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**Supplementary Information  
Oral intervention**

**Presentation from  
Siskinds LLP**

In the Matter of

**Ontario Power Generation Inc.**

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

Joint Review Panel

**September 16 to October 12, 2013**

**Renseignements supplémentaires  
Intervention orale**

**Présentation de  
Siskinds LLP**

À l'égard de

**Ontario Power Generation Inc.**

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Étude proposée pour l'énoncé des incidences  
environnementales pour l'Installation de  
stockage de déchets radioactifs à faible et  
moyenne activité dans des couches géologiques  
profondes

Commission d'examen conjoint

**Du 16 septembre au 12 octobre 2013**



Oral Intervention from Siskinds LLP  
Deep Geological Repository – Joint Review Panel

## Lack of Jurisdiction

- *Constitution Act*
  - Nuclear waste falls exclusively within federal jurisdiction
  - Federal jurisdiction cannot be delegated or shared
  - Responsibility of nuclear waste management cannot be delegated to the Municipality of Kincardine

## Lack of Jurisdiction

- Federal Government Jurisdiction
  - Develop criteria for appropriate disposal method for nuclear waste
  - Establish a policy to regulate and oversee nuclear waste disposal
  - Implement a policy framework for disposal of nuclear waste disposal in a safe, environmentally sound, comprehensive, cost-effective and integrated manner

## Lack of Jurisdiction

- Federal Government Jurisdiction
  - DGR cannot proceed until criteria and policy implemented by the federal government
  - Joint Review Panel does not have the jurisdiction under the *Canadian Environmental Assessment Act* to make policy relating to the disposal of nuclear waste

## Lack of Jurisdiction – Hosting Agreement

- *Municipal Act*
  - Hosting Agreement illegal and void
  - Municipality of Kincardine cannot fetter its discretion
  - Hosting agreement *ultra vires* of the municipality

## International Obligations

- International Joint Commission
  - Nuclear Task Force – impacts of nuclear activities on the Great Lakes
  - Transboundary impacts of the DGR
- 2012 Great Lakes Water Quality Agreement: Amended Protocol

## International Obligations

- CEEA, Section 5, Consideration of Transboundary Effects
- Michigan's Opposition to the DGR
  - Michigan Senate Resolution
  - Macomb County Water Quality Board

## Thank you

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