

Stop The Great Lakes Nuclear Dump Inc. Submission

To:

Members of the Joint Review Panel

Concerning:

Ontario Power Generation's Proposed Deep Geological Repository
for Low and Intermediate Level Nuclear Waste
on the Shores of Lake Huron
in the Municipality of Kincardine

CEAA Registry Reference No. 06-5-17520

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May 13, 2013

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EXECUTIVE SUMMARY

Stop The Great Lakes Nuclear Dump Inc. (STGLND) is a non-profit organization whose purpose is supported by ever increasing numbers of Canadians and Americans. STGLND is deeply concerned about Ontario Power Generation's (OPG's) proposal to build a Deep Geological Repository (DGR) to bury radioactive nuclear waste on the shores of Lake Huron. The Great Lakes provide safe clean drinking water for 40 million people in two countries, as well as providing recreation, fishing, supporting agriculture, plant and aquatic life.

STGLND believes that radioactive nuclear waste should not be buried underground in a DGR anywhere in the Great Lakes Basin. We believe that the protection of our Great Lakes from buried radioactive nuclear waste is responsible stewardship, and is of national and international importance.

Site Selection

At the outset, Ontario Power Generations' selection of the proposed DGR site is highly controversial and should be a major source of concern for the governments and citizens of Canada and the United States as well as the Joint Review Panel (JRP). That Ontario Power Generation (OPG) did not actively solicit any other potential host communities or undertake geo-scientific studies of other sites is, we submit a fatal admission of a lack of proper due diligence and should provide sufficient cause for the JRP to recommend to the federal Minister of the Environment that OPG's plan is fundamentally deficient and must be rejected. That OPG has proceeded to plan a DGR within approximately 400 metres of Lake Huron without investigating potential other sites that are not situated in populous Southern Ontario and in close proximity to the fresh water supply of 40 million people is shocking on its face and provides clear evidence that OPG has failed with respect to broad based risk mitigation, scientific due diligence and failure to apply precautionary principles.

Decisions made today will impact 40 million people in two countries and all future generations to follow who rely on the Great Lakes for their drinking water. Our two countries are jointly responsible for the stewardship and protection of the Great Lakes under various laws and international agreements. An issue of this magnitude demands the involvement of all Canadians and Americans, all "interested parties" who have a stake in protecting this precious national treasure, but who have not been identified as such, nor informed or consulted by OPG.

2012 Protocol Amending the Agreement between the United States of America and Canada on Great Lakes Water Quality

Under the *2012 Protocol Amending the Agreement between the United States of America and Canada on Great Lakes Water Quality* ("GLWQP 2012") both governments have expressly agreed to share a duty and obligation to protect the Great Lakes from the threat of various sources of pollution including contamination from nuclear waste. We assert that this Protocol confers upon the Government of the

United States, “jurisdiction”, as defined under the *Environmental Assessment Act, 2012* (the “CEAA 2012”), and accordingly the Canadian Minister of the Environment must offer to consult and co-operate with respect to the environmental assessment of the designated project with the Government of the United States. With the proposed DGR project presently being in the planning stages, by reason of the agreed international Protocol, the Canadian federal government ought to notify and consult with respect to the proposed project with the Government of the United States.

OPG's proposal to construct a DGR on the shores of Lake Huron clearly falls within the scope of GLWQP 2012. A fundamental principle of governance of our Canadian federal government structure is that a provincial agency such as OPG cannot be permitted to act outside of the binding international obligations agreed less than a year ago by the federal government of Canada with the United States.

Interested Parties

Under CEAA 2012 the Joint Review Panel (and not OPG) is the sole authority for determining if a person is an “interested party” relative to the environmental assessment of OPG's proposed DGR. We urge the JRP to exercise its authority and make a positive determination that “interested parties” for purposes of the environmental assessment of the DGR under CEAA 2012 should include, without limitation (i) all of the municipalities situated on Lake Huron, and other Great Lakes, representing many of the forty million (40,000,000) Canadian and American citizens who rely on the Great Lakes for their drinking water; (ii) all Canadian citizens with a keen interest in protecting a precious national resource notwithstanding that they do not rely on the Great Lakes for drinking water; (iii) all members of the Senate and Congress representing the 8 Great Lakes states; (iv) the State and Provincial Governments as defined in GLWQP 2012; (v) the International Joint Commission; and (vi) the Public as defined under the GLWQP 2012.

It appears that OPG has represented to the JRP that stakeholders were identified in “*geographic areas with potential to be affected by the DGR Project.*” However it further appears that OPG has ignored a vast geographic area and therefore a significant number of potentially affected stakeholders residing or located in these geographic areas. We submit that the aforementioned parties are “interested parties” because contamination from nuclear waste is a named identifiable risk specified under GLWQP 2012. We submit that OPG's apparent narrow stakeholder selection disregards the requirements of the GLWQP 2012 and therefore must be judged to be fundamentally deficient and fatally flawed.

We urge the JRP to give weight to the growing number of concerned Canadian and American citizens signing the Stop The Great Lakes Nuclear Dump petition as evidence of the need for their inclusion as “interested parties” under CEAA 2012.

Public Consultation

OPG's Environmental Impact Statement submission indicates that OPG's communications program is intended to fulfill the requirements for public participation under the *Canadian Environmental Assessment Act* and the *Nuclear Safety and Control Act*.

Although the Environmental Assessment Review process and framework provides opportunities for public input, it is our observation that the actual degree of participation by independent Canadians and Americans has been very limited. While the reasons for this may be many, a lack of awareness among the general public about the proposed project and the Environmental Assessment ("EA") review process presently underway may well be a key explanatory factor. It appears that OPG's communication program has been primarily locally focused, with the result that if people who might otherwise be interested aren't even aware, they obviously won't be engaged in the process. For this reason, we would urge caution on the part of the Joint Review Panel in reaching conclusions about general public sentiment about the DGR based solely on the very limited number of public comments received through the EA process and based on information provided by OPG, the proponent.

A review of OPG's public consultation information reveals a program that to us is deficient and flawed and which has produced predictable results. Following the maxim, "don't ask a question for which you don't already know the answer," we see a consultation process that appears to be less about discovery and more about hearing what you want to hear. We observe a consultation process primarily focused at local audiences, many who may have conflicts of interest because they rely on the nuclear industry for their livelihood or whose municipal governments have become accustomed to financial handouts from the nuclear industry. We observe a consultation program that appears to have failed to inform or seek input from the voices of many citizens, elected officials and other non-local stakeholders.

We urge the JRP to critically evaluate OPG claims of broad public support for its plan against the backdrop of contrary results now emerging from STGLND's public awareness campaign. STGLND's launch of an information-rich website, non-local communication activities, such as a digital billboard on the Gardiner Expressway in Toronto, and an on-line petition, have been designed to build public awareness and encourage much broader municipal, provincial, national and international awareness and possible engagement among Canadians and Americans, and importantly, to fill the communications gaps that appear evident, and OPG might have done, in its consultation program.

We submit that OPG's stakeholder consultation has failed to meet the guidelines for meaningful public participation as set forth in CEAA 2012, Ministerial Guidelines and Public Participation Guides and is therefore fundamentally deficient and fatally flawed.

Alleged Local Opposition

While OPG has characterized opposition to its plans as being localized in small pockets, we urge the JRP to give credence to the growing and broad based opposition that has now become apparent through over 10,600 citizens now having signed (with 1/3 leaving comments) on the STGLND petition. Citizens from all Canadian Provinces and Territories and 49 U.S. States have signed the STGLND petition. Signatories include prominent Canadians (some having received the Order of Canada), doctors (over 230), scientists, geologists, professors, lawyers, teachers, a former Chief Crown Prosecutor (Ontario), former Deputy Minister of the Environment (Ontario), a former member of the Seaborn Panel, First

Nations Chiefs and Peoples, church leaders, U.S. and Canadian politicians, members of Canada's armed forces, and scores of other concerned Canadians and Americans.

These are not small pockets of individuals but rather the voices of a broad cross section of Canadian and American society uniformly, eloquently, passionately and thoughtfully agreeing that burying the most toxic and lethal substance that humans have ever created within 400 metres of the drinking water supply of forty million (40,000,000) people in two countries defies common sense and should not be permitted to happen. The facts now before the JRP demonstrate that any support for the proposed DGR is itself now largely local and is itself a small pocket.

Financial Influence

Under an existing "Hosting Agreement," OPG has funneled substantial sums of money to several local municipalities in the years leading up to the current proposal. Payments are tied to the requirement that the municipalities must individually use "best efforts" to support the proposed DGR. ¹

It is submitted that the JRP must consider the potential clear impact and weight of OPG's financial arrangements with the local municipalities involved in determining whether local public support and community acceptance for the proposed DGR independently, freely and fairly exists.

Residual Concerns

Burying radioactive nuclear waste beside 21% of the world's surface fresh water supply defies common sense. Would you bury poison beside your well?

Any risk of radioactive nuclear waste contaminating the Great Lakes is too great a risk to take and need not be taken. No scientist or geologist can provide a 100,000 year guarantee that this toxic nuclear waste will remain fully and completely contained and stay safe. OPG itself, the proponent of this plan, is not providing any such guarantee. Computer models cannot predict what will happen in 100,000 years; the models cannot be validated or verified. Nuclear waste dumps in other countries are leaking despite steadfast assurances that this would not happen. Approval of the DGR could establish precedents that would pave the way for a second DGR to store nuclear spent fuel to be located in the Great Lakes Basin.

Conclusion

In conclusion, our Great Lakes are a cherished and precious natural resource – a resource that it is every Canadian's duty to protect. Any risk of contamination of our Great Lakes from a leak from a DGR containing lethal radioactive nuclear waste is too great a risk to take, and should never be taken. We believe it is our patriotic duty to protect our Great Lakes.

Members of the Joint Review Panel, in the coming days you will have the opportunity to demonstrate responsible leadership, and responsible stewardship... to lead the way, with wisdom, and concern, and

¹ http://www.nwmo.ca/uploads_managed/MediaFiles/537_HostingAgreement.pdf

to be remembered for doing so, as responsible leaders, as responsible citizens, as concerned scientists, as responsible Canadians... to speak for the protection of our precious natural resource, the Great Lakes... to show your concern and act in the best interests of society... to ensure that the process is fair, legitimate and protects the interests and lives of the 40 million people and their descendents who depend and will depend upon the sustenance of the water of our Great Lakes.

Recognize that the protection of our precious natural resource, the Great Lakes is a matter of national and international importance. Recognize that the protection of the waters of the Great Lakes is a public trust that must be upheld for the benefit of 40 million people in two countries. Recognize that OPG's proposal to bury nuclear waste on the shores of Lake Huron fails to apply precautionary principles and poses unacceptable risks to 40 million people that can and must be avoided and that *"not likely to result in any significant residual adverse effects to human health or the environment, including Lake Huron and the Great Lakes"* is not good enough. Recognize that this matter demands the involvement of all Canadians and Americans and that OPG's efforts to identify, inform, seek input and secure acceptance from the Canadian and American public are deficient, fatally flawed, fail to fully comply with statutory requirements under Canadian Environmental Assessment Act, 2012 and fail to fully uphold Canada's obligations under the GLWQP 2012. Declare that another solution must be found.

We implore the JRP to place the safety and sanctity of the waters of Great Lakes above all else and recommend against OPG's plan to construct a DGR on the site of the Bruce Nuclear Plant in the Municipality of Kincardine.