

Deep Geologic Repository Joint Review Panel

Speaking Notes in Support of an Oral Intervention by

Stop The Great Lakes Nuclear Dump Inc.

In the Matter of

Ontario Power Generation Inc.

Proposed Environmental Impact Statement
for OPG's Deep Geological Repository
(DGR) Project for Low and Intermediate
Level Waste

Stop The Great Lakes Nuclear Dump Inc.

3-304 Stone Road West, #185

Guelph, Ontario N1G 4W4

Website: <http://www.stopthegreatlakesnucleardump.com/>

Email: info@stopthegreatlakesnucleardump.com

September 21, 2013

INTRODUCTION

1. Good afternoon members of the Joint Review Panel. My name is Beverly Fernandez. I am the spokesperson for Stop The Great Lakes Nuclear Dump.
2. Thank you for granting our group the opportunity to address the panel on this matter of national and international importance. My comments today are directed not just to members of this panel, but to members of the public and the media who may be viewing these proceedings via the webcast.
3. Our group, Stop The Great Lakes Nuclear Dump, is a non-profit organization whose purpose is supported by more than 34,000 petition signatories plus an ever increasing number of Canadians and Americans. We are independent, without any financial interests tied to the nuclear industry. We are not full time activists, but are a group of everyday Canadians who have professions, have homes, have children, pay taxes and who together with thousands of other people are deeply concerned about OPG's proposal to build this DGR.
4. Burying radioactive nuclear waste 1 kilometre from the shore of the Great Lakes, and the largest body of fresh water IN THE WORLD, and the supply of drinking water for 40 million people in two countries, defies common sense.
5. It is imperative that we understand the profound importance, absolute necessity and sanctity of fresh water. Fresh drinkable water is required for life on this planet. Without it, life cannot exist. Water is life; it is that simple.
6. Enter Ontario Power Generation. They want to bury the most toxic, lethal, dangerous, and long lasting poisonous material humans have ever created, right beside the life giving waters of the Great Lakes. And they cannot and will

not provide ANY guarantee that this nuclear waste dump will not leak, and contaminate the Great Lakes.

7. Stop The Great Lakes Nuclear Dump believes that Canadians and Americans have a duty, a profound and unwavering responsibility - to be responsible stewards of this most precious natural resource – the Great Lakes, 95% of North America's drinking water.
8. Today I stand before you, not as the voice of one person, but with the voices and support of 34,000 concerned citizens standing with me... 34,000 citizens who have signed the Stop The Great Lakes Nuclear Dump petition... 34,000 citizens all in agreement that no DGR to bury nuclear waste should be constructed anywhere in the Great Lakes Basin.
9. I would like to focus on 3 key areas of concern: Site Selection, Public Consultation and Alleged Public Support.

SITE SELECTION

10. We believe that Ontario Power Generations' selection of the proposed DGR site 1 km from the shore of Lake Huron is highly controversial and should be a major source of concern for the governments and all citizens of Canada and the United States as well as this Panel.
11. OPG's Environmental Impact Statement submission, written responses to information requests from the Joint Review Panel, and statements by OPG officials in the press, all confirm that no other sites were considered.
12. OPG's Environmental Impact Statement contains 3,432 pages. Written justification for choosing this proposed site is contained in the equivalent of ONE single page. OPG's comment on achievability and acceptability of an alternative site option is reported in a single word: "Unknown". This Panel,

and indeed anyone, can conclude that OPG has no idea whether an actual alternate site - not some vague notion of a conceptual generic site - but an actual site - would be environmentally safer and of less risk to millions of people.

13. The fact that no other sites were considered is a shocking admission. OPG has, on the record, failed to perform the most basic alternate site selection due diligence. The siting of a garbage dump in Canada requires that numerous sites be considered and that the most suitable site be chosen. In comparison, OPG is proposing a single site beside North America's greatest fresh water supply, without investigating any other locations. Does that sound responsible?
14. The EIS Guidelines direct the proponent to consider the siting of the DGR in a location outside the existing site as an alternative means.
15. The Panel asked OPG in an information request to "Provide further information on the location, salient features, evaluation criteria used, and a summary presentation of the comparison and selection process for alternative locations considered for the DGR."
16. OPG's response to the Panel speaks in vague terms about considering other sites at a "conceptual level" but in the end they are forced to admit that "OPG did not actively solicit other potential host communities or undertake geoscientific studies at other sites."
17. Gord Sullivan, OPG's DGR manager states "We have a willing host with Kincardine. If that wasn't there, *then OPG would do a lot more site investigation work*"

18. So, only one site was considered because Kincardine apparently was a willing host. Well don't you think that the risk that Canadians and all North Americans are being asked to accept deserves "a lot more site investigation work"?
19. This is not good enough. One does not select a site for radioactive nuclear waste because a town, who is being paid large sums of money by the proponent, says OK.
20. Also, let's be clear, the EIS guidelines did not ask OPG to consider a "**generic**" site for purposes of comparison, yet this is exactly what OPG has done. The EIS guidelines required OPG to consider the siting of the DGR in a location outside the existing site. OPG failed to do this. Saying that they performed some conceptual analysis of a generic site is fancy technical language that seeks to justify their failure to consider other locations off the Bruce site. OPG did not do what they were required to do and no fancy technical language will change that fact. We are dealing with real radioactive waste, not a conceptual version.
21. It is not reasonable or acceptable for OPG to simply say "unknown" to the question of the availability and acceptability of alternative sites. Nor is it reasonable, acceptable or credible to cite a conceptual analysis of a generic site as evidence that they considered other sites. OPG has not complied with the EIS Guidelines.
22. All Canadians and Americans deserve to know that OPG's site selection process extremely carefully, thoroughly and diligently considered all available alternatives and that the site selected represented the optimal site from an environmental and safety perspective. This has not happened.

23. The public and this Panel will never know if the Bruce site is the optimal site from an environmental and safety perspective.

24. OPG has not brought a compliant case to this Panel and as a result we urge this Panel to recommend to the federal Minister of the Environment that OPG's plan is fatally flawed and fundamentally deficient in meeting the requirements set forth in the EIS Guidelines and therefore must be rejected.

PUBLIC CONSULTATION

25. Very few Canadians and Americans have had the opportunity to know about this matter.

26. To be clear, OPG has a legal responsibility to engage the public in a meaningful way. This doesn't just mean informing people about the project, it means actually inquiring and listening to their views; having a two way dialogue. Meaningful public participation also means ensuring that citizens, governments and environmental groups are notified well in advance so that they have time to properly investigate and provide comments on the matter. Letting people know about this issue at the 11th hour does not constitute meaningful public consultation.

27. In examining OPG's communication program, it is clear that the bulk of OPG's outreach was in the local communities in Bruce County. Of course, many of the people that OPG is reaching in local communities are OPG, NWMO or Bruce Power employees and retirees who receive a salary or pension from the nuclear industry. This places them in an actual or potential conflict of interest position with respect to this matter.

28. OPG contacted elected officials in Kincardine and adjacent communities.

These same communities are receiving millions of dollars from OPG under a hosting agreement that requires them to express their support for OPG's DGR in exchange for the financial payments. Is this consistent with free and independent consultation with communities by OPG? We know that if the communities fail to show their support for the DGR, these payments could be cut off. It's one thing to pay for support. It's quite another thing to earn your support freely from an informed, independent and consenting community.

29. OPG engaged in some limited outreach in Michigan. OPG has acknowledged that comments received from these Michigan based stakeholders "noted concern with the DGR Project because of its proximity to Lake Huron and the perceived risk of potential contamination of the Great Lakes."

30. But, did OPG consult with New York, Ohio, Wisconsin, Pennsylvania, Illinois, Minnesota, and Indiana? What about Quebec? And what about other Ontario communities outside of Bruce County? We can't find evidence anywhere in OPG's submission that OPG engaged in meaningful public consultation with individuals, organizations, government officials and agencies, OR ANYONE, in any of these Great Lake communities or States. It should be clear to the Panel that all of these parties have a stake in the outcome of this proposal and should have been consulted. It is not difficult to imagine that all Great Lakes states would be concerned about any proposal that may create potential risk to their drinking water. Of course if you don't contact them and tell them about the proposal, they won't know anything about it and won't have an opportunity to provide their views.

31. Under the Canadian Environmental Assessment Act, it is the responsibility of the Joint Review Panel (and not OPG) to determine who is an "interested party".

32. We submit that it is logical, reasonable, and responsible that when considering a high stakes issue such as this, burying the most dangerous substance humans have ever produced in close proximity to North America's most vital water resource, that this Panel must exercise its authority and make a positive determination that the relevant interested parties have NOT been consulted in this case. The list of "interested parties" should have included (i) all of the municipalities situated on Lake Huron, and other Great Lakes, representing many of the 40 million Canadian and American citizens who rely on the Great Lakes for their drinking water; (ii) representatives of all First Nations people living in the Great Lakes and St. Lawrence River region, (iii) the appropriate governments of the 8 Great Lakes States; and Provincial Governments, and (iv) the public.
33. In the Great Lakes Region, there is a group called the Great Lakes and St. Lawrence Cities Initiative. This is a group of 106 mayors representing 16 million people living in the Great Lakes and St. Lawrence Region.
34. Any reasonable person would view this group as an interested stakeholder in any proposal for the siting of a nuclear waste repository on the Great Lakes.
35. What we have learned and what you heard in their submission earlier this week is that this Great Lakes group only became aware of the DGR in late 2012.
36. If OPG was truly interested in engaging in meaningful public participation with key stakeholders, how is it possible that OPG failed to meaningfully engage with this important group early on in the process?
37. This group includes two of Canada's largest cities (Toronto and Montreal) and the third most populous city in the United States (Chicago). This group has

been in existence throughout the 7 years that OPG has been engaged in so called consultation with interest based stakeholders.

38. Effective public consultation requires both informing and seeking input. It is clear that this important group was “informed” at the 11th hour and was not given an adequate amount of time to provide input. OPG had 7 years to consult in a meaningful way with this important Great Lakes group and failed to do so.
39. We submit that OPG's stakeholder consultation has failed to meet the guidelines for meaningful public participation as required under the Canadian Environmental Assessment Act. Again OPG has failed to comply with the Guidelines. Its minimal communication program is fundamentally deficient and fatally flawed and we urge this Panel to reject OPG claims of an effective consultation program. Again OPG has not brought a compliant case before this Panel.

ALLEGED PUBLIC SUPPORT

40. OPG written evidence presented to the Panel includes the following statements:

“Much of the input from the general public and key stakeholders post-submission continues to reflect strong, consistent support for the DGR Project. Stakeholder opposition to the DGR Project, which has existed in isolated pockets from the initiation of the project, has become much more vocal and several new local NGO groups have formed.”

“Many stakeholders continue to provide encouraging comments” and that opposition to the DGR is being voiced by “small pockets of local individuals, NGOs and national NGOs.”

41. We simply cannot allow these statements to go unchallenged, because quite frankly they are inaccurate, and inconsistent with the facts before us.
42. Opposition to OPG's plan is not, as it claims, contained in “small pockets”. The facts are that opposition is broad based, spans from coast to coast to coast in two nations and outside their borders, and continues to grow daily.
43. This Panel heard an oral statement of opposition from the Great Lakes and St. Lawrence Cities Initiative. This important group represents 16 million people (half the population of Canada!). This group unequivocally opposes OPG's plan.
44. Formal resolutions have been passed in the States of Michigan and Ohio and in the Province of Ontario opposing the construction of the DGR. The combined population of citizens living in communities that have passed resolutions is over 3 million people.
45. A resolution was unanimously passed by the Michigan State Senate. Two resolutions have recently been introduced in the Michigan House of Representatives.
46. In the coming days, we expect more towns, cities and municipalities in Canada and the US will follow suit and oppose the DGR as they become aware of OPG's proposal.

47. The American Academy of Environmental Medicine, a highly respected international organization of physicians and scientists has passed a resolution opposing the construction of the DGR or any nuclear waste repository anywhere in the Great Lakes Basin stating that “the proposed DGR poses a significant health hazard to millions of people.” The Canadian Association of Physicians for the Environment, an important voice for environmental health in Canada, is also on record opposing the DGR.

48. Importantly, I would like to share with the Panel, information about the Stop The Great Lakes Nuclear Dump petition.

49. Our petition is directed at the Federal Minister of the Environment and states:

“We call on you to refuse Ontario Power Generation’s application to build an underground Deep Geological Repository for radioactive nuclear waste within the Municipality of Kincardine on the shores of Lake Huron that would threaten the drinking water of 40 million Canadians and Americans.

We stand with concerned citizens in opposition to the building of an underground nuclear waste dump anywhere in the Great Lakes Basin.”

50. There are now more than 34,000 signatories agreeing with this position.

51. Signatories include citizens from every Canadian Province and Territory, all 50 U.S. States, and 96 countries around the globe. ALL are saying no to OPG’s plan.

52. The more than 34,000 individuals who have signed the Stop The Great Lakes Nuclear Dump petition are not “small pockets” of local individuals as OPG would have you believe.

53. They are prominent and distinguished Canadians (Companions, Officers and Members of the Order of Canada), doctors (over 630), scientists, geologists, professors, lawyers, teachers, First Nations Chiefs and Peoples, a former Assistant Deputy Attorney General (Ontario) and Deputy Minister of the Environment (Ontario), church leaders, a former member of the Seaborn Panel, members of Canada's armed forces, Canadian and U.S. politicians, and citizens of Canada and the United States and of other countries of the world.

54. Some notable petition signatories thus far include:

- Dr. David Suzuki, an award-winning scientist, environmentalist, broadcaster, Companion of the Order of Canada, holder of 25 honorary degrees, and recipient of the Right Livelihood Award (the alternative Nobel Prize)
- Hoon-Yung Hopgood, Michigan State Senator
- Sarah Roberts, Michigan State Representative
- Lois Wilson, a former member of the Seaborn Panel
- Farley Mowat, Canadian author
- Robert Bateman, Canadian artist

55. Does all of this sound like small and isolated pockets?

56. In stark contrast, the 4,067 individuals in the Municipality of Kincardine who apparently indicated support to the telephone question posed to them, is itself a small pocket. A more accurate description would be that support for the DGR is being voiced by a "small pocket" of very local municipalities who are receiving financial payments for their support.

57. We urge this Panel to consider the Stop The Great Lakes Nuclear Dump petition comments of doctors, professors, lawyers, teachers, First Nations Chiefs, all very learned and highly respected citizens in society, and all directly contradicting statements made by OPG to the Panel that “much of the input from the general public and key stakeholders post-submission continues to reflect strong, consistent support for the DGR Project.”

58. I would like to read to you a small selection of these comments so you can appreciate what some of these learned and highly respected citizens think and are saying. The comments paint a very different picture than what you have been told by OPG.

- Dr. Amy Dean, President of the American Academy of Environmental Medicine

“The health and wellness of citizens in the United States and Canada depends on clean water, air and food. Placing a nuclear waste repository on the shore of Lake Huron puts all our health at risk.”

- Dr. William Neal, Emeritus Professor of Geology, Grand Valley State University

“As a geologist I am very aware that the proposed site threatens a vital water resource. As a citizen who lives only 15 miles from a Great Lake from which our water supply is derived, I am extremely concerned, and cannot fathom that anyone would consider this.”

- Dr. David Suzuki, award-winning scientist, environmentalist and Companion of the Order of Canada

“I am shocked that we still operate under a long discarded idea that we can solve our planetary pollution problem by adopting the practice of out-of-

sight-out-of- mind. We have to stop using the ground, air or water as a repository for our toxic wastes. It only provides a short term illusion that we have solved what will become a long-term disaster."

- Rod McLeod QC, former Chief Crown Prosecutor (Ontario) and former Deputy Minister of the Environment (Ontario)

"As a former Deputy Minister Environment (Ontario) I think the OPG proposal is very unwise."

- Chief Louise Hillier, Caldwell First Nation

"Nuclear waste has no business being dumped/hidden anywhere near waterways or where the waste could leach into the surrounding ground or the water tables underground. With all of OPG's money you just know they have the means to do research and to find an environmentally safe way to deal with the waste they manufactured."

59. Of the 34,000 citizens who are now voicing opposition , over 11,000 have left comments on the petition that uniformly, eloquently, passionately and thoughtfully agree that burying the most toxic and lethal substance that humans have ever created within 1 km of the drinking water supply of 40 million people in two countries defies common sense and should not be permitted.

SUMMARY

60. It is very clear that OPG has not brought this Panel a strong case. The highest of standards should apply in a matter of this magnitude. This proposal before you clearly does not meet high standards. It doesn't even meet the basic guidelines. OPG failed to adhere to the basic principles of due diligence, and this proposal poses unacceptable risks that can and must be avoided. There was no process that considered any other sites. This Panel's own consultant

Dr. Duinker has characterized OPG's analysis as "not credible", "not defensible", and "not reliable". OPG's consultation program and engagement of interested parties was wholly inadequate. A matter of this magnitude demands the involvement of all Great Lake stakeholders. OPG ought to have known this and should have acted accordingly.

61. The safety and sanctity of the fresh water of the Great Lakes must not be compromised for the sake of convenience or financial interest, or exposed to avoidable risks based upon promises that cannot be fulfilled and assurances that cannot be proven. OPG's statement "*Not likely to result in any significant residual adverse effects to human health or the environment, including Lake Huron and the Great Lakes*" is not good enough.
62. We urge this panel to pay heed to the voices of elected officials representing millions of citizens who are speaking out against OPG's plan by passing Resolutions. We urge this Panel to pay heed to the words of the Great Lakes Mayors group, representing 16 million people. We urge this Panel to pay heed to the words of some of our most highly educated and respected members of society who are opposing this plan. We urge this Panel to pay heed to the impassioned pleas of the 34,000 citizens so far who have voiced their opposition by signing the Stop The Great Lakes Nuclear Dump petition. We urge this Panel to pay heed to ALL these voices because OPG has neglected to do so.
63. OPG cannot demonstrate strong public support. Instead today there is very strong and overwhelming public opposition against this proposal.
64. Panelists, OPG may be anticipating a favourable recommendation to the Federal Government. However, they have failed in all the basic tests and requirements for this application. This is an experiment that will impact 7000 generations. The enormity of this matter you've been asked to preside

over is unprecedented; your recommendations could lead to a decision that will impact 40 million people in two countries.

65. Protecting the environment, protecting the Great Lakes, protecting human life, is paramount to all other considerations. OPG's proposal cannot be permitted to risk violating these fundamental and overriding principles. These principles must be adhered to. We urge you to recommend to the Federal Minister of the Environment that OPG's proposal be rejected.
66. All life in the Great Lakes Basin demands nothing less.

END OF DOCUMENT