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Federal environment minister delays decision on nuclear waste repository

The federal minister of the environment, Catherine McKenna, has dealt a setback to the proposal put forward by government-owned Ontario Power Generation (OPG), for the underground storage of nuclear waste. The proposed Deep Geologic Repository (DGR) would be located in Kincardine, Ontario, approximately 1.2 kilometres away from the shore of Lake Huron, and be constructed underneath the world's largest operating nuclear power plant. More than 200,000 cubic metres of radioactive waste would be buried in a series of underground caverns. The caverns would be constructed in limestone at the Bruce Nuclear Generating Station. In a letter to interested parties in February, McKenna delayed a decision on whether to give approval for this project to proceed.

Further Information Required

The public hearings had ended in October 2014, after months of debate that produced more than 30,000 pages of documentation. In May 2015, a three-member federal panel (appointed by then minister of the environment Peter Kent and the Canadian Nuclear Safety Commission) gave its seal of approval to the proposal. The panel's favourable view overcame a major regulatory hurdle for the project. Now, however, McKenna is requesting that OPG provide more information on three aspects of the environmental assessment: alternate locations for the project, the cumulative environmental effects of the project, and an updated list of mitigation

commitments for each identified adverse effect under the *Canadian Environmental Assessment Act, 2012*.

The controversial proposal faces large and growing opposition. Resolutions opposing the proposal have been passed by 184 municipalities, representing more than 22 million people. A bipartisan group of six U.S. senators and 26 U.S. representatives from a number of Great Lakes states wrote to Prime Minister Trudeau in November, urging him to block the project. The Great Lakes Legislative Caucus – a nonpartisan group of state and provincial lawmakers from eight U.S. states (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin) and two Canadian provinces (Ontario and Quebec) – passed a resolution opposing this or any other nuclear waste repository in the Great Lakes Basin.

U.S. Senators Carl Levin and Debbie Stabenow have sent a letter to Secretary of State John Kerry, requesting that he stop the proposal to store such large quantities of nuclear waste along the shores of an internationally-shared resource. They have asked the bi-national International Joint Commission to review and reconsider the decision. Michigan law prohibits nuclear waste within 10 miles of the Great Lakes; critics argue that Canada's nuclear waste laws should reflect a consistent approach.

Background and Local Issues

In 2004, Kincardine and adjacent municipalities entered into a 21-page hosting

agreement with OPG. Under that agreement, municipalities next to the Bruce nuclear site have received millions of dollars. They will continue to receive funds until 2035 – as long as they continue to support the proposal. Dollars will flow to the communities, “so long as they provide their cooperation in support of the environmental approvals and licensing applications sought, as well as any other approvals or licences required to construct or operate the DGR.” But, if OPG determines at any time that the municipalities are not “in good faith, exercising best efforts to achieve any of the milestones, OPG may in its sole discretion, acting reasonably, decline to make further annual payments or any further one-time lump sum payments.” Now that OPG must identify alternate locations, future funding for the local area could potentially dry up. OPG may need to provide incentives to other municipalities, assuming any willing hosts could be found.

Local benefits, such as more money and some jobs, would be offset by the stigma attached to radioactivity and by



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the risks involved. Those risks could include accidents, radioactive leaks to underground water systems, and radioactive emissions to air. The site would contain nuclear waste produced from the continued operation and planned refurbishment of all of Ontario's 20 nuclear power reactors, including OPG-owned nuclear generators at Bruce, Pickering, and Darlington. In January, the Ontario government announced a \$9 billion project to refurbish Darlington's four Candu units and approved the continued operation of OPG's Pickering plant to 2024.

Now, Ontario must figure out how to handle its nuclear waste. OPG asserts that its current method of aboveground storage has been safe for more than 40 years, and could continue for several more decades. Opponents of the proposal argue it would be more responsible to continue with this method than to build the DGR. OPG also indicates it would eventually stop monitoring the repository. Elements of the waste will nevertheless remain dangerously radioactive

for hundreds of thousands of years. This would mean the proposed repository would have to operate, without maintenance, for a period of time that dwarfs the span of human history.

Questions remain about the role of First Nations in making the decision. The Mohawk Council of Kahnawake sent a supportive letter to Chief Vernon Roote of the Saugeen Ojibway Nation (SON), regarding "your fight to prevent the creation of a repository for nuclear waste on the Bruce power site on the banks of Lake Huron." During the hearings held in Kincardine, SON Chief Randall Kahgee testified that the proposal could not go ahead without SON's support. He saw this as a "forever" project and the SON did not have a protocol for looking past seven generations. Grand Council Chief Patrick Madahbee says that the Anishinabek Nation stands behind the SON in opposing the panel's recommendation to proceed with the plan. He agrees with Chief Roote that First Nations should be concerned about a possible leak and the impact on future

generations. "The uncertainties and risk are too great for the Anishinabek Nation and Ontario citizens to consider," says Madahbee.

Selection of Proposed Site

Selection of this site was based on local council acceptance. The surrounding community's dependence on the Bruce nuclear power plant for jobs was certainly a factor. Now, however, the concept faces considerable domestic and international opposition. There is concern that alternate locations were not identified from the outset. Opponents say this is contrary to the requirements of the *Canadian Environmental Assessment Act, 2012*.

There is doubt about whether the community was adequately informed. OPG's own poll found most individuals in the region had not heard of the project. A few local citizens worried about the risk of contamination and the stigma surrounding the nuclear dumpsite. They had concerns that this might reduce property values.

In addition, dozens of organizations (including the Bluewater Sportfishing Association, the Coalition for Nuclear Free Great Lakes, Inverhuron Committee, the Métis Nation of Ontario, and the Sierra Club of Michigan) presented oral and written statements.

Precautionary Principle Applies

It is clear that this proposal warrants considerably more input from all levels. The proposal deals not only with the precedent-setting issue of burying nuclear waste, but also involves the location of such a repository close to a valuable water resource.

With the proposal's potentially serious impacts on both human health and the environment, the precautionary principle must prevail. In cases such as this, the precautionary approach would dictate that the project should not proceed if it might have serious adverse consequences – even if it is not possible to know that these consequences will materialize. This principle aims, as Canada must in this matter, to protect the public from exposure to harm when extensive scientific knowledge on a matter is lacking. MW

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