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**Supplementary Information
Oral intervention**

**Presentation from
Bluewater Coalition**

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

Joint Review Panel

September 16 to October 12, 2013

**Renseignements supplémentaires
Intervention orale**

**Présentation de
Bluewater Coalition**

À l'égard de

Ontario Power Generation Inc.

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

Bluewater Coalition Against the DGRs

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, Kincardine, Ontario

To the Joint Review Panel
October 1st, 2013

Presented by Cheryl Grace

Bluewater Coalition

- * Formed in October, 2012
- * Citizens from Bruce, Grey, and Huron Counties
- * Share concerns about L&ILW DGR proposed for Kincardine as well as NWMO site selection process for National Irradiated Nuclear Fuel DGR affecting 6 municipalities in Bruce and Huron Counties.
- * Submissions from members of Bluewater Coalition include these topics:
 - * Health and Safety; Kincardine Community Consultation/ Survey; 2004 Hosting Agreement; Public Engagement in Surrounding Region; Environmental and Geological Concerns; Socio-Economic Concerns

Focus of Bluewater Submission

Environmental Impact Statement Guidelines for OPG's Low and Intermediate Level Waste Deep Geological Repository:

“Public participation is a central objective of the overall review process. Meaningful public participation requires the proponent to address concerns of the general public regarding the anticipated or potential environmental effects of the project.”

“ In preparing the EIS, the proponent is required to engage residents and organizations in all affected communities, other interested organizations, and relevant government agencies.”

Focus of Bluewater Submission (continued)

1. How has the presence and influence of the nuclear industry in this region affected the ability of regional community leaders and residents to make informed and unbiased decisions in the best interests of the community?
2. Did OPG/NWMO's DGR Community Consultation Advisory Group (CCAG) follow practices of “meaningful public participation” required by EIS guidelines?

Focus of Bluewater Submission (continued)

3. Were the practices of the OPG/NWMO DGR Community Consultation Advisory Group (CCAG) inadequate “community consultation”?

4. Is it reasonable for residents of Bruce County and surrounding area to “lack confidence in the degree of community involvement in the (L&ILW DGR) planning process”?

Bluewater Coalition submits that the grave safety dangers posed by this project demand the highest standard of transparency, but that OPG has shown a pattern of disregard for transparency in its public consultation actions

Nuclear Oasis Theory and Practice

- ✦ Nuclear oasis: Places that already host existing nuclear facilities are the most likely places where radioactive waste repositories may be welcome (Blowers)
- ✦ Factors:
 - ✦ Familiarity with nuclear industry (industry awareness)
 - ✦ Economic dominance and benefits
 - ✦ Dependent workforce
 - ✦ “Ownership of the problem” (Blowers; Kojo)

NWMO recognizes value of 'nuclear oasis' siting

- ✦ "There can of course be a marked difference between community reactions to potential changes in 'well-being' and 'quality of life' depending on the location. Clearly, if a proposed facility is located away from existing nuclear host communities, and where there is little or no familiarity with the nuclear industry, there could be considerable impact due to the likelihood of changes in the existing social structure. On the other hand, the case studies show that if properly managed, facilities located in communities accustomed to them can also have positive outcomes. It is these reactions and impacts which need to be assessed through the development of criteria, measures and indicators designed to cover all relevant factors. "
- ✦ "Development of Indicators for Community Well-Being in Potential Host Communities", NWMO - 2010-14, Hardy Stevenson and Associates Ltd. and Galson Sciences Ltd., November 2010, p. 2

Bruce County - "Nuclear Oasis?"

- ✦ County of Bruce and Municipality of Kincardine - members of Canadian Association of Nuclear Host Communities
- ✦ BNPD Complex employs 3500 citizens directly and many tertiary businesses benefit
- ✦ Bruce Power, OPG, and NWMO donate millions of dollars to community organizations and groups in the region
- ✦ Local municipal politicians who are BNPD employees or pensioners

The 2004 OPG/Kincardine Hosting Agreement

- ✦ A factor contributing to “Nuclear Oasis” effect
- ✦ Kincardine and four adjacent municipalities will receive ~\$34 Million (inflation protected) between 2005-2034
- ✦ To receive the money, municipalities must exercise “best efforts” to support DGR milestones according to sole discretion of OPG
- ✦ If not, OPG can terminate payments to a non-compliant municipality and all other municipalities in the agreement

2004 Hosting Agreement: County and Adjacent Municipalities

- ✦ None of the adjacent municipalities receiving money from 2005-2034 signed the October, 2004 Hosting Agreement - only OPG and Kincardine signed
- ✦ To sign the Agreement, would each of the municipal Councils have had to pass formal resolutions and by-laws allowing the municipalities to become parties to the Agreement?
- ✦ The process of passing formal resolutions and by-laws allows more time for public and media scrutiny - is this something the municipalities and OPG wanted to avoid?

Saugeen Shores Council Support of DGR

- + No public record of a by-law or resolution in 2004 to approve Town's role in Hosting Agreement
- + 2012 - Town CAO recommends that Saugeen Shores Council offer letter of support for DGR because Town could lose Hosting Agreement payments

Brockton Council Support of DGR

- + September 22, 2004, Brockton Mayor, Charlie Bagnato, sent a letter to Terry Squire, OPG, confirming that Brockton Council resolved to support the L&ILW DGR as well as the pending compensation plan.
- + September 29, 2004, media reported that OPG had presented the request for support earlier in the month in a closed door session with Council before returning to do a second presentation in an open Council session

Arran-Elderslie, Brockton, Huron-Kinloss: Hosting Agreement Process?

- + Minutes for 2004 Council meetings for each of the above municipalities are not available on their websites; therefore, the Bluewater Coalition could not compare these municipalities' documented process of approval of or entry into the 2004 Hosting Agreement with those of Saugeen Shores or Bruce County
- + Arran-Elderslie earliest minutes - November, 2007
- + Brockton earliest minutes - January, 2012
- + Huron-Kinloss earliest minutes - April, 2010

Bruce County Council Support of DGR

- + November, 2004 statements from Bruce County mayors indicating the County had no input into plans for DGR project
- + Bruce County Council supported DGR plan after a November 12, 2004 closed door meeting with OPG rep Terry Squire resulting in a Council request for agreements to guarantee a method and level of taxation, but according to the Bruce County clerk, "the agreements do not exist and nothing ever came to fruition to my knowledge."
- + Local media reported after the Nov. 12th meeting that: "the county receives \$250,000 a year through taxation &/or direct funding"

Hosting Agreement - Questions

- + Why didn't any of the adjacent municipalities or the County of Bruce sign the hosting agreement?
- + Why didn't Saugeen Shores Council pass a by-law approving the Town's role in the Hosting Agreement?
- + Why was the Hosting Agreement signed before some members of Bruce County Council were consulted?
- + Why did OPG initially request support from Brockton Council in a closed door session?
- + What processes were used to gain Council support in Arran-Elderslie and Huron-Kinloss?
- + Why haven't OPG and the municipalities published timelines of these events on relevant municipal and OPG websites for public review?

DGR Community Consultation Advisory Group - DGR CCAG

- + DGR CCAG made up of Bruce County mayors, CAOs/clerks, OPG/NWMO officials and sometimes CNSC officials
- + OPG's EIS Summary, March 2011 said the DGR CCAG "met at least twice a year from 2008 onwards."
- + However, in April, 2013 - OPG admitted in a submission to the JRP that the group had met as early as 2005, and that official minutes had never been taken

Questions - DGR CCAG????

- + After not making any written records of the DGR CCAG meetings from September 2005 until the end of 2008, in April 2013 OPG provided written records that started in March 2009:
- + Did OPG start to keep written records of the DGR CCAG in 2009 because of the January 2009 EIS Guidelines which stressed the importance of meaningful public participation? If not, why didn't they keep any written records for the seven meetings between 2005-2008?
- + Why did the March 2011 EIS Summary state that the DGR CCAG "met at least twice a year from 2008 onwards"? Was that because they knew they didn't have written records from 2005-2008?
- + Why are there no written records for the DGR CCAG meeting of April 20, 2011? What happened in this meeting?

Questions - DGR CCAG???

- + Why not keep official minutes of all DGR CCAG meetings -especially when regular participants included a quorum of Bruce County mayors?
- + In March 2013 Joint Review Panel Member Muecke was concerned that there was no formal mechanism for sharing what transpired in DGR CCAG session with absentee participants. Marie Wilson and Frank King, NWMO, admitted that Councils were not notified of all activities discussed at DGR CCAG meetings and that there was no formal process by which to advise missing members or municipal Councillors, let alone members of the public
- + Why not? Was the true purpose of the DGR CCAG to create compliance within Bruce County leaders - compliance to reinforce the dictates of the 2004 Hosting agreement which was designed to withdraw funding from municipalities that did not support the DGR project?

Importance of DGR CCAG - JRP

- ✦ In the JRP information request that resulted in OPG's April 2013 previously undisclosed admissions regarding the DGR CCAG, the JRP said: "A *Community Consultation Advisory Group (CCAG) can provide the most effective means of addressing community concerns during the planning and operational phases of a project.*"

Importance of DGR CCAG to OPG

- ✦ Evidence that OPG also considered the DGR CCAG to be an important group:
- ✦ DGR CCAG's goals described in OPG's Nuclear Waste Management Division's 2006-2010 Communications Plans
- ✦ Bruce County mayors/CAOs were regularly sent e-mails regarding DGR CCAG scheduling and agendas
- ✦ OPG/NWMO paid for travel expenses, meals and meeting facilities (<http://www.opg.com/power/nuclear/waste/pdf/Other%20Project%20Documentation/Community%20Advisory%20Group%20-%20Terms%20of%20Reference.pdf>)
- ✦ Participants included Bruce County municipal leaders, Ken Nash, NWMO President and CEO, Dr. Michael Binder, President and CEO of the CNSC, numerous other senior executives of OPG/NWMO

The Bluewater Coalition submits that OPG's DGR CCAG has failed to meet this goal (provide the most effective means of addressing community concerns during the planning and operational phases of a project.) because of the following reasons:

- ✦ 1. Despite the DGR CCAG's elite membership, official minutes were never taken and written records are incomplete, even as recently as April 20, 2011
- ✦ 2. To be most effective, the DGR CCAG process should have included a formal process to share the group's activities with municipal Councils and residents; simply taking and publishing official minutes on municipal websites would have contributed much towards this goal
- ✦ 3. Not taking minutes of such an important group's meetings is a shocking omission and abrogation of standard democratic process

The Bluewater Coalition submits that OPG's DGR CCAG has failed to meet this goal (provide the most effective means of addressing community concerns during the planning and operational phases of a project.) because of the following reasons: (continued)

- ✦ 4. Although the DGR CCAG was OPG/NWMO's responsibility, that the Bruce County mayors did not insist on this process when a quorum of the Bruce County Council continually participates, illustrates the local mayors' abdication of their duty to their constituents in favour of the nuclear industry
- ✦ 5. NWMO representatives admitted to the Joint Review Panel in March, 2013 that formal minutes and written records were not shared with municipal Councils or made available to the general public.

OPG used DGR CCAG to indoctrinate Mayors and persuade public

- + 6. From OPG's own descriptions of the group, important purposes of the DGR CCAG appeared as follows (2009 Communication Plan):
 - + "Provide technical and social updates to all eight county mayors at the same time in order to create a sense of solidarity/continuity, while avoiding surprises and divisiveness among the group. ... They need to be properly prepared and informed through extensive technical presentations and independent peer review, which will allow them to offer meaningful and informed support at the public review panel hearing."
- + 7. Likewise, Marie Wilson's notes from the June 3, 2010 DGR CCAG meeting revealed these results of a discussion led by Angelo Castellan of the NWMO:
 - + "All of the mayors agree that they should speak individually before the joint review panel on behalf of their respective municipalities. Assistance will be required to prepare the mayors for their participation in the hearing, and to ensure they are prepared for the heightened public profile the project will take just prior to, and during the hearing."

DGR CCAG - Indoctrination of Regional Mayors

- + The Bluewater Coalition asks if OPG's goal for the municipal members of the DGR CCAG was to mould them into proponents for OPG, not to act as advocates for the best interests of their constituents within a representative democracy.
- + Even if the DGR project was ultimately to be in the best interest of their constituents, should these mayors' Councils and constituents not have had the full opportunity to learn of and offer feedback regarding the DGR CCAG's discussions and plans? The failure to do this undermines public confidence of OPG/NWMO and local municipal transparency with regard to current and future plans of the DGR project.

SUMMARY

- + Bruce County region is 'nuclear oasis'; this creates a positive bias which changes meaning of "informed and willing" host community
- + workforce and economic dependence, obligation and loyalty to nuclear operations
- + local politicians' ties with nuclear industry
- + Hosting agreement payment schedule to adjacent municipalities factor in municipal support of project
- + local Councils of adjacent municipalities provided support for OPG's DGR without public record of by-laws, resolutions, written agreements
- + OPG held closed-door meetings with Councils to lobby support of DGR project

SUMMARY (continued)

- + DGR CCAG - elite group which did not share its actions with public or local Councils through accepted due process methods and standards
- + no evidence that OPG/NWMO's DGR CCAG received public input except through seemingly compliant mayors, biased in favour of nuclear industry at the expense of transparent representation of public interest
- + some municipal representatives have abdicated their oversight duties, have been trained by OPG/NWMO to advocate for the DGR project, and do not speak for Bluewater Coalition members and many others residents of the region who oppose this project

These ideas have been recognised internationally and were recognised by the Nuclear Energy Agency (NEA) in 2004 when it stated: 'It is now an important acquired principle in radioactive waste management worldwide to accommodate siting efforts with sound local and regional development schemes taking into account the views of the affected communities. Enhanced oversight by local authorities, fully visible to stakeholders, builds public confidence in the decision-making process.'"

"Development of Indicators for Community Well-Being in Potential Host Communities". NMWO SR-2010-14, November 2010, Hardy Stevenson Associates Ltd. and Galson Sciences, Ltd., p. 2

Conclusion

- ✦ Bluewater Coalition submits that OPG/NWMO's "community consultation" for the L&ILW DGR promoted oversight by local authorities which was not fully visible to stakeholders.
- ✦ This lack of transparency has resulted in a lack of confidence and trust in the decision-making process surrounding this project.
- ✦ OPG/NWMO has exploited the region's 'nuclear oasis' vulnerability and displayed a consistent pattern of disregard for open democratic procedure, resulting in a fatally flawed siting process.
- ✦ The Bluewater Coalition calls for this panel to deny OPG's license application for the L&ILW Deep Geological Repository in Kincardine, Ontario