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Supplementary Information

Presentation from Ontario Ministry of the Environment

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

Présentation du Ministère de l'Environnement de l'Ontario

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



**Ministry of the Environment
Deep Geologic Repository Project**

*September 2013
Presentation to the Joint Review Panel*

Purpose

- To provide an overview of the Ministry of the Environment's (MOE) interest in the proposed Deep Geologic Repository (DGR) and the MOE environmental approvals process.
- To identify the type of provincial environmental approvals that the Ontario Power Generation DGR facility currently might require should the project proceed.

The Importance of Great Lakes Protection

- The MOE has a mandate to protect the air, land and water for present and future generations of Ontarians.
- The Great Lakes form an interconnected system that is home to 98% of Ontario's population – most of whom live within 100 km of the shoreline, downstream of the proposed facility.
- More than 80% of Ontarians get their drinking water directly from the Great Lakes.
- Many Aboriginal communities are located along Great Lakes shorelines and are often the first to experience the impacts of environmental change.

Impacts to the Great Lakes

- The MOE will be attentive to the measures planned to ensure that surface and groundwater resources are protected and contingency plans in place against any spills, leaks or releases (intentional or unintentional) from this proposed facility over its considerable lifespan.
- The MOE will require the proponent to discuss the project with First Nations and rights-bearing Métis communities in advance of making any approval or permit decisions should the project proceed.
- The MOE also expects that the proponent will conduct necessary consultation and outreach with the public and any interested stakeholders including those in adjacent jurisdictions.

OPG Deep Geologic Repository Project

- It is the MOE's understanding that the OPG Deep Geologic Repository includes the construction and operation of a facility for the long-term management of low and intermediate level radioactive waste at the Bruce Nuclear site near Tiverton in the Municipality of Kincardine.
- The MOE regulates the DGR project in the same way as other existing nuclear facilities in Ontario through environmental approvals and permits.
- The MOE does not directly regulate radioactive wastes, but does require approvals for non-radioactive activities related to these facilities.

MOE Environmental Approvals - Program Overview

- Environmental approvals or permits are required by legislation for activities that release or have the potential to release emissions to the atmosphere, ground and surface water, or provide potable water supplies
- These activities are generally grouped into:
 - Air/Noise
 - Wastewater
 - Waste
 - Drinking water
 - Renewable Energy
- The ministry issues over 6000 environmental approvals annually.

MOE Environmental Approvals - Program Overview

- MOE environmental approvals are referred to as authorizing documents which allow facilities to operate within a series of regulatory environmental controls to protect human health and the natural environment
- Environmental approvals are issued for site specific activities, and provide clear direction to facility/owners to meet operating characteristics of the facility and its operators
- Environmental approval decisions are made by a signing Director who has authority for specific media areas: air & noise, drinking water, waste, wastewater and water takings.

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MOE Environmental Approvals – Legislation

The legislative authority for issuing Environmental Compliance Approvals (ECA)'s and permits are included under:

- *Environmental Protection Act (EPA)*
 - *Air and Noise Approvals (S.9)*
 - *Waste Approvals (Part V)*
 - *Renewable Energy Approvals (S.47.3)*
- *Ontario Water Resources Act (OWRA)*
 - *Wastewater Approvals (S.53)*
 - *Permit to Take Water (PTTW) (S.34)*
- *Safe Drinking Water Act (SDWA)*
 - *Drinking Water Systems Approvals (S.36)*
- *Environmental Bill of Rights (EBR)*
 - *Public consultation requirements*

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New Project - Potential MOE Environmental Approvals

MOE expects that Ontario Power Generation will require the following environmental approvals and permits for the construction and operation of the Deep Geologic Repository Project:

Industrial Sewage Works

- Storm water management for waste rock, general facility and yard drainage and runoff

Air/Noise

- Building ventilation systems

Permit to Take Water

- For dewatering operations during construction or operation where dewatering is greater than 50,000 L/day

Environmental Approvals Provisions

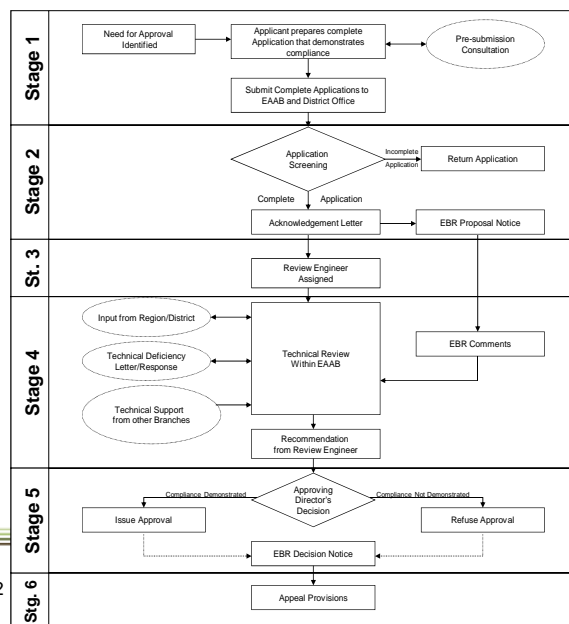
- Applicants must demonstrate to the ministry that their proposal can comply with environmental acts, regulations, policies, guidelines and standards before approval is granted
- If approved, requirements in ECA's are linked to the ministry's mandate to protect human health and the environment, and must reflect standards as outlined in current ministry legislation/policy, including generally accepted engineering practices
- ECA conditions are enforced through the ministry's inspection and enforcement program

Aboriginal Consultation

- For Ministry of Environment approvals, the ministry will ensure effective consultation with First Nations and rights-bearing Métis communities in advance of our ministry making any approval or permit decisions which may adversely impact asserted or established Treaty and Aboriginal rights.
- The federal Crown has jurisdiction over nuclear matters and is the primary regulator and hence bears the primary responsibility for Aboriginal consultation. It is expected that the federal Crown will fulfill its duty to consult.
- Ontario will consult as required on any provincial environmental approvals required for the undertaking.



Application and Review



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Environmental Bill of Rights

- Air/noise, waste, wastewater and renewable energy applications for ECAs and PTTW's are classified as prescribed instruments for the Environmental Bill of Rights (EBR)
- Proposals are posted on the Environmental Registry (ER) for a minimum of 30 days which allow the public to be notified of proposals and the ability to provide comments
- ER gives initial notice of proposal as well as the final decision on the application
- MOE is obligated to consider all comments received
- Provisions for enhanced public participation

Appeals

- Appeals can be made to the Environmental Review Tribunal (ERT), an independent, quasi-judicial body whose primary role is adjudicating applications and appeals under various environmental and planning statutes, by means of public hearings
- Appeal by Applicant
 - Appeal of Director's decision to the ERT
 - Must be filed within 15 days of the decision
- Appeal by 3rd Parties (only if posted on the Environmental Registry)
 - Public may seek leave to appeal the decision within 15 days from the date of decision placement on the Environmental Registry
 - ERT to review Application and hear appeal if "leave" granted
- Appeal of the Environmental Review Tribunal's decision
 - to Divisional Court (on a matter of law)
 - to the Minister (on all other matters)

Next Steps

- Applicants are required to determine the environmental approval requirements based on the discharges or emissions to the environment as a result of their proposed undertakings, and prepare the applications for submission to MOE demonstrating compliance with applicable regulatory requirements
- Consultation with the MOE prior to the submission of the applications for the environmental approvals discussed above is strongly suggested
 - This consultation should be initiated by contacting the Owen Sound District Office of the MOE and would involve all branches of the MOE that would be involved in the review of applications