

NORTHWATCH

January 16, 2017

Ms. Robyn-Lynne Virtue, Panel Manager
Deep Geologic Repository Project
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa ON K1A 0H3

Dear Ms. Virtue:

Re. Conformity of Additional Information Provided by Ontario Power Generation with Request for Additional Information by Minister of Environment and Climate Change

Further to the 3 January 2017 posting¹ on the Canadian Environmental Assessment Agency's public registry of the December 2016 reports by Ontario Power Generation, prepared in response to the Minister's February 2016 request for additional information, we wrote to the Minister of the Environment and Climate Change, the Honourable Catherine McKenna and to the president of the Canadian Environmental Assessment Agency, Mr. Ron Hallman, to provide input into the review process and the Agency's "*Estimated Timeline for the Review*"². In that letter we made submissions that the Conformity Review of OPG's response should include input from the public and Indigenous communities, among other matters.

In the absence of a reply to those submissions or any notice indicating a later deadline for public submissions on the conformity of the OPG filing with the Minister's direction³ and the Agency's clarification of those information requirements⁴ and with the deadline set for the federal departments to provide their comments on the conformity of the information filed by OPG, we are writing to provide Northwatch's comments on the conformity of the OPG filing with the Minister's requirements.

Conformity of OPG Filing with Requested Information on Alternate Locations

In her letter of February 18, 2016 the federal Minister of the Environment and Climate Change directed Ontario Power Generation to conduct "A study that details the environmental effects of technically and economically feasible alternate locations for the project, with specific reference to actual locations that would meet Ontario Power Generation's criteria for technically and economically feasible." On September 7, 2016 the Agency clarified that while "Ontario Power Generation has indicated that it intends to provide an assessment of the environmental effects of two technically and economically feasible geologic regions in Ontario, specifically in a sedimentary rock formation in southern Ontario and in a granite rock formation located in central to northern Ontario, without providing specific reference to actual locations", the Agency was already aware of previous assessments that OPG had provided to the Joint Review Panel, and was aware that in previous assessments "Ontario Power Generation assumed that the alternate sites would have similar geographical and hydrological characteristics as the preferred site...", the Agency confirmed that "the analysis of the environmental effects of the alternate locations to be provided by Ontario Power Generation provide a narrative assessment that does not assume that alternate sites in the geologic formation would have the same geographical and hydrological characteristics of the preferred site."



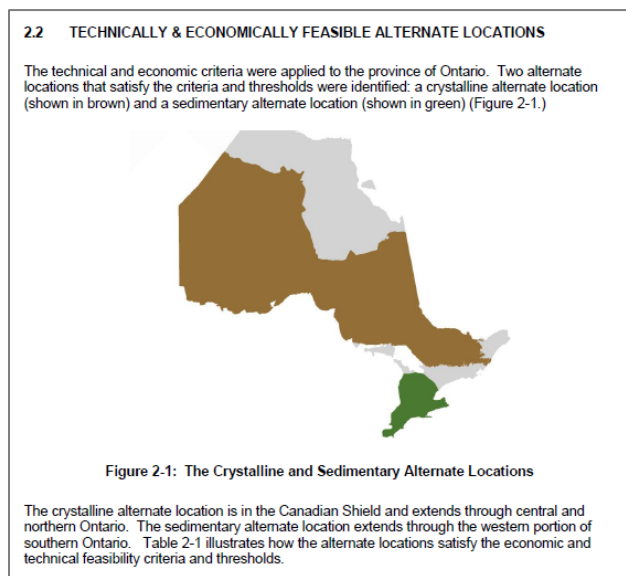
Ontario Power Generation has not provided the requested information.

Ontario Power Generation has provided a set of documents now posted in the public registry as [CEAR # 2883](#). The filing included four documents related to the request that OPG provide *a study that details the environmental effects of technically and economically feasible alternate locations for the project, with specific reference to actual locations that would meet Ontario Power Generation’s criteria for technically and economically feasible.*

The documents are titled:

- Study of Alternate Locations Main Submission
- Description of Alternate Locations
- Environmental Effects of Alternate Locations
- Cost and Risk Estimate for Packaging and Transporting Waste to Alternate Locations

First and foremost, Ontario Power Generation does not provide studies of actual locations, or studies which are in reference to actual locations. Rather than actual locations, Ontario Power Generation provided very general descriptions of two large regions:



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While OPG persistently uses the word “location” as if interchangeable with the word “region”, such wordplay does not transform an area larger than France into an “actual location”.

This is illustrated by Tables 2-1 and 2-2 in the document titled “Description of Alternate Locations” in which OPG provides a listing of fourteen GPS coordinates for the “Crystalline Alternate Location” and seven GPS coordinates in the “Sedimentary Alternate Location”. In the case of the “Chrystalline Alternate location” – more commonly referred to as the Canadian

Shield – the result is a 726,052-square-kilometre land mass covering roughly 73 per cent of the province.⁶

The Minister of the Environment and Climate Change was quite clear in her request of 18 February 2016 that *the study requested was to detail the environmental effects of technically and economically feasible alternate locations for the project, with specific reference to actual locations that would meet Ontario Power Generation’s criteria for technically and economically feasible.*

In September 2016 the Agency responded to Ontario Power Generations proposal of April 2016 that for their response OPG would assess the “environmental effects of two technically and economically feasible geologic regions in Ontario” by noting that OPG had previously provide the Review Panel with assessments, and reiterated that what was being requested was an analysis of the environmental effects of alternate locations.

The December 28th 2016 filing by OPG does not conform to this request, for a number of reasons, including but not limited to the following:

- The “study” is not of actual locations, as requested, but of very generalized descriptions of two large areas or regions
- The description of environmental effects are, subsequently, also very generalized
- The criteria for technically feasible⁷ is so extremely vague and general that it is of no meaning in terms of demonstrating that an alternate location – had Ontario Power Generation identified one – met a
- The criteria for economically feasible⁸ is also without basis; in effect, what OPG sets out as economic criteria is the notion that there is no cost threshold for the Project
- The application of meaningless criteria to a massive area instead of assessing actual locations using substantive criteria has produced a set of reports which fail to meet the direction of February 2016

As expressed in an earlier letters from Nuclear Waste Watch and from Northwatch it is imperative that the review pay careful attention to the details of Ontario Power Generation’s response and place it within the context of OPG’s pattern of non-conformance with both the requirements of the Canadian Environmental Assessment Act and the directions of the previous Joint Review Panel. The December 28th filing by Ontario Power Generation very much follows this pattern on non-conformance.

In conclusion, Ontario Power Generation has failed to conform with the Minister’s direction of February 2016, despite the additional clarification by the Agency of September 2016. In our view, there are two options available to the Agency: to reply to Ontario Power Generation that they have failed to conform to the directions provided, and require that they comply within a limited period of time, or to report to the Minister that OPG has failed to conform to the direction provided and recommend that the Minister issue a Decision Statement rejection Ontario Power Generations’ Environmental Assessment application of 2011 without further delay.

We remain committed to contributing to a full and fair review of the OPG project proposal. Thank you for your consideration of our input into this conformity review.

Sincerely,
<Original signed by>

Brennain Lloyd
Northwatch Project Coordinator

cc. Honourable Catherine McKenna, Minister of Environment & Climate Change
Mr. Ron Hallman, President, Canadian Environmental Assessment Agency
Mr. Rob Dobos, Environment and Climate Change Canada
Mr. Tom Hoggarth, Fisheries and Oceans
Mr. John Clark, Natural Resources Canada
Ms. Debby Leblanc, Health Canada
Ms. Caroline Ducros, Canadian Nuclear Safety Commission
Ms. Nathalie Belliveau, Transport Canada
Mr. Régent Dickey, Major Projects Management Office

ENDNOTES

¹ CEAR # 2883

² CEAR # 2884

³ [CEAR # 2872](#)

⁴ [CEAR # 2875](#)

⁵ Study of Alternate Locations Main Submission, Section 2

⁶ <https://www.thestar.com/business/2017/01/10/opg-identifies-most-of-ontario-as-alternate-location-to-bury-nuclear-waste-jennifer-wells.html>

⁷ Section 2.1, "Description of Alternate Locations"

⁸ Section 2.2, "Description of Alternate Locations"