

YUKON WATER BOARD
REASONS FOR DECISION
WATER USE APPLICATION MN08-078
TOWN OF FARO

The Yukon Water Board (“the Board”) has concluded deliberations regarding water use application MN08-078, which is an application for a type A licence for a municipal undertaking, submitted by the Town of Faro (“the Town”)

An assessment of this project was conducted by the Yukon Environmental and Socio-economic Assessment Board. A Decision Document was issued by the Government of Yukon and included in the water use register. The Decision Document stated that the project should be allowed to proceed as it will not have significant adverse environmental or socio-economic effects in or outside Yukon.

Notice of application and public hearing was provided in accordance with the requirements of the Waters Act. In response, the Board received an intervention from Government of Yukon, Department of Environment (“GY”).

GY did not identify the need for a public and the Board concluded that a public hearing would not be required for this application.

Background

The Board issued Water Use Licence MN00-030, which subsequently expired on May 31, 2006. Within this licence, the Board included a requirement for the Licensee to submit Water and Sewer Maintenance and Upgrading Plan.

In 2005 the Town had submitted application MN05-058 requesting a 25 year renewal of Water Use Licence MN00-030; however, the Board decided that the Town had not completed all the obligations required by the licence and granted a renewal of the Licence which included an expiry date of September 30, 2009. The Board’s reasons for decision indicate that this limitation to the term was to ensure the Licensee developed a Water and Sewer Maintenance and Upgrading Plan, and for the Licensee to begin works on the maintenance and upgrading of the water and sewer structures within the Town.

Current Application:

Term of Licence

The Town applied to renew Licence MN05-058 proposing a licence term of 25 years. Water Use Licence MN05-058 expired on September 30, 2009 prior to the Board’s review of the application. Since the Licensee provided all necessary details as part of the renewal application, the Board was able to review this application for consideration of issuing a new licence.

With the inclusion of clause 18 in the licence, the Board is satisfied that the licence includes the necessary regulatory tools to ensure compliance with the licence, as well as, the requirement to submit an updated Water and Sewer Maintenance and Upgrading Plan every 5

years. With this condition included in the licence, the Board determined that the term of licence will be for 25 years.

Water and Sewer Maintenance and Upgrading Plan (“WSMUP”)

Exhibit 1.2 consists of the WSMUP, as submitted by the Town. The Board noted that this plan lists all required upgrades to the current system along with a multi-year plan to upgrade the system, a schedule of expected maintenance and upgrades, as well as, the associated costs. Also included is a list of all equipment that has been acquired and the training and certification of employees to use the equipment and maintain the current system.

The Board was satisfied with the amount of work and detail that was included in the plan; however, the Board determined that clause 18 will be included in the licence that requires the Licensee to implement the WSMUP and to provide an updated plan to the Board every 5 years to ensure the Board’s records are updated as to progress of the on-going maintenance.

Effluent Discharge Standards and Monitoring Requirements

GY, in their intervention, introduced the new Municipal Wastewater Effluent Strategy (“MWWE”) which are guidelines developed by the Canadian Council of Ministers of the Environment. These guidelines are anticipated to be enacted as a regulation under the *Fisheries Act* in 2010.

The MWWE discharge standards would only apply in the event that there is a surface discharge from the Town’s sewage lagoon into the Pelly River. The Board recognized that the Town has never discharged into the Pelly River; however, the Board has included conditions for the effluent quality discharge standards and for monitoring and surveillance that are consistent with the MWWE standards, as presented in the GY intervention.

GY also recommended that there be another sampling site known as FA-6 which should be located 100m downstream of the discharge point labeled. The purpose of this station would be to monitor water quality downstream of the discharge point. The Board concluded that FA-6 will be included as part of the monitoring and surveillance requirements of the licence; however, this station will only be sampled in the event that discharge into the Pelly River occurs.

Spill Contingency Plan

The Board acknowledged that the Town had not submitted a spill contingency plan as part of the application. The Board included a requirement in the licence for the submission of a spill contingency plan. Since this will be a detailed plan involving petroleum and hydrocarbons, the Board agreed that a 90 day period, after issuance of the Licence, is an acceptable time period to submit this plan.

Decommissioning Plan

The Board noted that the previous licence did not require plans for decommissioning. The Town has recognized in their application that due to a decreased population and sections of the Town being abandoned, the Town plans to slowly decommission different sections of the water and sewer infrastructure. The Board has determined that decommissioning plans must be submitted to the Board prior to any water or sewer related structures being decommissioned and removed. The Board concluded that any decommissioning plans should be submitted to the Board, in the form of an application to amend the Licence, 6 months prior to decommissioning; this would ensure that the Board was kept aware of any structures being removed and also give interested parties an opportunity to comment on the plans.

Chapter 14 – Umbrella Final Agreement

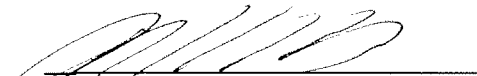
The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:

Map 105 K/03 is included in the Kaska Dena Council’s traditional territory however the Kaska Dena Council does not have a final agreement.

Traditional Resources Base Map 105 K/03 was reviewed for Settlement Land parcels and there were no parcels identified in the vicinity of this application and therefore the Board concluded that this application will not affect the quality, quantity or rate of flow on through or adjacent to First Nation Land, including seasonal rate of flow.

Conclusion

The Yukon Water Board has agreed to issue Water Use Licence MN08-078, which includes authorization for water use and waste deposit by the Town of Faro, subject to the approval of the Minister of Executive Council Office.



Chairperson
Yukon Water Board

October 14, 2005
Date