> <p>The following terms are varied with reason specified:</p> <ol style="list-style-type: none"> 6. The proponent shall suspend overland travel of equipment or vehicle unless ground surface is in a state capable of fully supporting the equipment or vehicle without rutting or gouging. 7. The proponent shall not move any equipment or vehicle unless the ground surface is in a state capable of fully supporting the equipment or vehicle without rutting or gouging. 8. The proponent shall prepare the site in such a manner as to prevent rutting of the ground surface. <p>Varied to:</p> <ol style="list-style-type: none"> 6. If permafrost is detected, the proponent shall suspend overland travel of equipment or vehicle unless ground surface is in a state capable of fully supporting the equipment or vehicle without rutting or gouging. 7. If permafrost is detected, the proponent shall not move any equipment or vehicle unless the ground surface is in a state capable of fully supporting the equipment or vehicle without rutting or gouging. 8. If permafrost is detected, the proponent shall prepare the site in such a manner as to prevent rutting of the ground surface. <p>Reason: Site 7 as described by the EBA Geotechnical Evaluation is predominantly characterized by sand and as such the above mitigation measures are not necessarily required for work in this location.</p> <p>The following term is varied with reason specified:</p> <ol style="list-style-type: none"> 10. The proponent shall store sewage sludge in a separate contained area with appropriate fence and signage keeping wildlife and unauthorized personnel out. <p>Varied to:</p> <ol style="list-style-type: none"> 10. The proponent shall store treated sewage sludge on-site for future site reclamation. Until site reclamation, treated sludge shall be kept in a separate contained area with appropriate fencing and signage keeping wildlife and unauthorized personnel out.

	<p>Reason: Storing the treated sludge onsite eliminates the requirement to transport to the landfill and provides organic material for site reclamation during project decommissioning.</p> <p>The following terms remain unchanged from the evaluation report:</p> <ol style="list-style-type: none"> 1. The proponent shall obtain appropriate sewage disposal authorizations required by law from the appropriate authorities. 2. The proponent shall ensure that all equipment is maintained and in good working order prior to transporting sewage and sludge. 3. The proponent shall at all times have on site and during hauling a sufficient sewage spill clean-up equipment and material in readiness to clean up all sewage which may be spilled. 4. Any archaeological resources uncovered during operation shall be reported to the Yukon Archaeology Program, Government of Yukon. 5. Any palaeontological resources uncovered during operation shall be reported to the Yukon Palaeontology Program, Government of Yukon. 9. The proponent shall complete all clean up and restoration of all lands used upon the decommissioning of the site. 11. The proponent shall comply with Occupational Health and Safety Regulations.
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Dates

Project Recommendation Issued: March 28, 2007	Decision Document Issued: April 24, 2007
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Recommendation Received From

Designated Office	<input checked="" type="checkbox"/>	Location: Mayo
Executive Committee		
Panel		a) Panel of the YESAB
		b) CEAA Panel
		c) Joint Panel (YESAB and other assessment body)

By signing below, the Yukon government and Infrastructure Canada have exercised their authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Eric Magnuson Position: Assistant Deputy Minister,
 Community Development Division

Signature: Original Signed By Erik Magnuson Date: April 24, 2007

Name: Keith Grady Position: Senior Advisor,
 Environmental Review and Approvals
 Infrastructure Canada

Signature: Original Signed by Keith Grady Date: April 17, 2007

Copies Forwarded to (as required by YESAA s. 81)):

- Other Decision Bodies
- Project Proponent Danny Van Bibber, Selkirk First Nation
- DAP Branch, Executive Council Office
- YESAB Designated Office Mayo
- YESAB Executive Committee [when applicable] _____
- Minister Environment (Canada) [when applicable] _____
- Yukon Surface Rights Board [when applicable] _____
- Yukon Water Board [when applicable] _____
- Land Use Planning Commission: [when applicable] _____
- Independent Regulatory Agency [when applicable] _____
- Other Body/Person as Required [list] _____