

114TH CONGRESS
1ST SESSION

S. 2026

To foster bilateral engagement and scientific analysis of storing nuclear waste
in permanent repositories in the Great Lakes Basin.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2015

Ms. STABENOW (for herself, Mr. PETERS, Mr. KIRK, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To foster bilateral engagement and scientific analysis of storing nuclear waste in permanent repositories in the Great Lakes Basin.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Nuclear Waste
5 by Our Lakes Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Ontario Power Generation is proposing to
9 build the Deep Geologic Repository to dispose of

1 low- and intermediate-level nuclear waste less than 1
2 mile from Lake Huron in Kincardine, Ontario, Can-
3 ada.

4 (2) Members of Congress, citizens of the United
5 States, and citizens of Canada have expressed con-
6 cern with the proposal to permanently store
7 7,000,000 cubic feet of nuclear waste in the Great
8 Lakes Basin.

9 (3) These boundary waters are protected from
10 pollution under the Treaty Between the United
11 States and Great Britain Relating to Boundary
12 Waters and Questions Arising Between the United
13 States and Canada, signed at Washington January
14 11, 1909, and entered into force May 5, 1910 (36
15 Stat. 2448; TS 548) (commonly referred to as the
16 “Boundary Waters Treaty of 1909”).

17 (4) Article VII of the Boundary Waters Treaty
18 of 1909 established the International Joint Commis-
19 sion, which has jurisdiction over any case involving
20 the use, obstruction, or diversion of boundary
21 waters.

22 (5) Under Article IX of the Boundary Waters
23 Treaty of 1909, either the United States or Canada
24 may request the International Joint Commission to
25 conduct an examination and issue a report for any

1 question or matter of difference involving the rights,
2 obligations, or interests of either party.

3 (6) Under Article X of the Boundary Waters
4 Treaty of 1909, any questions or matters of dif-
5 ference between the United States and Canada in-
6 volving rights, obligations, or interests either in rela-
7 tion to each other or to their respective inhabitants,
8 may be referred for decision to the International
9 Joint Commission by the consent of the two Parties.

10 **SEC. 3. INTERNATIONAL JOINT COMMISSION.**

11 (a) DEEP GEOLOGICAL REPOSITORY.—Not later
12 than 30 days after the date of the enactment of this Act,
13 the Secretary of State shall request that, pursuant to Arti-
14 cle IX of the Boundary Waters Treaty of 1909, the Inter-
15 national Joint Commission—

16 (1) conduct a review of the long-term impacts
17 of the location of the Deep Geological Repository, in-
18 cluding an examination of the conclusions reached in
19 the Environmental Assessment Report issued by the
20 Joint Review Panel on May 6, 2015 (CEAA Ref-
21 erence No. 17520), and whether those conclusions
22 would adequately protect Lake Huron and the other
23 Great Lakes from the risks posed by the operation
24 of the Deep Geological Repository for low and inter-
25 mediate-level nuclear waste; and

1 (2) issue a report on the findings of the Com-
2 mission to the Governments of the United States
3 and Canada.

4 (b) DISPOSAL OF HIGH-LEVEL NUCLEAR WASTE.—
5 In the event the Government of Canada decides to perma-
6 nently dispose of high-level nuclear waste at a site in close
7 proximity to the Deep Geological Repository or another
8 site in the Great Lakes Basin—

9 (1) the Secretary of State shall request that,
10 pursuant to Article IX of the Boundary Waters
11 Treaty of 1909, the International Joint Commission
12 conduct a study on the risks to the Great Lakes
13 Basin of storing high-level nuclear waste in close
14 proximity to the Deep Geological Repository or an-
15 other site in the Great Lakes Basin; and

16 (2) the Secretary of State shall invoke Article
17 X of the Boundary Waters Treaty of 1909 to bring
18 the matter before the International Joint Commis-
19 sion.

20 **SEC. 4. INTERNATIONAL NEGOTIATIONS.**

21 The Secretary of State shall undertake negotiations
22 with the Government of Canada—

23 (1) to delay the final decision on the Deep Geo-
24 logic Repository until after the International Joint

1 Commission delivers the report issued pursuant to
2 section 3(a)(2); and

3 (2)(A) to delay any final decision to store high-
4 level nuclear waste in close proximity to the Deep
5 Geological Repository or another site in the Great
6 Lakes Basin until after the International Joint
7 Commission conducts the study described under sec-
8 tion 3(b); and

9 (B) to consent to bringing the matter of such
10 disposal of high-level nuclear waste before the Inter-
11 national Joint Commission pursuant to Article X of
12 the Boundary Waters Treaty of 1909.

13 **SEC. 5. DEFINITIONS.**

14 In this Act:

15 (1) DEEP GEOLOGIC REPOSITORY.—The term
16 “Deep Geologic Repository” means the proposal by
17 Ontario Power Generation to dispose of 7,000,000
18 cubic feet of low- and intermediate-level nuclear
19 waste at the Bruce Nuclear Power Plant in
20 Kincardine, Ontario.

21 (2) GREAT LAKES BASIN.—The term “Great
22 Lakes Basin” means—

23 (A) Lake Ontario, Lake Erie, Lake Huron
24 (including Lake St. Clair), Lake Michigan, and
25 Lake Superior;

1 (B) the connecting channels (Saint Mary's
2 River, Saint Clair River, Detroit River, Niagara
3 River, and Saint Lawrence River to the Cana-
4 dian Border); and

5 (C) all streams, rivers, lakes, and other
6 bodies of water within the drainage basin of the
7 lakes listed in subparagraph (A).

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