

From: John Mann <email address removed>

Sent: October 25, 2017 10:24 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Thomas Walkom; Aimee Puthon; John Mann

Subject: The Minister's deafening silence in the face of undisputed facts that time-bars the OPG DGR confirms the Minister has no authority whatsoever that would allow her to save the OPG DGR from termination!

Importance: High

October 25, 2017

Re: The Minister's deafening silence in the face of undisputed facts that time-bars the OPG DGR confirms the Minister has no authority whatsoever that would allow her to save the OPG DGR from termination!

Hi Minister McKenna, Deep Geologic Repository Project, Robyn-Lynne Virtue, and Prime Minister Trudeau:

Your deplorable silence to my email of October 6, 2017 [set forth below] confirms that you have apparently misled Citizens and Taxpayers with an apparent bogus and unlawful time-line in an obvious effort to divert our attention away from the fact that the OPG DGR has been time-barred for years by the same Statute of Limitations you yourself had set forth as controlling in your email of May 4, 2017. If you had any lawful authority whatsoever that could possibly save the OPG DGR from being time-barred you would have immediately provided it to Citizens and Taxpayers. Instead, you ignore us! It is reprehensible that our leaders do not even have the common decency to respond! Your utter disrespect and disdain to Citizens and Taxpayers in this matter is palpable. Citizens and Taxpayers should not have to ultimately be forced to seek relief from the Judiciary. The OPG DGR project is time-barred and must be terminated. You have painted yourself into a corner and there is no way out to save the OPG DGR from termination!

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann<email address removed>

Sent: October 6, 2017 2:18 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Thomas Walkom; Aimee Puthon; John Mann

Subject: Minister's red-herring OPG DGR timeline does not add up and requires Minister to terminate and dismiss the OPG DGR!

Importance: High

October 6, 2017

Hi Minister McKenna, Deep Geologic Repository Project, Robyn-Lynne Virtue, and Prime Minister Trudeau:

Minister's red herring OPG DGR timeline does not add up and requires Minister to terminate and dismiss the OPG DGR!

In your email of September 20, 2017 [set forth below], once again you refuse to answer Citizen and Taxpayer questions that require dismissal of the OPG DGR project as time-barred by the 24 month Statute of Limitations.

1. Your proposed timeline that you rely on below violates the statute that your May 4, 2017 email confirms as controlling.
2. Minister McKenna has confirmed through your May 4, 2017 email that the Minister's decision statement must be issued within 24 months of June 29, 2007 [more than 120 months or 10 years ago], which is the date of the referral of the OPG DGR to a review panel pursuant to s. 54 of the CEAA 2012.
3. Inexplicably and without authority and without justification, your timeline starts the 24 month time clock on the date the CEAA 2012 came into effect on July 6, 2012, unlawfully violating your own admission that the 24 month Statute of Limitation starts on June 29, 2007, the date of the OPG DGR referral to a review panel.

4. When you review your red-herring timeline, however, it becomes clear that you must be making it up as you go while hoping no one will actually check it out.

5. First, you send us on an unlawful goose chase suggesting you have authority to amend the Joint Review Panel terms of reference by allowing 515 days for the Joint Review Panel to issue its decision. Unfortunately for you, there simply is no authority anywhere that you cite to allow this and it violates the 24 month Statute of Limitations set forth in section 54 of CEAA 2012 that you agree controls. And 515 days comes out of thin air, without any lawful authority, without any rhyme or reason, and without any justification. If you had authority to contract away the section 54 Statute of Limitations, you would have referenced it immediately. After multiple chances, you have provided no lawful authority for amending the time limits.

6. Now even more troubling is when you actually calculate the unlawful timeline that is contrary to your admission that the section 54 24 month time-clock controls. When you include the tolling of the 24 month time-clock [that you prefer to refer to as “pausing”] it turns out that the Joint Review Panel tolled the 24 month time-clock by submitting 13 information requests to OPG [the “proponent”] for OPG’s response. Shockingly, it took OPG 32 months [over 2 and 1/2 years] to respond to the Joint Review Panel. 27 of those tolling months commenced July 6, 2012 when the Minister now says [without any authority] the 24 month time-clock started! Even more shockingly, is the fact that even under this unauthorized and unlawful timeline the Minister has exhausted only 6 months [or 182.5 days] of the 515 days allotted to the Joint Review Panel as of the date of the Panel’s decision on May 6, 2015. As a result, by her own unauthorized timeline the Minister had 18 more months to issue her decision statement once the Joint Review Panel issued its decision on May 6, 2015. As a result, under her unauthorized timeline, the Minister still had until November 6, 2016 to issue her decision statement. Which begs the question, what timeline was the Minister using when on June 3, 2015, pursuant to section 54(3) of CEAA 2012, she extended the 24 month time-clock by the one time maximum limit of 3 months? After all there was nothing for her to extend on June 3, 2015 because the 24 month time-clock was not going to expire until November 6, 2016 under the Minister’s timeline! Citizens and Taxpayers are being played for fools. And the future extensions exacerbated this clear nonsensical exercise when the time-clock was extended for a one time maximum 3 months by the governor in council. The other attempted extensions are not authorized under the legislation and are void. Furthermore, there is no authority for tolling the time-clock during the two extensions as suggested by the Minister. If there was authority for any of these actions, you would have provided Citizens and Taxpayers with the references immediately. Since you have not provided such authority, there must be none.

7. Even on the merits the OPG DGR project is a catastrophe when you have to use additional years of tolling requiring more information from OPG that inexplicably was not presented by OPG even after some 10 to 15 years of investigation, study, and reporting – simply the definition of incompetence regarding a forever project that could not possibly be approved for our Community. How is it possible that more than 24 months has been squandered on prompting OPG for further information that OPG should have obviously provided in its opening report? And our Community is supposed to trust this? Reprehensible!

8. Furthermore, the 24 month Statute of Limitations was included in CEAA 2012 because of the never ending OPG DGR catastrophe boondoggle that has become the poster child of why Citizens and Taxpayers require a 2 year limitation on government projects, and why it is retroactive. Throughout the debate of the CEAA 2012 24 month Statute of Limitations, Parliament was confronted throughout with the never ending boondoggle caused by the clothes and rags OPG DGR that prompted the limitation in the first place.

9. What is going on here?

10. And you have not presented the time count that Michael Binder of CNSC recommended to the review panel: "It is recommended that you mandate your Panel Secretariat to keep a rigorous and transparent time count so that the Panel Report can be submitted within the established time period." Since you have not produced it, presumably it does not exist and you never put your mind to the 24 month Statute of Limitations.

11. Finally, you will not answer my questions that Citizens and Taxpayers are entitled to. You have confirmed from your own words and actions that you are not following the law related to the Statute of Limitations, and rather than be held accountable you merely avoid your solemn duty and obligation to answer the Citizens and Taxpayers that you have the honour and privilege to represent by stating over and over again that "the DGR Project team has answered your questions pertaining to the Project's legislative timeline in previous correspondence." In fact, you have not answered the questions.

12. You rely on section 54 of the CEAA 2012. Citizens and Taxpayers also rely on section 54 of the CEAA 2012. You are not above the law. Section 54 of the CEAA 2012 requires that the 24 month Statute of Limitations starts at the referral date of the OPG DGR to a review panel on June 29, 2007. You agree with that in your May 4, 2017 email. Nevertheless, pursuant to your own words you are unlawfully starting the 24 month time-clock at the date of the enactment of CEAA 2012 on July 6, 2012. Parliament, however, by making the CEAA 2012 retroactive did not make the date of enactment the date of commencement of the 24 month time-clock. You cannot contract away legislative requirements that you suggest was done by the 515 and 120 day amendments to the Joint Review Panel terms of reference. There is simply no authority for you to do that and you have not presented any such authority.

13. As a result, your timeline does not answer any of these questions that requires that the OPG DGR is time-barred by the 24 month Statute of Limitations.

14. In the meantime, while awaiting another unanswered response, we are also to wait for the consent of SON that has not been forthcoming even after 15 years of futility by this same OPG DGR project boondoggle. All of a sudden we are led to believe that OPG is going to provide some magical new information that will garner the support of SON? This defies all logic and common sense. Logic and common sense dictates that the SON consent should have been

secured over 15 years ago when OPG commenced this disaster and before squandering obscene amounts of Citizen and Taxpayer time and money.

15. Add to this the fact that it is not realistic to believe that SON would after all this time and effort consent to the clothes and rags DGR boondoggle while spent fuel remains on the surface without any solution whatsoever. This goes beyond inexplicable to anyone with any logic or common sense!

16. We once again will await your untimely non-response. Since you have been unable to answer us before, at this point the only reasonable response is to terminate the OPG DGR project as time-barred.

17. And this is just the tip of the iceberg related to why the OPG DGR is known as “The Government Boondoggle of all Boondoggles.” For example, defrauding our DGR Community with the infamous 2-Track 2-DGR Trojan Horse fraud, when only one DGR is necessary for all nuclear waste and once the OPG DGR is built, the spent fuel will be buried into it; 7 years of illegal, unlawful, secret, closed Bruce County Council DGR meetings held with only OPG, NWMO, and CNSC, without remedy and without any participation or Due Process or Democratic Rights for any Citizen or Taxpayer in our DGR Community and Canada; OPG DGR safety model WIPP catastrophically failed; Ordering OPG to conduct alternate DGR site studies away from the beaches of the Great Lakes, with OPG ignoring the orders, and with Minister McKenna accepting OPG’s contempt without question! There is simply not enough time or space to set forth all the problems with this most incompetent project ever. In fact, there is not one good thing that can be said about the catastrophe and disaster we know as the OPG DGR boondoggle! And spent fuel is decades away from any solution. In the meantime we are told that we must hurry and get those clothes and rags worn by nuclear employees buried a mile underground or terrorists might steal them and throw them at Citizens!

18. And, of course, there is the initial and ongoing brilliant idea of burying the forever dangerously radioactive nuclear waste on the beach of the Great Lakes, thus endangering and putting at risk the drinking water for 40 million people forever. That makes a lot of sense.

19. And lest we forget: SNC-Lavalin!

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: September 20, 2017 11:51 AM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Please answer why the government refuses to follow the law that the government quoted as controlling the 24 month Statute of Limitations from date of referral of OPG DGR to a review panel over 10 years or 120 months ago!

Dear Mr. Mann,

Thank you for your correspondence of September 12, 2017. The DGR Project team has answered your questions pertaining to the Project's legislative timeline in previous correspondence, which is available on the Agency's Registry as records number [3770](#) and number [3788](#).

Any future updates to the Project timeline will be communicated to participants through the Project's distribution list and posted on the Registry.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann<email address removed>
Sent: September 12, 2017 1:17 PM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Thomas Walkom; Aimee Puthon; John Mann
Subject: Please answer why the government refuses to follow the law that the government quoted as controlling the 24 month Statute of Limitations from date of referral of OPG DGR to a review panel over 10 years or 120 months ago!
Importance: High

September 12, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

I have just received your email of today [September 12, 2017] wherein you inexplicably continue to avoid answering the grave questions and concerns of Citizens and Taxpayers that clearly establish that the OPG DGR is time-barred by the 24 month Statute of Limitations and must be terminated without further squandered time and obscene cost.

We have asked you over and over why you are deliberately not following the law that you yourself carefully and meticulously quoted in your email of May 4, 2017, wherein you highlight the following controlling law for Citizens' and Taxpayers' edification and assurance:

"Dear Mr. Mann Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent [OPG] within 24 months of a referral [June 29, 2007 – 10 years or 120 months ago] of an environmental assessment of a designated project [OPG DGR] to a review panel"

These are your own words to Citizens and Taxpayers that you work for as Public Servants. Nevertheless, inexplicably you continue to ignore this law that you carefully and meticulously quoted to us that clearly time-bars the OPG DGR project. This is very concerning. Please answer why you will not follow this law that you yourselves quoted to us as controlling? Basic common courtesy and respect for Citizens and Taxpayers requires your thoughtful and meaningful answer.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: September 12, 2017 8:14 AM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: In a May 4, 2017 email, our Government acknowledges that the 24 month Statute of Limitations controlling the OPG DGR project commences 10 years or 120 months ago! As a result, the OPG DGR is time-barred and must be terminated!

Dear Mr. Mann,

Thank you for your correspondence of September 8 and 11, 2017. The DGR Project team has provided the explanation of the Project's timelines in previous correspondence. It is available on the Agency's Registry as records number [3770](#) and number [3788](#).

We re-iterate the following milestones in the Project's timeline, which were provided in our previous exchanges:

- Prior to the enactment of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), there was no legislative timeline for federal environmental assessments. Upon enactment of CEAA 2012, timelines were adopted for the DGR Project through [amendments](#) to the Joint Review Panel's (JRP) terms of reference (TOR).
- The amended TOR provided 17 months for the JRP's report and 4 months for the Minister's decision, starting July 6, 2012. The JRP submitted its [report](#) in May 2015, within its time limit.
- The Minister and the Governor in Council have since provided extensions to the timeline for the Minister's decision. The [ongoing review](#) by the Canadian Environment Assessment Agency (the Agency) of additional information requested by the Minister on February 18, 2016 is currently proceeding within the time extension provided by the Governor in Council.
- The timeline is currently paused and will resume upon receipt of the updated cumulative effects assessment from Ontario Power Generation, as requested by the Minister on [August 21, 2017](#).

As previously explained, we also note that the calculation of the timeline does not include time taken by the proponent to collect additional information or studies requested by the JRP, the Agency or the Minister.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>
Sent: September 11, 2017 12:28 PM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment;

fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: In a May 4, 2017 email, our Government acknowledges that the 24 month Statute of Limitations controlling the OPG DGR project commences 10 years or 120 months ago! As a result, the OPG DGR is time-barred and must be terminated!

Importance: High

September 11, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

[Still awaiting your response to my email of September 8, 2017!]

The quotes set forth below are your own words to Citizens and Taxpayers that you have provided in your emails. Your own statements require you to terminate the OPG DGR project as time-barred.

1. On May 4, 2017, you emailed and confirmed:

“Dear Mr. Mann Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent [OPG] within 24 months of a referral [June 29, 2007 – more than 10 years or 120 months ago] of an environmental assessment of a designated project [OPG DGR] to a review panel.”

2. Inexplicably, two months later, on July 5, 2017, you emailed and confirmed that you were now not going to follow Section 54 that you said was controlling law in your May 4, 2017 email quoted above:

“Dear Mr. Mann The period of time from June 29th, 2007 [date of referral] to July 5, 2012 [date CEAA 2012 came into force] for the Project is not taken into account in the calculation of time limits for the Panel and the Minister because it predates the new CEAA 2012.”

3. These diametrically opposed positions caused Citizens and Taxpayers unnecessary concern that deserved immediate clarification. And rather than explaining the unexplainable, you never again mention your clear duty and obligation under law [Section 54 of CEAA 2012] to “issue a decision statement to the proponent [OPG] within 24 months of a referral [June 29, 2007] of an environmental assessment of a designated project [OPG DGR] to a review panel” as meticulously set forth in your own words on May 4, 2017 above.

4. Yet, inexplicably, you ignored these concerns until your email more than 2 months later on September 6, 2017 set forth below. Even more astonishing is the fact that rather than clarifying the unexplainable, you have confirmed that you are apparently not going to follow the law you said was controlling in your May 4, 2017 email quoted above as it relates to the 24 month Statute of Limitations that has expired years ago and time-barred the OPG DGR project.

5. Inexplicably, in this regard, your September 6, 2017 email [set forth below] states:

“The consideration of the timeline prior to the coming into force of CEAA 2012 was addressed by the Minister of the Environment and Climate Change and the President of the Canadian Nuclear Safety Commission in the amendments to the Joint Review Panel Agreement, as described in previous exchanges.”

Let's review those amendment here. The amendments confirm your May 4, 2017 email that the 24 months Statute of Limitations commences on June 29, 2007, 10 years or 120 months ago, when the OPG DGR was referred to a review panel. The amendments to the Joint Review Panel Agreement expressly confirm “the environmental assessment of the Project is continued under the process established under that Act and the Agreement is considered to have been entered into by the Federal Minister of the Environment under section 40 of that Act,” and “the Minister of the Environment has statutory responsibilities pursuant to the *Canadian Environmental Assessment Act, 2012* as if it had been referred to a review panel under section 38 of the *Canadian Environmental Assessment Act, 2012*.”

6. As a result, the Minister's email of May 4, 2017 quoted above concedes that Minister McKenna “must issue a decision statement to the proponent [OPG] within 24 months of a referral [June 29, 2007 – more than 10 years or 120 months ago] of an environmental assessment of a designated project [OPG DGR] to a review panel.”

7. Furthermore, there is nothing in the amendments that exempts Minister McKenna from including the time period from date of referral. More importantly, Minister McKenna could not contract away requirements set forth by Parliament in legislation of the CEAA 2012 even if she wanted to.

8. In addition, there is no exemption within CEAA 2012 to the requirement of counting the 24 month Statute of Limitations from date of referral pursuant to Section 54 of the CEAA 2012 that Minister McKenna concedes controls in this OPG DGR project in the May 4, 2017 email quoted above.

9. Therefore, pursuant to the responses by the Minister and the Deep Geologic Repository Project, it is apparent that the OPG DGR project is time-barred and must be terminated. Otherwise, the Minister would have provided a 10 year calendar map timeline from the date of referral on June 29, 2007 of the OPG DGR project to a review panel through present day of September 2017, wherein the Minister meticulously and precisely crossed out each day of 24 months, minus permissible legislative tolling if any,

prior to the Minister seeking the one extension of 3 months maximum that she is allowed pursuant to Section 54(3) of CEAA 2012, and prior to seeking only 1 additional extension from the governor in council up to a maximum of 3 months pursuant to Section 54(4) of CEAA 2012. This 24 month Statute of Limitations timeline was never done because it could not be done. The 24 month Statute of Limitations expired long, long ago during this astonishing 10 year or 120 month boondoggle. As a result, the Minister and Deep Geologic Repository Project ignore the 24 month Statute of Limitations that their May 4, 2017 email states is controlling and forges on, inexplicably leaving Citizens and Taxpayers with seeking Judicial intervention as the only remedy.

10. In addition, Minister McKenna cannot even save the OPG DGR project using the erroneous timeline from date of enactment of CEAA 2012, 5 years or “60 MONTHS” ago. The 515 “days” allowed for issuance of the Joint Review Panel Report in the amendments to the agreement is not allowed by CEAA 2012, and the 120 additional “days” for the Minister to issue her decision statement found in the amendments is not permitted by CEAA 2012. Inexplicably, the amendments refer to a total of 635 “days” not in terms of “months” pursuant to the 24 month Statute of Limitations, and add up to “approximately” 21 “months”. The 24 month Statute of Limitations required pursuant to Section 54 of CEAA 2012, and conceded by Minister McKenna in the May 4, 2017 email sent by the Deep Geologic Repository Project on the Minister’s behalf, is from date of referral 10 years ago on June 29, 2007. How was the “515” days arrived at? How was the “120” days arrived at? Why can’t Minister McKenna provide us with a calendar map timeline showing how the “515” days and “120” days were used up in a precise easily documented timeline? What documentation did Minister McKenna use to determine that “24 months” had been exactly used up and requiring Minister McKenna to exercise her one and only 3 month maximum extension of the process pursuant to legislative authority at Section 54(3) of the CEAA 2012? Obviously, Minister McKenna never did any such required calculation, otherwise the Minister would have disclosed the calculation long ago when she sought the extension, and throughout this flurry of responses by the Minister and Deep Geologic Repository Project to the seemingly obvious 24 month Statute of Limitations expiration.

11. The 24 month Statute of Limitations and one extension by the Minister of a maximum of 3 months with a further extension of maximum 3 months by the governor in council was enacted to avoid the OPG DGR boondoggle of all boondoggles. Obviously, Parliament required this Statute of Limitations to avoid a 10 year government embarrassment to get a project approved, with commensurate squandering of obscene amounts of time and money. Yet Minister McKenna and our government still allow the OPG DGR to continue wasting Citizen and Taxpayer time and money contrary to Section 54 of CEAA 2012 that Minister McKenna and Deep Geologic Repository Project acknowledge as controlling here in their quoted email sent May 4, 2017. Inexplicably, Minister McKenna continues to refuse to explain to Citizens and Taxpayers.

12. Finally, for the time being, you state:

“The Minister’s request for additional information of August 21, 2017 has paused the legislative timeline for the review.”

There is no legislative authority for the Minister to request additional information and pausing the legislative timeline. The Minister has already used her one and only lawful “3 month maximum” extension of the process. Furthermore, there is no legislative authority to “pause” the “legislative timeline” at this stage of the process. The tolling provisions only apply to the original “24 month Statute of Limitations” and does not apply to the limited 6 months maximum extensions possible pursuant to Section 54(3)(4) of CEAA 2012. This makes sense in that all of the information relied upon by the proponent OPG had to be presented at the Public Hearings for due process to be protected for all Citizens and Taxpayers that must be allowed to challenge the evidence presented. The additional information sought without presentation in a Public hearing is a violation of Section 7 life, liberty, and security interests of all Citizens and Taxpayers pursuant to the *Canadian Charter of Rights and Freedoms*. Furthermore, if OPG was unable to present a complete case related to this OPG DGR project after 15 years of investigation and study, it becomes the definition of a failed government boondoggle. Stop wasting and squandering our time and money. Terminate the OPG DGR project as time-barred.

13. Furthermore, if Parliament wanted the Minister to have more than 3 months maximum for an extension Parliament could have easily inserted in the CEAA 2012 legislation language to the effect that “the Minister may seek an extension for whatever time the Minister deems is required.” Parliament did not do that. Parliament limited the Minister to a maximum of 3 months for an extension of the 24 month Statute of Limitations. Parliament is deemed not to do a meaningless or useless thing pursuant to statutory construction. As a result, the Minister had no authority to extend the timeline beyond the initial 3 month extension and additional 3 month maximum by governor in council. The government ignores this obvious statutory construction and does not explain why the Minister has authority to extend the timeline without limit presently. This is unacceptable to Citizens and Taxpayers that the Minister has a duty and obligation to answer to.

14. Citizens and Taxpayers look to the Minister to finally and directly meaningfully answer these grave questions and concerns that require termination of the OPG DGR project as time-barred.

15. [And please answer our September 8, 2017 email that remains unanswered.]

16. The OPG DGR must be terminated as time-barred.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann <email address removed>

Sent: September 8, 2017 12:18 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: Is Minister McKenna above the law that requires her to "issue a decision statement to the proponent [OPG] within 24 months of a referral [June 29, 2007] of an environmental assessment of a designated project to a review panel"?

Importance: High

September 8, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

Citizens and Taxpayers are concerned that Minister McKenna appears to not be following the 2 year [24 month] Statute of Limitations that Minister McKenna herself acknowledged in the email of May 4, 2017 set forth below. The OPG DGR project was referred to a review panel on June 29, 2007, making it more than 10 years [120 months] with no Minister's decision statement issued yet. That is an astonishing 8 years or 96 months beyond the 2 year or 24 month Statute of Limitations! Please explain why the Minister does not appear to comply with this law that she herself acknowledged in the email below. – Most Respectfully, John Mann, Citizen and Registered Participant, Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Sent: Thursday, May 4, 2017 9:12 AM

To: John Mann

Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Subject: RE: Second Request -- Re: Please advise all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursuant to section 54 of the Canadian Envi

Dear Mr. Mann,

* * *

Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent within 24 months of a referral of an environmental assessment of a designated project to a review panel. . . .

* * *

Sincerely,

DGR Project Team

Canadian Environmental Assessment Agency

22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3

CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: September 6, 2017 3:44 PM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: From the onset of the OPG DGR project, OPG should have made certain that SON supported the DGR project prior to squandering over 15 years of time and money on the OPG DGR that may never receive SON's support!

Dear Mr. Mann,

Thank you for your correspondence of July 25th and August 31st regarding the Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

In your correspondence of July 25th you refer to the legislative timelines for the Project. The Agency has previously addressed your questions regarding the legislative timelines and has consolidated this information on the Registry (records [3770](#) and [3788](#)). The consideration of the timeline prior to the coming into force of CEAA 2012 was addressed by the Minister of the Environment and Climate Change and the President of the Canadian Nuclear Safety Commission in the [amendments to the Joint Review Panel Agreement](#), as described in previous exchanges.

The Minister's request for additional information of August 21, 2017 has paused the legislative timeline for the review. The estimated timeline for the next steps in the process can be found on the Registry, record [3808](#). Upon receipt of the updated cumulative effects assessment from Ontario Power Generation, the legislative timeline will resume.

For inquiries related to the process that Ontario Power Generation will take to respond to the Minister's request, we encourage you to contact Ontario Power Generation directly.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>

Sent: August 31, 2017 2:55 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: From the onset of the OPG DGR project, OPG should have made certain that SON supported the DGR project prior to squandering over 15 years of time and money on the OPG DGR that may never receive SON's support!

Importance: High

August 31, 2017

Hi Minister McKenna, Robyn-Lynn Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

1. On August 21, 2017, Minister McKenna adjourned indefinitely her decision on the OPG DGR until, and if, SON ever consents to allow the OPG DGR to move forward!
2. From the onset of the OPG DGR project, OPG should have made certain that SON supported the DGR project prior to squandering over 15 years of time and money on the OPG DGR that may never receive SON's support.
3. More than 12 years ago the Hosting agreement for the OPG DGR did not include SON.
4. Between 2005 through 2012, Bruce County Council conducted 7 years of unlawful, secret, closed DGR meetings with only OPG, NWMO, and [Fake Citizen Watchdog] CNSC attending.
5. And after 15 years of OPG putting its best DGR case forward, common sense dictates that OPG can't possibly have something else to add to the DGR project that would now somehow convince SON that it should support the DGR.
6. In addition, NWMO is going down the same catastrophic OPG DGR path as it relates to the spent fuel DGR.

7. Inexplicably, NWMO [created and owned by OPG] has failed to obtain SON's approval prior to NWMO spending obscene amounts of time and money investigating 21 other potential DGR sites for spent fuel.

8. Inexplicably, why on earth wouldn't OPG [who owns all levels of nuclear waste] first obtain SON's approval for the spent fuel DGR, with all other levels of nuclear waste presumably included?

9. And then there is the 24 month Statute of Limitations that has long ago time-barred the OPG DGR.

10. On May 4, 2017, Minister McKenna confirmed for Citizens and Taxpayers that the Minister was bound by the 24 month Statute of Limitations from date of OPG DGR referral to a review panel on June 29, 2007, pursuant to CEAA 2012 s. 54, an unconscionable 10 years or 120 months ago, some 8 years or 96 months beyond the 24 month Statute of Limitations!

11. Astonishingly, a short 2 months later, on July 5, 2017, without any explanation, Minister McKenna confirmed for Citizens and Taxpayers that the Minister was not going to follow the law from date of referral to the review panel that the Minister had quoted in the May 4, 2017 email.

12. Inexplicably and disrespectfully, Minister McKenna fails to respond to my email of July 25, 2017 set forth below that requires the Minister to terminate the OPG DGR project because it is statutorily time-barred.

13. Inexplicably and disrespectfully to Citizens and Taxpayers, this OPG DGR boondoggle has been slothfully plodding along for over 15 years, and with no end in sight now with Minister McKenna's recent indefinite adjournment without legislative authority.

14. Inexplicably and disrespectfully, even though the OPG DGR process is in a never ending cycle of over 15 years, Citizens and Taxpayers were told by OPG, NWMO, CNSC and the Joint Review Panel that the OPG DGR for clothes and rags is NECESSARY! and URGENT! even though the clothes and rags have been safely "threatening" our Community for over 50 years, and even though spent fuel will remain on the surface for at least the next 100 years, and maybe forever!

15. Common sense dictates [and the CEAA Statute of Limitations has confirmed] that if a government project cannot be created and approved within 24 months [or 2 years] it must not be reliable, credible, or trustworthy, and must be terminated to stop the unnecessary government spending bleed.

16. If Citizens and Taxpayers cannot trust our government officials and "leaders" to follow the law, where can they obtain a remedy absent Judicial intervention by mandamus or some other remedy? And to force Citizens and Taxpayers into this untenable situation by simply not

meaningfully responding to legitimate questions and concerns is reprehensible and unacceptable in any Democracy!

17. We again implore Minister McKenna to respond directly to the concerns and questions set forth in this email and the July 25, 2017 email set forth below that has shamefully gone unanswered! And, in conclusion, we implore Minister McKenna to terminate the OPG DGR for the myriad of reasons set forth here, below, and throughout this over 15 year process that is indefensible in innumerable ways.

18. Terminate the OPG DGR.

[Please also respond to July 25 email set forth below]

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann <email address removed>

Sent: July 25, 2017 1:21 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: Flip-Flop-Timeline without authority time-bars OPG DGR project!

Importance: High

July 25, 2017

Hi Minister McKenna, Robyn-Lynn Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

Flip-Flop-Timeline without authority time-bars OPG DGR project!

In your email of July 19, 2017 below, Minister McKenna and Deep Geologic Repository Project once again direct the Citizens and Taxpayers to Minister McKenna's own 60 month (5 years) timeline [from CEAA 2012 coming into force on July 6, 2012, up to today July 25, 2017] that time-bars the OPG DGR project, thus requiring its termination pursuant to the 24 month (2 years) Statute of Limitations under Section 54 of the CEAA 2012! And astonishingly Minister McKenna's 60 month (5 years) timeline does not even include the additional required 60 months (5 years) of time between the referral of the environmental assessment of the OPG DGR project to a review panel on June 29, 2007, and the CEAA 2012 coming into force on July 6, 2012. Yet, inexplicably, Minister McKenna refuses to terminate the time-barred OPG DGR project! As a result, Citizens' and Taxpayers' need Minister McKenna and Deep Geologic Repository Project to actually answer the following questions:

Minister McKenna's and Deep Geologic Repository Project's email of May 4, 2017 confirmed for all Citizens and Taxpayers that "Under Section 54 of the *Canadian Environmental Assessment Act, 2012*, (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent **within 24 months of a referral of an environmental assessment of a designated project to a review panel.**" Inexplicably, in their July 5, 2017 email set forth below, Minister McKenna and Deep Geologic Repository Project now tell Citizens and Taxpayers that the 24 months does not include this highlighted period of

time from the date of referral to a review panel, even though it is diametrically opposed to their own highlighted quote above and the Section 54 Statute of Limitations and Section 126(2) of CEAA 2012! How is this possible? And how can Minister McKenna [a Top-25 lawyer in Canada] and Deep Geologic Repository Project now claim **“The period of time from June 29th, 2007 [‘the date of a referral of an environmental assessment of {the OPG DGR Project} to a review panel’] to July 5th, 2012 [the date when the CEAA 2012 came into force] for the Project is not taken into account in the calculation of time limits for the Panel and the Minister because it predates the new CEAA 2012”?**

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: July 19, 2017 11:01 AM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Minister McKenna failed to consider required 60 months [5 years] from referral of OPG DGR to review panel to establishment of review panel related to 24 month Statute of Limitations, time-barring the project!

Dear Mr. Mann,

Thank you for your correspondence of July 7, 2017. The DGR project team has provided the explanation of the Project's timelines in previous correspondence. It is available on the Agency's Registry as records number 3770 and number 3788 for your consideration.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>
Sent: July 7, 2017 3:21 PM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann
Subject: Minister McKenna failed to consider required 60 months [5 years] from referral of OPG DGR to review panel to establishment of review panel related to 24 month Statute of Limitations, time-barring the project!
Importance: High

July 7, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

1. Your July 5, 2017 email below is not accurate when it states:

“The period of time from June 29, 2007 [date of referral to a review panel] to July 5, 2012 [date when the CEAA 2012 came into force] is not taken into account in the calculation of time limits for the Panel and the Minister because it predates the new CEAA 2012. Prior to CEAA 2012, there were no timelines set out in legislation that applied to federal environmental assessments.”

2. This statement is not correct as you yourself recognized in the very first sentence of your first response to me about the expiration of the 24 month Statute of Limitations, wherein in your email of May 4, 2017 you confirmed the following:

“Under Section 54 of the *Canadian Environmental Assessment Act, 2012*, (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent **within 24 months of a referral of an environmental assessment of a designated project to a review panel.**”

You therefore confirmed that the time from June 29, 2007 [date of referral to review panel] to July 5, 2012 [date when the CEAA 2012 came into force] is taken into account in the calculation of time limits for the Panel and the Minister.

3. You also rely upon Section 126 of the CEAA 2012 that confirms that the time from the June 29, 2007 referral date to July 5, 2012 is taken into account, expressly providing:

Section 126(1) provides: “Despite subsection 38(6) and subject to subsections (2) and (6), any assessment by a review panel, in respect of a project, commenced under the process established under the former Act before the day on which this Act comes into force is continued under the process established under this Act as if the environmental assessment had been referred by the Minister to a review panel under section 38. . . .”

Section 126(2) CEAA 2012 provides:

“The Minister must establish the time limit within which, from the day on which this Act comes into force, the decision statement that is required under section 54 in respect of the project must be issued. Subsection 54(3) applies with respect to the time limit.”

Section 126(3) CEAA 2012 provides:

“The Minister must, in respect of the project, also establish any of the time limits set out in paragraphs 38(3)(a) to (c) – which combined are not to exceed the time limit referred to in subsection (2) – that are necessary, depending on whether, on the day on which this Act comes into force, the review panel has or has not been established or the report with respect to the environmental assessment of the project has or has not been submitted to the Minister.”

Thus, the OPG DGR project had already used up all of its 24 months prior to the review panel being established requiring the project to be terminated.

Section 126(6) CEAA 2012 provides: [tolling the 24 months]

“If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of the project to collect information or undertake a study with respect to the designated project, the following periods are not included in the calculation of the time limit within which the Minister must issue the decision statement in respect of the project nor in the calculation of any of the time limits that are established under subsection (3):

(a) the period that is taken by the proponent, in the opinion of the Agency, to comply with the requirement under section 39;

(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2); and

(c) the period that is taken by the proponent, in the opinion of the Minister, to comply with the requirement under subsection 47(2).”

The Minister and CEAA and Deep Geologic Repository Project have never even considered these tolling provisions, and have not, and cannot provide any timeline related to this tolling legislation. This tolling legislation was never accounted for and 8 years or even 3 years of tolling has not been established by any of the timelines presented – and simply impossible in any event.

4. Section 54(2) CEAA 2012 controls the OPG DGR project timeline, providing:

“... the decision maker must issue the decision statement no later than 24 months after the day on which the environmental assessment of the designated project was referred to a review panel under section 38.”

5. Therefore, the CEAA 2012 requires any preexisting project to comply with the 24 month Statute of Limitations that commences from the date of the referral to a review panel, which in this case was June 29, 2007, over 10 years [a decade] ago. So the period of June 29, 2007 [date of OPG DGR project referral to a review panel] through July 5, 2012 [date CEAA 2012 came into force] was required to be included in the 24 month Statute of Limitations calculation. You have now acknowledged [admitted] that in your May 4, 2017 email quoted above. As a result, you have now admitted in your July 5, 2017 email, quoted above, that you have failed to take into consideration 5 years [60 months] of the 10 years [120 months] timeline related to the OPG DGR project.

6. Had Parliament [and the CEAA who helped promulgate the CEAA 2012 and its 24 month Statute of Limitations] wanted to commence the 24 month Statute of Limitations from the date of the CEAA 2012 coming into force on July 6, 2012, Parliament could have and would have

provided for the 24 month Statute of Limitations to commence on the date of the CEAA 2012 coming into force on July 6, 2012. Parliament did not do so and held any continuing project like the OPG DGR to the strict 24 month timeline commencing from the date of project referral to a review panel, whenever that may have been. Parliament had made a determination that if the proposed project took more than 24 months it must not be good enough to save and continue, and the timeline was established to save Citizens and Taxpayers from the obscene waste of time and money on an endless procedure that is the hallmark of the OPG DGR boondoggle. Simply put, if the project cannot be approved within the 24 month period, with 1 [maybe 2] limited maximum 3 month extensions [subsection 54(3) (and 54(4) but not expressly provided for in section 126(2)], it was not worth pursuing in Citizen and Taxpayer time and money. Obviously, the OPG DGR boondoggle prompted this legislation related to a 24 month Statute of Limitations, because of OPG's incomprehensible snail's pace over the past 15 years with commensurate obscene waste of Taxpayer dollars, on a project that has been heralded as not only necessary [while spent nuclear fuel waste remains on the surface], but that it was urgent to get the low level clothes and rags in a DGR one mile underground to protect Citizens from certain radioactive disaster that apparently has been threatening us for over 50 years even though touted by our government as safely stored on the surface. Reprehensible delay and expense! Aside from the welcome Statute of Limitations' termination of the OPG DGR project, it will be a welcome relief to everyone to finally put an end to this incompetent and catastrophic government boondoggle of all government boondoggles.

7. Even under your own erroneous calculation, the remaining 5 years requires 3 years of tolling that is impossible to establish. Even if it were possible to establish, the 3 years waiting for answers to questions from government bureaucrats establishes that OPG simply did not present a compelling project that was worthy of government approval. In addition even if you could show 36 months of tolling you would have already provided and posted the tick sheet of 36 months tolling waiting for information and studies from OPG. And why haven't you presented the required tolling [pausing] timeline? It is because it does not exist. And it has now been more than 2 years since the Joint Review Panel issued its Report. Even if there was still time on the 24 month Statute of Limitations time clock, there is no further tolling in the CEAA 2012 related to at most two limited 3 month extensions that amount to only a maximum of 6 months in any event. Section 54(3) is expressly noted, while 54(4) is not. And you continue to just refer Citizens and Taxpayers to a meaningless timeline that shows nothing of tolling. Again, stop disrespecting Citizens and Taxpayers and terminate the OPG DGR project. Your referral to the timelines that establish nothing re tolling is like telling us the present year is not 2017 and there is nothing we can do about it.

8. The CEAA 2012 24 month Statute of Limitations applies from date of referral. The OPG DGR project is more than 120 months [10 years] from date of referral and must be terminated and dismissed. I look forward to your response.

Most Respectfully,

John Mann

Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: July 5, 2017 12:52 PM
To: 'John Mann'
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Please explain why you allow the time-barred OPG DGR project to continue!

Dear Mr. Mann,

Thank you for your correspondence of June 30th, 2017. We would like to acknowledge that the DGR project team has provided a clear and complete explanation of the Project's timelines in previous correspondence, which is available on the Agency's Registry as records number 3770 and number 3788. However, we would like to restate that with the coming into force of the new *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Joint Review Panel's Agreement was amended and time limits were set as prescribed by section 126 of the legislation. The Joint Review Panel Agreement amendments established a 515-day time limit from the coming into force of CEAA 2012 on **July 6th, 2012** for the Panel to submit its report, followed by 120 days for the Minister to issue a decision statement. The period of time from June 29th, 2007 to July 5th, 2012 for the Project is not taken into account in the calculation of time limits for the Panel and the Minister because it predates the new CEAA 2012. Prior to CEAA 2012, there were no timelines set out in legislation that applied to federal environmental assessments.

With respect to your concerns regarding the 2 responses from the DGR project team to your June 23rd, 2017 correspondence, we provide the following clarification of our e-mail reply process. When an e-mail is received into the DGR Project's e-mail account, an automatic "reply" is generated to the sender providing an acknowledgment of receipt of mail, which includes general information about how the comment will be handled. In instances where a member of the public asks specific questions, the DGR Project Team sends a specific reply to answer their correspondence. Hence, you received 2 replies from the DGR Project team with respect to your correspondence of June 23rd and June 30th, 2017.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>
Sent: June 30, 2017 7:32 PM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk;

Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: Please explain why you allow the time-barred OPG DGR project to continue!

Importance: High

June 30, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

Inexplicably you continue to refuse to terminate and dismiss the OPG DGR project that is confirmed by your own timeline and is time-barred by your own Statute of Limitations. The following is a summary of your timeline that confirms that the OPG DGR is time-barred. In light of this, please explain why you allow the OPG DGR project to continue.

1. Initially, the Deep Geologic Repository Project thanked me in a separate email on June 23, 2017 for my June 23, 2017 email. As a result it makes no sense for the Deep Geologic Repository Project to later “acknowledge receipt” of my comments as you now urge in your June 27, 2017 email set forth below. I therefore do not understand your point, because it is your own timeline that you refer me to that confirms that the Statute of Limitations has expired and time-bars the OPG DGR project, requiring immediate termination.

2. The response by Minister McKenna and the Deep Geologic Repository Project establishes the following unrefuted facts as it relates to the timeline you rely upon:

a. The Deep Geologic Repository Project confirmed in its initial May 4, 2017 email in this chain, in the very first sentence:

“Under Section 54 of the *Canadian Environmental Assessment Act, 2012*, (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent **within 24 months of a referral of an environmental assessment of a designated project to a review panel.**”

b. The environmental assessment of the OPG DGR project was referred to a review panel on June 29, 2007, exactly 10 years ago yesterday [one decade]! Therefore, 120 months has passed, 96 months beyond the 24 month Statute of Limitations quoted above. As a result, for the OPG DGR project to avoid termination by the Statute of Limitations, an incredible 96 of the 120 months must have been tolled [or paused as you have put it] pursuant to section 126(6) of the CEAA 2012.

Section 126(1) provides:

“Despite subsection 38(6) and subject to subsections (2) to (6), any assessment by a review panel, in respect of a project, commenced under the process established under the former Act before the day on which this Act comes into force is continued under the process established under this Act as if the environmental assessment had been referred by the Minister to a review panel under section 38. . . . “

c. Section 126(2) CEAA 2012 provides:

“The Minister must establish the time limit within which, from the day on which this Act comes into force, the decision statement that is required under section 54 in respect of the project must be issued. Subsection 54(3) applies with respect to the time limit.”

d. Section 126(3) CEAA 2012 provides:

“The Minister must, in respect of the project, also establish any of the time limits set out in paragraphs 38(3)(a) to (c) – which combined are not to exceed the time limit referred to in subsection (2) – that are necessary, depending on whether, on the day on which this Act comes into force, the review panel has or has not been established or the report with respect to the environmental assessment of the project has or has not been submitted to the Minister.”

Section 38(3)(a) to (c), referred to in this section 126(3), provides:

“If the Minister refers the environmental assessment of the designated project to a review panel, the Minister must establish the following time limits – which combined are not to exceed 24 months – within which

(a) the review panel is to be established after the referral;

(b) the review panel must submit the report with respect to the environmental assessment of the designated project to the Minister; and

(c) the Minister must, after receiving the review panel’s report, issue a decision statement under section 54 in relation to the designated project.”

Section 38(4) CEAA 2012 provides:

“Subject to section 54, the Minister may, as required, modify those time limits.”

e. Section 49(1) CEAA 2012 provides:

“The Minister must terminate the assessment by a review panel of a designated project if the review panel fails to submit its report within the specified period including any extension of time limits.”

f. The 24 month Statute of Limitation and extensions are tolled [or paused as CEAA puts it] by section 126(6) CEAA 2012 that provides:

“If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of the project to collect information or undertake a study with respect to the designated project, the following periods are not included in the calculation of the time limit within which the Minister must issue the decision statement in respect of the project nor in the calculation of any of the time limits that are established under subsection (3):

(a) the period that is taken by the proponent, in the opinion of the Agency, to comply with the requirement under section 39;

(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2); and

(c) the period that is taken by the proponent, in the opinion of the Minister, to comply with the requirement under subsection 47(2).”

Section 39 CEAA 2012, referred to in 126(6)(a) above, provides:

“When the Minister refers the environmental assessment of a designated project to a review panel under section 38, the Agency may, from the day on which the referral is made and until the day on which the panel is established, require the proponent of the designated project to collect any information or undertake any studies that, in the opinion of the Agency, are necessary for the environmental assessment by the review panel.”

Section 44(2) CEAA 2012, referred to in 126(6)(b) above, provides:

“However, if the review panel is of the opinion that there is not sufficient information available for the purpose of conducting the environmental assessment or preparing the report with respect to the environmental assessment of the designated project, it may require the collection of any information or the undertaking of any study that, in the opinion of the review panel, is necessary for that purpose, including requiring the proponent to collect that information or undertake that study.”

Section 47(2) CEAA 2012, referred to in 126(6)(c) above, provides:

“The Minister may, before making decisions referred to in subsection 52(1), require the proponent of the designate project to collect any information or undertake any studies that, in the opinion of the Minister, are necessary for the Minister to make decisions.”

Section 48 CEAA 2012 provides:

“If the Agency, the review panel or the Minister, under section 39 or subsection 44(2) or 47(2), respectively, requires the proponent of a designated project to collect information or undertake a study with respect to the designated project, then

(a) the period that is taken by the proponent, in the opinion of the Agency, to comply with the requirement under section 39 is not included in the calculation of the period referred to in paragraph 38(3)(a);

(b) the period that is taken by the proponent, in the opinion of the review panel, to comply with the requirement under subsection 44(2) is not included in the calculation of the period referred to in paragraph 38(3)(b) or 42(2)(b) or subsection 43(2); and

(c) the period that is taken by the proponent, in the opinion of the Minister, to comply with the requirement under subsection 47(2) is not included in the calculation of the period referred to in paragraph 38(3)(c).”

2. Therefore, the 24 month clock is tolled or stopped when the CEAA, JRP, and the Minister required more information and studies, and only if the time taken by OPG to provide the requested information or studies is reasonable “in the opinion of the Agency, the JRP, and the Minister.” So the tolling is not unlimited and must be reasonable and does not include the time to review the information and studies. The tolling is very exacting, and requires a calculation per day and per month that is considered a reasonable period of time to produce the information and the studies requested. The CEAA, JRP, and Minister should have kept a daily calculation, and then created a monthly calculation related to any time that would toll the 24 month time clock from the start of the 24 month time clock on the OPG DGR project’s referral date of June 29, 2007 to a review panel all the way to the present day of June 30, 2017

and up to the eventual Minister's decision statement, a period presently of 10 years or 120 months and counting. As a result, approximately 96 months [8 years] of the OPG DGR project timeline must have been tolled prior to Minister McKenna being able to extend the 24 month time clock by a maximum of 3 months pursuant to section 54(3) CEAA 2012. That was not done and cannot be done. Clearly, the 24 month time clock expired long ago and requires termination of the OPG DGR project. The 24 month time clock expired long before the Minister attempted her 3 month extension. There was nothing to extend because the OPG DGR project was already time-barred long ago by the 24 month Statute of Limitations.

3. In addition, the extensions provided by the CEAA 2012 are very limited and do not include the reasons set forth for the extensions attempted here. Section 54(3) CEAA 2012 only allows the Minister to extend the 24 months by an additional and maximum of 3 months. And the extension is only available if the 24 months is about to expire. It is not available after 24 months has expired. The other limitation pursuant to section 54(3) is that the Minister may extend up to a maximum of 3 months "that is necessary to permit cooperation with any jurisdiction with respect to the environmental assessment of the designated project or to take into account circumstances that are specific to the project." Thus, there is no authority to extend the 24 month time clock "to gather more information or order further studies" by OPG. The Public Hearing record is closed long ago. If the proponent cannot persuade the Minister after all this time, the proponent is clearly out of time anyway. Therefore, Minister McKenna's Order requiring OPG to conduct further studies related to alternate DGR sites and present studies about cumulative effects to the Environment caused by two DGRs was not authorization for Minister McKenna to seek the 3 month extension. Minister McKenna has not provided any timeline tick sheet that establishes that exactly 24 months of the Statute of Limitations had expired at the time she attempted to use the 54(3) 3 month extension.

4. This unauthorized extension of an expired Statute of Limitations then went viral. The unauthorized 3 month extension was followed by the Governor in Council further attempting to extend an already time-barred process by an additional 3 months pursuant to section 54(4) CEAA 2012. First, section 126(2) does not include 54(4). Second, section 54(4) provides:

"The Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3)."

I have asked for the documentation that relates to this and none has been provided and does not appear to be on the Registry. 54(4) is limited to "extend the time limit extended under subsection (3)" which is limited to a maximum of 3 months. As a result, the second unauthorized extension was extended by an additional 3 months. And there is no provision to extend it again. Yet without any authorization the expired timeline was extended an additional inexplicable 243 days. Again, the purported reason for the extensions was to toll the time limitations while OPG provided studies of alternate DGR sites and cumulative effects of multiple DGRs on the Environment – something that is not authorized under the statute. There is no authority for extending any project by more than a total of 6 months beyond the 24 months Statute of Limitations in any event.

5. The Terms of Reference for the Joint Review Panel and the Scope of the Environmental Assessment and Factors to be Considered in the Review include at f), g), h), and a):

Including "Alternatives to the Project," cumulative effects related to multiple projects.

Therefore, from the beginning OPG was required to study alternate DGR sites and cumulative effects. On any appeal, admitting fresh evidence after a full hearing is rare and difficult to achieve. It is virtually impossible when the proponent of the fresh evidence had the opportunity and should have presented the evidence at the full public hearing. That is the case here. The Joint Review Panel was concerned that OPG

had failed in its obligation to conduct studies related to alternate DGR sites and cumulative effects. Ultimately, the Joint Review Panel erroneously let OPG off the hook and did not require the studies of alternate DGR sites. Minister McKenna, having recognized this fatal error in the OPG DGR process from OPG's failure to conduct the required alternate DGR site studies, attempted to give OPG a lifeline with another opportunity to conduct the crucial and required alternate DGR site studies. OPG failed again to present any alternate DGR site studies, not once, but twice now. Too late in any event because there is no way to properly vet any such crucial and required new studies in a full Public Hearing that is required by Due Process for all Citizens and Taxpayers. And the time it took OPG to fail twice again cannot be used to toll any extension of the Statute of Limitations even if there was something to extend.

6. And CEAA says it can toll the extension by an additional 30 days required for CEAA to review the information provided recently by OPG. There is no authority for that anywhere. It is an unauthorized made up rule by CEAA.

7. And there does not appear to be any documented delegation of authority by the Minister to CEAA to seek extensions or information or studies after the Joint Review Panel's Report was filed.

8. Any way you slice it, the 10 years from referral to present day is beyond the pale and makes a mockery out of the 24 month Statute of Limitations that was enacted to prevent this type of obscene waste of Citizen and Taxpayer time and money. Any project that takes that long is the definition of "failed" in any event.

9. Thus, the OPG DGR project is time-barred and must be terminated and dismissed.

10. Please explain why you continue to refuse to terminate the OPG DGR project that is time-barred by your own timeline.

Happy Canada 150 Day,

John Mann

Citizen and Registered Participant

Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: June 27, 2017 11:59 AM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Second Request to provide answers to June 23, 2017 email Re: Indefatigable request seeking termination of the OPG DGR project as time-barred!

Dear Mr. Mann,

Thank you for your correspondence of June 23 and 27, 2017.

With regards to our response of June 20th to your correspondence of June 7th, the Agency intended the use of the word “acknowledge” in its meaning to “acknowledge receipt” of your comments. We provided our complete explanation regarding the Project’s timelines in previous correspondence (Registry records [3770](#) and [3788](#)), and wish to reiterate that the Agency’s timeline for the Project is ongoing, with 176 days remaining on the regulatory clock as of June 26, 2017.

With respect to the email sent to the Project’s interested parties on June 26th, its purpose is to communicate that the Agency has sufficient information to commence the drafting of its report as part of the environmental assessment process. The Agency’s draft report will provide a more meaningful analysis of the proponent’s responses to the February 18, 2016 request by the Minister. The next important public participation opportunity in the environmental assessment process for the Project will be to provide comments on the draft report and potential conditions later this summer.

The Agency will continue to read, consider and document all comments related to the environmental assessment of the project.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>
Sent: June 27, 2017 9:41 AM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike

Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; Thomas Walkom; John Mann

Subject: Second Request to provide answers to June 23, 2017 email Re: Indefatigable request seeking termination of the OPG DGR project as time-barred!

Importance: High

June 27, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, Deep Geologic Repository Project, and Prime Minister Trudeau:

1. This is the second request to provide answers to the following June 23, 2017 email set forth below.
2. We have all just received your email to interested parties announcing that CEAA (the Agency) is inexplicably “satisfied” with OPG’s failed response to study any alternate DGR sites pursuant to Minister McKenna’s Order.
3. The Agency was not “satisfied” with OPG’s first failure to study any alternate DGR sites required by Minister McKenna’s Order, yet, alarmingly, the Agency is now “satisfied” with OPG’s second failure to study any alternate DGR sites required by Minister McKenna’s Order! How is that remotely possible? Any student would flunk a similar basic assignment the first time around, let alone after failing a second kick at the can. As such, the government has not satisfied the requirements that Citizens and Taxpayers deserve and expect from their Public servants. In fact, OPG was mandated to perform alternate DGR site studies from the very beginning, and has failed to do so throughout the process. And this failure is even more concerning when juxtaposed against the backdrop of the most important project to ever confront our Community and Nation!
4. The most recent failed response took OPG an incredible 30 days to merely cut and paste from old archived meaningless memos. And then it took the Agency another unbelievable 30 days to read just a few pages that confirmed OPG had failed, yet once again, to even attempt to perform any alternate DGR site study. And that is okay with Minister McKenna, one of the Top 25 lawyers in Canada? Obviously, the Agency never was interested in any studies requested and was merely buying time to approve the project. Except there was no time to buy and the Statute of Limitations requires the project be terminated. Which leads to the even more astonishing fact that the Agency is proceeding to prepare a Draft report on the additional information as well as update further conditions “if the project proceeds.” Aside from OPG indignantly refusing to study alternate DGR sites for yet another time, the main problem is that the project cannot proceed because it is time-barred by your own admissions found in the email chain set forth below. The urgent concern of Citizens and Taxpayers is why do you ignore your own admissions that the project is time-barred and must be terminated? Every wasteful

Taxpayer dollar that continues to be spent on this time-barred project is unacceptable. When will you follow your solemn duty and obligation on behalf of protecting the Citizens and Taxpayers from unnecessary waste of time and expense and terminate this project? The disrespect that you show Citizens and Taxpayers is palpable and beyond the pale.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann

Sent: Friday, June 23, 2017 1:46 PM

To: Hon. Catherine McKenna ; CEAA National Programs Div. conditions ; Prime Minister Trudeau ; Jeffrey Lyash ; Premier Wynne ; Ken Nash ; Michael Binder ; Bonnie Lysyk ; Minister Jim Carr ; Michael Ferguson ; Ministre / Minister (EC) ; Laurie Swami ; Laurie Swami ; Wayne Robbins ; MPP Lisa Thompson ; MP Ben Lobb ; CEAA Project Manager

Cc: Amanda Pfeffer ; barb ; Bettyanne Cobean ; Beverly Fernandez ; Capitan my Capitan ; Cheryl Grace ; Dave Myette ; David Akin ; Demers Manon ; Don Matheson ; Eugene Bourgeois ; Frances Learment ; fsteve finch ; Heather [CEAA] Smith ; Jerry Keto ; Jill Taylor ; Jim Lynch ; John Rich ; Kristina Premachuk ; Linda White ; Luke Charbonneau ; Mayor Buckle ; Mayor Eadie ; Mayor Eagleson ; Mayor Inglis ; Mayor Jackson ; Mayor McIver ; Mayor Mike Smith ; Mayor Weaver ; Michael Binder ; Mike Myatt ; Mike Strobel ; Mitch Twolan (Warden) ; Neil Menage ; Pat Gibbons ; info@cnscccsn.gc.ca ; Information (CNSC/CCSN) ; Rob Dobos ; Santa Claus ; Sarah Patterson-Snell ; Sarah Roberts ; Scott Berry ; Senator Hopgood ; Steve Chapman ; Kurt Saunders ; Kurt Saunders ; Janice MacKay ; Chris Adams ; Lorrie Goldstein ; Fred Kuntz ; Jennifer Wells ; Dale Palin ; W5 ; Mitchell Rivard ; Aimee Puthon ; Thomas Walkom ; John Mann

Subject: Indefatigable request seeking termination of the OPG DGR project as time-barred!

June 23, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, and Deep Geologic Repository Project:

1. You have now “admitted” that the OPG DGR is time-barred by the 24 month Statute of Limitations:

“Dear Mr. Mann, Thank you for your correspondence of June 7, 2017, concerning [the OPG DGR]. We respectfully acknowledge your most recent comments.” [from your June 20 email below]

Black’s Law Dictionary defines “acknowledge” as “admit.”

2. Your own timelines set forth below confirm that the 24 month Statute of Limitations has time-barred the OPG DGR.

3. So the question becomes: When are you going to terminate the process?

4. Citizens and Taxpayers need more respect and accountability from our government officials.

5. As a result, please terminate the OPG DGR forthwith. We all look forward to your response.

Most Respectfully,

John Mann

Saugeen Shores

Citizen and Registered Participant

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs [CEAA\ACEE]

Sent: June 20, 2017 10:08 AM

To: John Mann <email address removed>

Subject: Terminate the OPG DGR project as time-barred!

Importance: High

Dear Mr. Mann,

Thank you for your correspondence of June 7, 2017, concerning Ontario Power Generation's proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

We respectfully acknowledge your most recent comments. Responses have been provided with regards to timelines. Please refer to the record #3770 and #3788 on the Canadian Environmental Assessment Registry Internet Site, which contain details on the various milestones and calculation of the Project timeline.

Sincerely,

DGR Project Team

Canadian Environmental Assessment Agency

22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3

CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>

Sent: June 7, 2017 1:12 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann; Thomas Walkom

Subject: Terminate the OPG DGR project as time-barred!

Importance: High

June 7, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, and Deep Geologic Repository Project:

This is my response to your email of June 5, 2017, set forth below this email.

Terminate the OPG DGR project as time-barred!

1. Once again, I quote your own timeline that you sent to me in your email of May 4, 2017:

“Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent [OPG] within 24 months [2 years] of a referral of an environmental assessment of a designated project [OPG DGR] to a review panel [on June 29, 2007 – 119 months or 10 years ago].”

This timeline that you confirmed for the OPG DGR project is found in Section 126(2) of CEAA 2012:

“The Minister must establish the time limit within which, from the day on which this Act comes into force, the decision statement that is required under section 54 in respect of the [OPG DGR] project must be issued. Subsection 54(3) applies with respect to the time limit.”

Section 54(2) of CEAA 2012 provides:

“When the decision maker has made a decision . . . the decision maker must issue the decision statement no later than 24 months after the day on which the environmental assessment of the designated [OPG DGR] project was referred to a review panel [on June 29, 2007 – 119 months ago or 10 years] under section 38.”

Section 54(3) of CEAA 2012 provides:

“The decision maker may extend that time limit by any further period – up to a maximum of three months – that is necessary to permit cooperation with any jurisdiction with respect to the environmental assessment of the designated project or to take into account circumstances that are specific to the project.”

Section 54(4) of CEAA 2012 provides:

“The Governor in Council may, on recommendation of the Minister, extend the time limit extended under subsection (3).”

This section 54(4) is limited to a one time extension up to a maximum of three months. There is no provision for further extensions. As a result, the further 3rd extension of 243 days is not permitted and is an attempt by the government to improperly ignore and override the mandatory 24 month Statute of Limitations. If the governor in council could give unlimited extensions, there would be no need whatsoever to include the 24 month Statute of Limitations in the CEAA 2012, and there would be no need to include a provision for the Minister to extend the 24 months by a maximum of 3 months or to extend for any reasons whatsoever because by your responses the Minister can obtain as much time as she needs to issue her decision

statement and the extension time is automatically unlimited. This is without any statutory authority! In addition, the Minister and the governor in council have not provided any signed Orders extending the time period along with the meaningful reasons why the extensions were necessary and reasonable. An extension is not automatic and must be granted only after providing thoughtful and meaningful reasons requiring a tolling of the mandatory 24 month Statute of Limitations. Since you have not provided Citizens and Taxpayers with the documentation leading to the extensions, it seems patently obvious that the 3 extensions were never properly documented and cannot withstand a proper review, and the last extension of 243 days is not available under the CEAA 2012 in any event.

2. Inexplicably and inexcusably and indefensibly your review of the 24 month Statute of Limitations timeline completely ignores and does not include the 60 months [5 years] from the date of the referral of the OPG DGR project to a review panel on June 29, 2007, and thru July 6, 2012. [pre-panel phase]. Furthermore, Minister McKenna failed to account for the 6 months time period between the establishment of the Joint Review Panel in January, 2012, and July 6, 2012. [panel phase]. The 24 month Statute of Limitations has therefore expired years ago and the OPG DGR must be dismissed and terminated. Furthermore, even if the 17 months and the 4 months that you describe were feasible or possible because of tolling, that would require 57 months of the 60 months to be tolled in order to add up to the 24 months [3 + 17 + 4] required before Minister McKenna could even seek her extension of the 24 months by 3 months pursuant to section 54(3). This unconscionable amount of tolling is impossible and cannot be documented. The 24 month Statute of Limitations worksheet documentation would have been posted on the OPG DGR Registry if it existed and Minister McKenna would have presented it in her answers below. The timeline worksheet simply does not exist and cannot be manufactured now because it would not survive the 24 month calculation.

3. Your cursory and undocumented timeline response related to tolling of the 24 month Statute of Limitations makes it patently obvious that Minister McKenna made no attempt to establish a concise 24 month timeline that would have had to have been meticulously documented and precise to the exact expiration of the 24 month Statute of Limitations required prior to the Minister seeking any extension pursuant to section 54(3). There is no such documented 24 month timeline that can possibly save this project from termination. And the precise and exact tolling calculation must be subject to review by Citizens and Taxpayers related to reasonable timelines for OPG to respond to reasonable and required questions from CEAA, the Joint Review Panel, and the Minister. If OPG responses are not reasonable, or if the questions and concerns to OPG from CEAA, the Joint Review Panel, and the Minister are not reasonable, or if OPG failed to respond to questions and concerns within a reasonable time period, then those instances cannot be used in tolling the 24 month Statute of Limitations. For example, there can be no tolling of the 24 months for the multiple times OPG has been asked to do something like study alternate DGR sites which OPG has continually failed to do throughout the 15 year process. And who knows when Minister McKenna will ever issue her decision statement, and if and when she does issue it, it will be suspect and not credible, not reliable, and not trustworthy because it will be accelerated and issued without proper review because of a challenged time-bar that actually expired years ago. No reviewing body or Court would ever allow this decade

long 10 year boondoggle journey of squandering and wasting Citizen and Taxpayer time and money to fit into a 2 year Statute of Limitations. In addition, after all this time and money spent, the seemingly unlimited questions and concerns that keep needing answers from OPG establishes a project that can never be trusted for the Minister to approve.

4. The CEAA has also referred us to the timeline that establishes that the OPG DGR for clothes and rags is time-barred at

<https://www.canada.ca/en/environmental-assessment-agency/news/media-room/media-room-2016/information-requests-timelines.html>

5. The responses you have provided to Citizens and Taxpayers require termination of the OPG DGR for clothes and rags as time-barred – and require Minister McKenna to dismiss the OPG DGR Application forthwith. The responses below by Minister McKenna and the Deep Geologic Repository Project are shamefully insulting and disrespectful to Citizens and Taxpayers. Your continuing multiple inadequate responses reflects the same inexplicable, inexcusable, and indefensible culture and delay that suffocated and doomed the OPG DGR project. Citizens and Taxpayers deserve better than this from all elected and unelected governmental Public servants.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: [Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs\[CEAA\ACEE\]](#)
To: "John Mann"
Cc: [Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs\[CEAA\ACEE\]](#)
Subject: RE: OPG's continuing failure to conduct actual alternate DGR site studies as Ordered by Minister McKenna requires dismissal of the OPG DGR project!
Date: June 5, 2017 12:03:30 PM

Dear Mr. Mann,

Thank you for your correspondence of May 30th and June 1st, concerning Ontario Power Generation's (OPG) proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

For your information, we have summarized the following milestones in the timeline within which the Minister of Environment and Climate Change must issue a decision statement under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) for the Project:

- Prior to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), there were no timelines set out in the legislation that applied to federal environmental assessments. The environmental assessment of the Project was referred to a review panel in June 2007, the Environmental Impact Statement was received in April 2011, and the Joint Review Panel established in January 2012. These milestones occurred under the former *Canadian Environmental Assessment Act*, and this period of time was taken into consideration when the former Minister established the timeline in which the Minister of Environment and Climate Change must issue a decision statement for the Project under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).
- With the coming into force of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) on July 6, 2012, the Joint Review Panel's Agreement [was amended](#) and time limits were set as prescribed by [section 126 of CEAA 2012](#). The amendments established a 515-day time limit from the coming into force of CEAA 2012 for the Panel to submit its report, followed by 120 days for the Minister to issue a decision statement.
- From July 6, 2012 until May 6, 2015 the Panel worked within their 515-day timeline, i.e. 17 months. In accordance with [CEAA 2012 section 48](#), the calculation of the time limit does not include any time taken by the proponent to collect information or undertake studies necessary for the conduct of the environmental assessment. Consequently, the timeline was paused for the time taken by OPG to respond to information requests issued by the Panel. The Panel's information request packages and responses by OPG are posted on the registry, spanning various time periods from March 2012 to May 2014. As a result, the timeline was paused over approximately 17 months from July 6, 2012 up to May 2014.
- On May 6, 2015, the Panel submitted their [report](#), before the end of the 515-day time limit, at which point the timeline was set to 120 days for the Minister's decision statement. Since then, extensions granted by the Minister and the Governor in Council, as described in the Agency's previous messages, have added a total of 423 days to the time limit for the

Minister's decision. There is no limit for extensions granted by Governor in Council under [CEAA 2012 subsection 54\(4\)](#).

- OPG's response to the [February 18, 2016 request](#) by the Minister for additional information on alternate locations, cumulative effects and mitigation measures was submitted on December 28, 2016, just over 10 months following the Minister's request. On April 5, 2017, [the Agency requested additional information](#) from OPG pertaining to the December 28, 2016 submission. OPG took 51 days to provide a [response to the Agency's request](#), on May 26, 2017. The timeline is currently paused, while the Agency reviews OPG's latest submission (see the Agency's [Operational Policy Statement for Information Requests and Timelines](#)).
- As stated in previous correspondence, the Agency is working within the [243-day extension](#) provided by Governor in Council on December 12, 2016. As of April 5, 2017, 66 days of the 243-day extension were expended on the regulatory timeline, leaving 177 days for the Minister to issue a decision statement once the timeline resumes.

We trust that this overview of the key milestones provides a clear understanding of the calculation of the timeline for this project review. Please note that the Registry contains all records of significant changes to the timeline.

DGR Project | Projet de stockage de déchets radioactifs

c/o Canadian Environmental Assessment Agency | a/s de l'Agence canadienne d'évaluation
environnementale

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From: John Mann <email address removed>

Sent: June 1, 2017 4:09 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann
Subject: OPG's continuing failure to conduct actual alternate DGR site studies as Ordered by Minister McKenna requires dismissal of the OPG DGR project!

Importance: High

June 1, 2017

Hi Minister McKenna, Robyn-Lynne Virtue, & Deep Geologic Repository Project:

OPG's continuing failure to conduct actual alternate DGR site studies as Ordered by Minister McKenna requires dismissal of the OPG DGR project!

As you are aware, the OPG DGR project must be dismissed forthwith because it is time-barred by the 24 month Statute of Limitations pursuant to section 54 of the CEEA. [See my other emails putting Minister McKenna on Notice and ignored thus far.]

In addition, the May 26, 2017 response by OPG to the Order of Minister McKenna requiring studies of actual alternate DGR sites away from the Great Lakes also requires termination of the OPG DGR project for the following reasons:

1. OPG's May 26, 2017 response to Minister McKenna's Order confirms that OPG arrogantly and contemptuously continues to refuse to study actual alternate DGR sites that Minister McKenna requires, actual studies that have always been required from the beginning of the OPG DGR project for the past 15 years.

2. Minister McKenna is one of the Top 25 lawyers in Canada. As one of the Top 25 lawyers in Canada, Minister McKenna knows better than anyone that OPG's response to the Minister's critical and essential questions is utter disrespect not only to Minister McKenna, but utter disrespect to all Citizens and Taxpayers that have been paying the tab for OPG incompetent waste and squandering of Taxpayer dollars in this DGR process. So far OPG's inept 2-Track 2-DGR Taxpayer boondoggle project has only provided unlimited Taxpayer squandered funds, while the health, education, and Legal Aid departments starve. Shameful, despicable, deplorable, reprehensible, etc., etc., etc.

3. As a result, Minister McKenna must reject the OPG disrespectful and disgraceful failed response and dismiss the OPG DGR project.

4. Here is the short-list of why the OPG response to Minister McKenna rivals the most insulting and disrespectful contempts of all time:

- a. As predicted in my prior emails, OPG's alternate DGR site response to Minister McKenna is the model and standard for "confirmation bias" condemned by Court of Appeal Justice Stephan Goudge in his 2008 report, i.e., OPG having incompetently and unnecessarily squandered Taxpayer dollars for the past 15 years pursuing the shameful 2-Track 2-DGR Taxpayer boondoggle, now presents a response to Minister McKenna that OPG has been on the right "track" in Kincardine because OPG "confirms its bias" that Kincardine is the best site for a DGR. OPG could not risk advising Minister McKenna that other alternate sites away from the Great Lakes would be better DGR sites because OPG would have to answer and be held accountable and responsible for its incompetent and unnecessary squandering and waste of millions and million of Taxpayer dollars over the past 15 years!

- b. Ironically, OPG's response to Minister McKenna will be exhibit number 1 in opposition to a future NWMO Joint Review Panel proceeding seeking a DGR 2 for spent fuel. OPG has informed the World that Kincardine is the best site for a DGR. 80 % of that OPG DGR in

Kincardine consists of clothes and rags worn and used by nuclear workers that do not need a DGR and need no special handling and no special protection. Yet, if allowed by Minister McKenna, clothes and rags will go in the DGR at Kincardine, while NWMO is left with seeking approval for an off-site alternate DGR that has been condemned by OPG as it relates to harmless clothes and rags, particularly regarding the dangerous radioactive risks and obscene Taxpayer costs incurred because of transportation of nuclear waste off-site from Kincardine. OPG will have to oppose NWMO's alternate site for spent fuel because OPG has emphatically concluded that the DGR on-site at Kincardine is the best site for a DGR for nuclear waste. OPG would have to oppose NWMO from building a DGR for spent fuel off-site from Kincardine for the very reasons that OPG has provided Minister McKenna related to OPG's DGR for clothes and rags. OPG's finding that Kincardine is the best site for clothes and rags is much stronger as it relates to the forever dangerously highly radioactive used spent fuel nuclear waste proposed in an off-site DGR by NWMO. And the craziest thing yet about this opposition by OPG to NWMO's spent fuel DGR is the fact that OPG created NWMO, and OPG owns NWMO, and OPG and NWMO have interchangeable employees. And even crazier than that is the fact that OPG through OPG's bewildering inept 2-Track 2-DGR Citizen and Taxpayer boondoggle has invented a rule that OPG and NWMO are prohibited from sharing or communicating in any way related to any investigation or studies related to the 2-Track 2-DGR Citizen and Taxpayer boondoggle, and both DGRs must remain totally separate in every way. The federal government did not want anything to do with clothes and rags because there was nothing to do with them. Kincardine council looking for free cash Taxpayer handouts can be credited with creating along with OPG this incompetent, inept, and incomprehensible 2-Track 2-DGR Citizen and Taxpayer boondoggle of all boondoggles. And OPG is counting on Minister McKenna, a Top 25 lawyer in Canada, to become a part of this catastrophic legacy!

c. Clearly, OPG must be wondering what OPG's clone NWMO is doing investigating 21 actual alternate DGR sites for OPG's spent fuel over the next 10 years, when OPG has already concluded the DGR site at Kincardine is the best site and no actual alternate DGR sites need be investigated! I guess the radioactive danger from the clothes and rags worn and used by nuclear workers requires the best DGR and the dangerously highly radioactive forever used spent fuel nuclear waste requires a second rate, bargain basement DGR off-site! And isn't it amazing that Kincardine is the best site and it just so happens to be the site where the clothes and rags are actually stored and Kincardine council created the idea of a clothes and rags DGR that was embraced by OPG who owns all the waste and has absolutely no idea what will happen to the spent fuel nuclear waste in the future. We are not making this stuff up! As a Top 25 lawyer in Canada, what does Minister McKenna think of all of this? Thank goodness Minister McKenna can avoid having to embarrass OPG because the OPG DGR project must be terminated anyway because of the expiration of the 24 month Statute of Limitations pursuant to s. 54 of the CEA.

d. OPG can't be sidetracked from its DGR for clothes and rags by investigating and studying actual alternate DGR sites over the next 10 years because NWMO would beat OPG to the finish line with its spent fuel DGR, thus, highlighting the fact that only 1 DGR is necessary for all levels of nuclear waste. So, rather than taking the required 10 years of studying an alternate site DGR, OPG took 1 month to compile from its archives OPG's cut and paste report to Minister McKenna, OPG leadership figuring a Top 25 lawyer would not know the difference. Minister McKenna now knows how we Citizens and Taxpayers feel when confronted with the utter disrespect and arrogance of OPG, e.g., including OPG's participation in 7 years of unlawful, secret, closed DGR Bruce County meetings.

e. And this entire catastrophe and 15 years of absolute squandering and waste of Citizen and Taxpayer time and money has been created by the Kincardine council and OPG because, inexplicably and for no reason whatsoever, they prohibited highly radioactive used spent fuel nuclear waste in the DGR for clothes and rags.

f. OPG took only 1 month to file its report on alternate DGR sites without even attempting to study or investigate any actual alternate DGR site that would require 10 years that OPG required to study the Kincardine site. Would a Top 25 lawyer file this report in a Court to convince a Judge that Kincardine was the best DGR site? The OPG report does not meet the high standards of Minister McKenna, and it does not meet the high standards of any Citizen and Taxpayer.

g. The only question for OPG is why did it take an entire month to merely cut and paste a report of 145 pages compiled from old and worn-out prior drafts from other reports filed and re-filed over the past 15 years of bewildering incompetence?

h. How is it possible for OPG to find that hypothetical and computer modeling sedimentary and crystalline rock formations are "not likely" to be safe to entomb clothes and rags that were worn and used by nuclear workers throughout their careers without any special protection or special handling? Whatever you do OPG, don't bother checking any actual sites. Assume for a second that Kincardine never created the clothes and rags DGR idea. We would only be dealing with the NWMO spent fuel DGR and look at all the money we would have saved! The absurdity of it all is beyond comprehension. Yet, inexplicably, the 2-Track 2-DGR Citizen and Taxpayer boondoggle of all boondoggles forges on squandering Citizen and Taxpayer time and money! This will forever be its legacy!

i. The recent May 26, 2017 OPG response on alternate DGR sites is the same as OPG's prior response to Minister McKenna that Minister McKenna had determined to be inadequate. Minister McKenna, a Top 25 lawyer, cannot be happy with OPG to disrespect her like this after the Minister gave OPG another and undeserved kick at the actual alternate DGR site can that OPG should have addressed some 15 years ago.

j. There is one bright spot in the OPG response to Minister McKenna, that is, the milksnake is not likely to be affected by the DGR. Finally, Taxpayer dollars well spent.

5. And true to boondoggle form, our government officials have now determined prematurely that there will be no further Public Hearings related to this grave incompetent OPG response. Reprehensible! Due Process once again destroyed! I cannot believe that Minister McKenna, a Top 25 lawyer in Canada, will not provide further Public Hearings to preserve all Citizens and Taxpayers right to Due Process and protect our section 7 Charter rights to life, liberty, and security, particularly as it relates to the most important process that will ever confront our wonderful Community and the Great Lakes forever!

6. While all of this incompetence requires dismissal of the OPG DGR project, thankfully, Minister McKenna doesn't have to address this inept process in her termination Order because the 24 month Statute of Limitations requires termination of the OPG DGR project that puts an end to this continuing and seemingly unlimited squandering and waste of Citizen and Taxpayer time and money on this OPG DGR for clothes and rags that do not need a DGR and do not need any special handling or special protection – while spent fuel remains on the surface without any resolution whatsoever! Stop the madness!

As a result, Minister McKenna must dismiss and terminate the OPG DGR project forthwith. We look forward to the Minister's swift response.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores