

REASONS FOR DECISION

WATER USE APPLICATION MN11-030 RENEWAL OF MN99-027 Village of Haines Junction Haines Junction, Yukon

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MN11-030 for a Type A Licence for a municipal undertaking by the Village of Haines Junction.

The purpose of the application is to operate and maintain a municipal water facility and waste water treatment facility, and to discharge treated municipal wastewater into the Dezadeash River.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received an intervention from the Government of Yukon-Environment, Environmental Affairs branch (ENV).

The Board did not receive a request for a public hearing. The applicant did respond to the intervention and was in agreement with the suggestions outlined by ENV.

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.

Background

The Board previously issued water use licence MN99-027 (with amendment MN02-047) which expired on November 30, 2011. In November 2011 the Board granted a sixty day extension of the licence as requested by the Village of Haines Junction.

Current Application

The application presented to the Board for deliberation was for a renewal of water use licence MN99-027 (with amendment MN02-047).

Environmental Assessment

This application required an environmental assessment under the YESAA.

Prior to making licensing decisions, the Board reviewed the YESAA Decision Document that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence MN11-030 is not contrary to the terms and conditions included in the YESAA Decision Document. The Board did not deem it necessary to include a clause in the licence addressing the posting of signage notifying the public of construction activities as outlined in the YESAA Decision Document. This item was not included in the licence since the

Board determined there was not direct connection between the item listed in YESAA Decision Document and water or wastewater.

UFA-Chapter 14

The Board determined that the proposed operation will not substantially alter the quantity, quality or rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow. The following supporting rationale was considered during the deliberations of the Board:

- Water Use
 - As presented in the application, the maximum long-term safe yield for Well #3 is ~300 cubic metres per day and for Well #5 is ~2,332 cubic metres per day, resulting in a combined capacity of ~2,632 cubic metres per day. The water use amount of 2,198 cubic metres per day presented in the application is 83% of the combined estimated long-term safe yield for Wells #3 and #5.
- Waste Deposit
 - The effluent which has been reported to be discharged every four to five years is sampled and analysed before a discharge event to ensure that there is not a release of pathogens or contaminants to the receiving environment and also monitored once discharged into the receiving environment. In addition, conditions included in the licence ensure that no effluent discharge shall be allowed to occur when there is a direct surface water connection between the river and the adjacent wetlands into which the outfall ditch discharges.

Term of Licence

The applicant proposed a 25 year licence term. The existing wastewater lagoon system is reported to be designed to provide one year of storage for a population of 1,000. The population was 850 in 2010 and estimated to be 1,598 in 2036. The Board determined the licence would be granted with a 10 year licence term to provide an opportunity to revisit the estimated population growth of the community and design capacity of the wastewater lagoon.

The effective date of the licence (January 30, 2012) was based on the expiry date of the sixty day extension granted by the Board.

Generally, the term and conditions from Licence MN99-027 (with amendment MN02-047) were carried over to Licence MN11-030, with the exception of items listed below. Details pertaining to items not carried over to licence MN11-030 are due to changes in referenced statutes or to administrative changes are not provided in these reasons for decision.

Operating Conditions

The volume outlined in clause 22(a), 2,198 cubic metres per day was requested by the applicant. Adequate technical information was provided in the application to indicate that this volume is

within the estimated long-term safe yield for Wells #3 and #5.

Clause 27 has been included in the licence so that the Yukon Water Board Secretariat can maintain files associated with the licence that will include information about any construction associated with maintenance activities, and also to provide an opportunity to distribute the notification.

Clause 28 has been included as part of the licence since sludge management associated with wastewater lagoons for municipal wastewater storage and treatment is a concern of the Board. Sludge management is a concern of the Board because if sludge is not properly managed a wastewater treatment facility has the potential not to function as designed.

Effluent Quality Standards

The effluent quality standards were updated to reflect the addition of un-ionized ammonia and carbonaceous biochemical oxygen demand (CBOD₅). The supporting rationale as presented by ENV and subsequently accepted by the Board is that both parameters will be required under the impending *Wastewater System Effluent Regulations* under the federal *Fisheries Act*. Therefore testing requirements for CBOD₅ should replace BOD₅ and un-ionized ammonia should be added.

Monitoring and Surveillance

Clause 33 describing the sample collection methods required for the samples as described in Schedule A of the licence has been carried over from the previous licence. The Board considered the intervention by ENV which noted that the 4-hour composite sample of effluent at sample location "HJ-4" was less important than the other sampling stations and monitoring frequencies (set out in water licence MN99-027). ENV considered it to be unlikely that there would be any significant difference in wastewater quality of the final cell over a 4-hour period.

The Board decided to keep the requirement of the 4-hour composite sample for sample station "HJ-4" as part of the licence granted. Based on the history of elevated analytical results associated with E.Coli at sample location "HJ-4", the Board determined that the information obtained from the 4-hour composite sample would be valuable regardless of the likelihood of significant differences occurring in wastewater quality.

Site Decommissioning and Restoration

During deliberation the Yukon Water Board Secretariat notified the Board that a report detailing the decommissioning activities associated with Well #4 (included in the previous licence) had not been submitted. The Board acknowledged the absence of the report and noted that it would be Yukon Government – Environment, Water Resource Inspections branch that would have the authority to request the submission of the report.

Clause 38 addressing decommissioning plan requirements has been included in the Licence to ensure the licensee addresses activities associated with planning and implementing a

Schedule A – Monitoring and Surveillance Requirements

The tables presented in this section vary from the tables presented in licence MN99-027 to reflect the subsequent amendment (MN02-047) and the removal of sampling station HJ-1a. The sample station was removed from the licence because it was not presented in the YESAA application or water use licence application, and could therefore not be considered for inclusion in the current license. The applicant was advised by the Yukon Water Board Secretariat to refer to the *Waters Act* to determine requirements for a water licence and to apply for an amendment if deemed necessary.

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 Water Use Licence MN11-030.



Chairperson
Yukon Water Board

January 11, 2012
Date