

From: John Mann<email address removed>

Sent: May 30, 2017 10:18 AM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hoppood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann

Subject: "Why do Minister McKenna and the Deep Geologic Repository Project continue to refuse to terminate the OPG DGR project as time-barred?"

Importance: High

May 30, 2017

Hi Minister McKenna, Robin-Lynne Virtue, and Deep Geologic Repository Project:

Please answer this question for all Citizens and Taxpayers:

“Why do Minister McKenna and the Deep Geologic Repository Project continue to refuse to terminate the OPG DGR project as time-barred?”

1. In my view, Minister McKenna, Robin-Lynne Virtue, and Deep Geologic Repository Project meticulously have confirmed over and over in the email thread set forth below that the OPG DGR project must be terminated because Minister McKenna could not render her decision statement within 24 months of the June 29, 2007 referral to the review panel.

2. The timeline is set forth by the Deep Geologic Repository Project in its May 4, 2017 email set forth below:

“Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent [OPG] within 24 months [2 years] of a referral of an environmental assessment of a designated project [OPG DGR] to a review panel [on June 29, 2007 – 119 months or 10 years ago].”

3. On June 29, 2007, the Minister made a referral of an environmental assessment of the OPG DGR project to a review panel – 119 months ago [10 years ago]. Inexplicably and astonishingly, it has now been 119 months [10 years] since the Minister referred the OPG DGR project to a review panel. As a result, the decision statement is presently time-barred by 95 months [8 years], and the OPG DGR project must be terminated. While Section 54 allows for certain

limited tolling of this Statute of Limitations, the time line that Minister McKenna and the Deep Geologic Repository Project has provided to Citizens and Taxpayers does not indicate any tolling of the 95 months except for three extensions created by Minister McKenna that the Deep Geologic Repository attributes to “pausing” the timeline.

4. On June 3, 2015, in order for Minister McKenna to extend the 2 year deadline to issue her decision statement by 3 months pursuant to section 54(3) of the CEAA, Minister McKenna must have relied upon a meticulous time sheet that calculated the exact 2 year timeline, with precise tolling along the way, from the June 29, 2007 referral date thru the date of Minister McKenna’s order of June 3, 2015, wherein the Minister extended the time to issue her decision statement by an additional 3 months. The 2 year Statute of Limitations had to expire on the very date Minister McKenna needed the 90 day extension, otherwise there was no need for Minister McKenna to extend the 2 year period. Inexplicably, Minister McKenna and the Deep Geologic Repository Project has not been able to produce any timeline from June 29, 2007. If Minister McKenna had used a required timeline to seek extensions under section 54 of the CEAA, she would have posted the important worksheet on the OPG DGR registry. The only reasonable conclusion that can be drawn is that the OPG DGR project 2 year Statute of Limitations expired long ago and Minister McKenna had no time left to extend her time to issue a decision statement. As a result, the OPG DGR project must be terminated as time-barred. Instead of conceding this and terminating the OPG DGR project, Minister McKenna and the Deep Geologic Repository Project continues to provide different time frames hoping that the time-barred reality will disappear from Public view.

5. In its email of May 26, 2017 [set forth in the email thread below], the Deep Geologic Repository Project refers Citizens and Taxpayers to a timeline of 17 months from July 6, 2012 for the Joint Review Panel to file its OPG DGR report, followed by a timeline of 4 months for Minister McKenna to file her decision statement. These 21 months do not take into consideration the 60 months of the OPG DGR project timeline commencing on the June 29, 2007 referral date to a review panel thru July 6, 2012 when 17 months for the Joint Review Panel to file its report was created. Minister McKenna and the Deep Geologic Repository Project do not have any documentation that tolls 57 months of these 60 months for the OPG DGR project to avoid being time-barred by the 24 month Statute of Limitations.

6. Instead of terminating the OPG DGR project as obviously time-barred years ago, you provide us with time-lines that further confirm required termination of the OPG DGR project. For instance, you inexplicably ignore any of the time-line between the referral of the OPG DGR project to a panel on June 29, 2007, and the time when the Joint Review Panel was appointed in January of 2012, some 54 months [4 and 1/2 years]. You inexplicably start your time-line with the 515 days [17 months] from July 6, 2012, deadline schedule for the JRP to issue its report. And you follow this with an amended deadline schedule of 120 days [4 months] for the Minister to issue her decision statement after submission of the panel report. Thus, you quote 21 months of the 24 months Statute of Limitations, set forth in the amended JRP agreement.

7. The 515 days [17 months] does not take into consideration any time prior to July 6, 2012! From the referral to the panel on June 29, 2007 thru July 6, 2012 equals 60 months [5 years]. While limited tolling is permitted, the tolling must be at least 57 months of the 60 months to avoid termination of the OPG DGR project when added to the additional 4 months provided for the Minister's decision statement. The timeline that you have provided requires termination of the OPG DGR project because of the 24 month time-bar.

8. Furthermore, the timeline between July 6, 2012 thru May 6, 2016 and the filing of the JRP report, equals 46 months, far beyond the 17 months allowed in the amended Joint Review Panel agreement. The timeline provided by the Deep Geologic Repository Project does not present any tolling of this time period.

9. As though that was not enough, the 4 months deadline allowed to Minister McKenna for issuing her decision statement has now been extended on 3 different occasions even though the CEAA 2012 only allows for 2 possible extensions, and each limited to 3 months maximum. To think that the Minister could extend the 120 days [4 months] by 423 days [14 months] over 3 different extensions is simply not allowed and defies common sense. Presently, the delay from May 6, 2016 thru today [May 30, 2017] is almost 13 months.

10. The bottom line: For Minister McKenna to extend her time to file her decision statement, Minister McKenna had to be working from a meticulous timeline documentation of the OPG DGR project from the June 29, 2007 referral date to a review panel thru the date when Minister McKenna created the first extension of the timeline pursuant to section 54(3) of the CEAA. Obviously, this did not occur, otherwise Minister McKenna and the Deep Geologic Repository Project would have provided the documentation that would confirm that exactly 24 months had expired at the time of the extension. If the 24 months had already expired, Minister McKenna could not extend the time to issue her decision statement and the OPG DGR project would have to be terminated. By the same token, Minister McKenna could not extend the 24 months by 90 days if there was still time left on the 24 month clock. Therefore, the timeline provided by Minister McKenna and the Deep Geologic Repository Project confirms that the OPG DGR project must be terminated as time-barred. Minister McKenna as one of the top 25 lawyers in Canada knows this better than anyone.

11. Citizens and Taxpayers do not need any more timelines provided by Minister McKenna and the Deep Geologic Repository Project. The 2 years Statute of Limitations has expired some 8 years ago. This shocking squandering of Citizen and Taxpayer time and money over an unconscionable 10 year period must be terminated immediately. The disrespect to Citizens and Taxpayers by our elected and unelected government officials in this 15 year process must end.

Once again, please answer this question for Citizens and Taxpayers:

“Why do Minister McKenna and the Deep Geologic Repository Project not dismiss the OPG DGR project as time-barred?”

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: May 26, 2017 9:14 AM
To: 'John Mann'
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Time is up for the OPG DGR! Can you dig it?

Dear Mr. Mann,

Thank you for your correspondence of May 23, 2017, concerning Ontario Power Generation's proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

The current process used by the Agency is reflective of legislative requirements, the extensive consultation and analysis completed by the Joint Review Panel, and on the current standard process for environmental assessments managed by the Agency.

As mentioned in our last exchange, the Agency responded to your inquiries with respect to timelines of the Project in our correspondence of May 4 and May 12, 2017 (record #[3770](#)). Accordingly, we reiterate that with the coming into force of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) on July 6, 2012, adjustments to the Joint Review Panel's mandate for the Deep Geologic Repository project were required. The federal Minister of the Environment and Climate Change and the President of the Canadian Nuclear Safety Commission amended the Joint Review Panel Agreement for this project, and introduced the following timelines:

- The timeline for the panel to submit its report was 515 days (17 months) from the coming into force of CEAA 2012.
- The timeline for the decision statement is 120 days (four months) from submission of the panel report.
- Reporting requirements were integrated to ensure the Panel report identified those conclusions and recommendations that related to the environmental effects to be taken into account in the federal Minister's decision statement.

The [amendments](#) to the Joint Review Panel Agreement are available on the Canadian Environmental Assessment Registry (registry number [17520](#)).

As you are aware, the time limit for the environmental assessment of the Project has since been extended three times. On June 3, 2015, the former Minister of the Environment extended the time limit for issuing a Decision Statement by 90 days (CEAR #[2213](#)). On November 27, 2015, on the recommendation of the Minister of Environment and Climate Change, the time limit was further extended by 90 days by the Governor in Council through an Order in Council (CEAR #[2868](#)). On December 12, 2016, the Agency announced that, upon request of the Minister, a time limit extension of a further 243 days had been granted by the Governor in Council for issuing a Decision Statement for the Project (CEAR #[2882](#)). The extension was implemented by amending the original Order in Council to provide the Minister with 333 days, from November 27, 2015, to issue the Decision Statement.

The February 18, 2016 request for additional information and further studies by the Minister paused the timeline for the environmental assessment process. The additional information requested by the Minister was submitted on December 28, 2016, and posted to the public registry on January 3, 2017. The legislated timeline within which the Minister must make a decision on the Project resumed on January 18, 2017, which is the day the Agency began the public comment period as part of the technical

review of the additional information. On April 5, 2017, the Agency issued additional information requests to the proponent which paused the timeline for the process again.

At this time, the Agency expects additional information from the proponent on May 26th, in response to the Agency's April 5th request (registry posting records [3752](#) and [3754](#)). As stated previously, the Agency is currently using the process for environmental assessments by the Agency to manage the Deep Geologic Repository Project. In that regard, we invite you to consult the Agency's [Operational Policy Statement for Information Requests and Timelines \(February 2016\)](#) (OPS) for further clarification with respect to calculations regarding timelines. As outlined in the OPS, the Agency will have up to 30 days of non-regulatory time, before the timeline resumes, to form an opinion on whether the requested information has been satisfactorily provided by the proponent. If the Agency decides that it requires more information, it will ask the proponent for additional material. If, in the Agency's opinion, the responses have answered all the information requests, the Agency will inform the proponent and commence the draft report writing phase of the environmental assessment.

The Agency will complete its draft report and make it available for a 30-day public comment period and consultation with Indigenous groups. We continue to welcome your input and encourage you to participate in the upcoming public comment period, which is currently scheduled to occur later in the summer.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>

Sent: May 23, 2017 2:10 PM

To: Hon. Catherine McKenna; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: John Mann

Subject: Fw: Time is up for the OPG DGR! Can you dig it?

Importance: High

From: John Mann

Sent: Tuesday, May 23, 2017 2:06 PM

To: Hon. Catherine McKenna ; CEAA National Programs Div. conditions ; Prime Minister Trudeau ; Jeffrey Lyash ; Premier Wynne ; Ken Nash ; Michael Binder ; Bonnie Lysyk ; Minister Jim Carr ; Michael Ferguson ; Ministre / Minister (EC) ; Laurie Swami ; Laurie Swami ; Wayne Robbins ; MPP Lisa Thompson ; MP Ben Lobb ; CEAA Project Manager

Cc: Amanda Pfeffer ; barb ; Bettyanne Cobeau ; Beverly Fernandez ; Capitan my Capitan ; Cheryl Grace ; Dave Myette ; David Akin ; Demers Manon ; Don Matheson ; Eugene Bourgeois ; Frances Learment ; fsteve finch ; Heather [CEAA] Smith ; Jerry Keto ; Jill Taylor ; Jim Lynch ; John Rich ; Kristina Premachuk ; Linda White ; Luke Charbonneau ; Mayor Buckle ; Mayor Eadie ; Mayor Eagleson ; Mayor Inglis ; Mayor Jackson ; Mayor McIver ; Mayor Mike Smith ; Mayor Weaver ; Michael Binder ; Mike Myatt ; Mike Strobel ; Mitch Twolan (Warden) ; Neil Menage ; Pat Gibbons ; info@cnscccsn.gc.ca ; Information (CNSC/CCSN) ; Rob Dobos ; Santa Claus ; Sarah Patterson-Snell ; Sarah Roberts ; Scott Berry ; Senator Hopgood ; Steve Chapman ; Kurt Saunders ; Kurt Saunders ; Janice MacKay ; Chris Adams ; Lorrie Goldstein ; Fred Kuntz ; Jennifer Wells ; Dale Palin ; W5 ; Mitchell Rivard ; Aimee Puthon ; John Mann

Subject: Time is up for the OPG DGR! Can you dig it?

May 23, 2017

Hi Minister McKenna, Robin-Lynne Virtue, and Deep Geologic Repository Project:

Time is up for the OPG DGR! Can you dig it?

I ask a simple question in my May 19, 2017, email [below], and you inexplicably ignore it in your response of today [below]!

More importantly, why do our Public Servants ignore their solemn duty and obligation to dismiss the OPG DGR project? I just received your response [below] to my recent May 19, 2017, email [below], where you inexplicably refer me to your responses to 2 of my earlier emails that confirm that the 2 year Statute of Limitations has long since expired while completely ignoring your responsibility to dismiss the OPG DGR project as time-barred! You have an obligation and duty to the Citizens and Taxpayers that you work for to explain why you prolong the required dismissal of this time-barred OPG DGR project that is unnecessarily squandering our finite and precious Taxpayer dollars! As you are well aware, Public Servants cannot simply ignore the obvious demise of the OPG DGR project in the hopes that it will survive and no one will notice. Since you turn a blind eye to the obvious and have now proven to be incapable of making the

required decision to dismiss the OPG DGR project, please advise Citizens and Taxpayers where they can finally obtain a remedy for this ongoing looting of our Taxpayer dollars?

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: Tuesday, May 23, 2017 11:41 AM
To: John Mann
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Why does the Deep Geologic Repository Project not respond to the urgent need to terminate the time-barred OPG DGR project?

Dear Mr. Mann,

Thank you for your correspondence of May 19, 2017, concerning Ontario Power Generation's proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project). We have responded to your inquiries with respect to timelines of the Project with our correspondence of May 4 and May 12, 2017. These have been posted on the Canadian Environmental Assessment Registry Internet Site and have been combined into record #3770.

The timeline for the review additional information that was submitted by Ontario Power Generation on the Project can be accessed at this link <http://www.ceaa-acee.gc.ca/050/documents/p17520/116852E.pdf> and is record #2884 on the Registry.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>
Sent: May 19, 2017 4:43 PM
To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment;

fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann

Subject: Why does the Deep Geologic Repository Project not respond to the urgent need to terminate the time-barred OPG DGR project?

Importance: High

May 19, 2017

Hi Robin-Lynne Virtue and Deep Geologic Repository Project:

Why does the Deep Geologic Repository Project not respond to the urgent need to terminate the time-barred OPG DGR project?

Since you have not provided any response to my email set forth below it is obvious there is no way to avoid termination of the OPG DGR project because it is time-barred! As a result, the OPG DGR project must be terminated forthwith to avoid any further unnecessary waste of valuable Citizen and Taxpayer time, resources, and dollars. We all look forward to your timely response that will avoid further unnecessary Citizen and Taxpayer waste.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann <email address removed>

Sent: May 12, 2017 3:01 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers, Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith, Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hoppood; Chapman, Steve [CEAA]; Kurt Saunders; Saunders, Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann

Subject: Time-line confirms OPG DGR project is time-barred and must be dismissed!

Importance: High

From: John Mann

Sent: Friday, May 12, 2017 2:32 PM

To: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE] ; John Mann

Subject: Time-line confirms OPG DGR project is time-barred and must be dismissed!

May 12, 2017

Hi Robyn-Lynne Virtue & Deep Geologic Repository Project:

The time-line confirms OPG DGR project is time-barred and must be dismissed!

1. Your May 4, 2017, email [set forth below] establishes:

“Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent within 24 months of a referral of an environmental assessment of a designated project to a review panel.”

2. Prior to Minister McKenna extending the 24 month Statute of Limitations, Minister McKenna would have to determine that the 24 months was expiring at the same time, thus requiring a 3 month extension.

3. The OPG DGR project was referred to a panel on June 29, 2007, and a decade has now passed without a decision statement by the Minister!

4. In your email below and sent today, the 10 year timeline that the Deep Geologic Repository Project relies upon in Chapter 2 of the JRP Report establishes that the 24 month Statute of Limitations for the issuance of a decision statement expired long before any extension was even attempted by the Minister.

5. As a result, please explain why the OPG DGR project is not time-barred and dismissed?

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: May 12, 2017 11:38 AM
To: 'John Mann'
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Second request for Minister's 24 month time-line for the OPG DGR project!

Dear Mr. Mann,

Thank you for your correspondence of May 5, 2017, concerning Ontario Power Generation's proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

With the coming into force of CEAA 2012 in July 2012, timelines were introduced to conduct environmental assessments. Prior to CEAA 2012, there were no timelines set out in the legislation that applied to federal environmental assessments. You can view the chronology of the review process for the Project following the appointment of the review panel in section 2.3 of the [JRP Report](#) (2015).

On February 18, 2016, the Minister asked for additional information that has further paused the regulatory timeline for the Project's environmental assessment process. The additional information was submitted by Ontario Power Generation on December 28, 2016, and posted to the public registry on January 3, 2017. The legislated timeline within which the Minister must issue a decision statement on the Project resumed on January 18, 2017, the day the Agency began the public comment period as part of the technical review of the additional information. The timeline was paused on April 5, 2017, when the Agency requested additional information from Ontario Power Generation. The timeline will resume again when Ontario Power Generation submits its response to the Agency's request. Ontario Power Generation have stated they will submit their response on May 26, 2017.

As previously indicated in correspondence on May 4, 2017, under subsection 54(3) of CEAA 2012, the Minister has the authority to extend the time limit for an environmental assessment by 90 days, in order to and according to subsection 54(4) of CEAA 2012. Any subsequent extensions may be made by the Governor in Council on the Minister's recommendation and there is no restriction on the length of an extension issued by the Governor in Council. The Governor in Council is Cabinet and information on members of Cabinet can be found at the following address <http://pm.gc.ca/eng/cabinet>. The Governor in General of Canada is the Right Honorable David Johnston.

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3
CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>

Sent: May 11, 2017 1:15 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hoppood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann; James Scongack

Subject: Second request for Minister's 24 month time-line for the OPG DGR project!

Importance: High

May 11, 2017

Hi Robyn-Lynne Virtue & Deep Geologic Repository Project:

This is a follow up to my email of May 5, 2017, set forth below.

1. I am again requesting the time-line documentation relied upon by Minister McKenna when she calculated the exact end of the 24 month Statute of Limitations that required her to extend the deadline for her review by an additional 3 months pursuant to s. 54 of the CEAA.
2. This documented time-line should already have been posted on the Registry when it occurred.
3. A review of the Registry indicates that the OPG DGR project is time-barred.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: John Mann<email address removed>

Sent: May 5, 2017 2:53 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; Aimee Puthon; John Mann

Subject: Response by DGR Project and my Reply: Re: Second Request -- Re: Please advise all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursu

Importance: High

May 5, 2017

Hi Robyn-Lynne Virtue & Deep Geologic Repository Project:

Happy Cinco de Mayo!

1. In my view, your explanation in your email set forth below confirms that the OPG DGR project is time-barred and must be dismissed immediately based on the following Legislative sections mandated by Parliament in the *Canadian Environmental Assessment Act*:

a. May 4, 2017:

The Deep Geologic Repository Project confirmed in the email below that the “Minister of Environment and Climate Change must issue a decision statement to the proponent within 24 months of a referral of an environmental assessment of a designated project to a review panel.” [Sections 54(2), 38(3)]

b. June 29, 2007:

On June 29, 2007, the OPG DGR project was referred by the Minister for an environmental assessment by a review panel, thus, starting the 2 year Statute of Limitations for the issuance of the Minister’s decision statement.

c. May 4, 2017:

The Deep Geologic Repository Project further stated in the email below that “The calculation of the [24 month] time limit within which the Minister must issue the decision statement does not include the time taken by the proponent to comply with the requirements for studies and collection of information.”

d. The email below, however, fails to note that “the time taken by the proponent to comply with the requirements for studies and collection of information” is not open-ended, but is narrowly defined under section 54(6):

“the calculation of the [2 years] time limit within which the decision maker [Minister] must issue the decision statement does not include” the time periods taken by OPG, in the opinion of the CEAA, the Joint Review Panel, and the Minister, to collect any information or undertake any studies required by the CEAA, the Joint Review Panel, and the Minister. [pursuant to sections 39, 44(2), and 47(2)]

e. The Deep Geologic Repository Project then goes on in the email below to advise all of us that the 2 year Statute of Limitations has now been extended on 3 different occasions, purportedly pursuant to statutory authority. But there is no such legislative authority for 3 extensions. First, section 54(3) gives the Minister the discretion to extend the 2 year Statute of Limitations by an additional maximum three months. Second, section 54(4) provides “the Governor in Council may, on the recommendation of the Minister, extend the time limit extended under subsection (3).” As a result, the Governor in Council did extend the time limit an additional 3 months, albeit without required reasons for doing so, and without required input from registered participants in the OPG DGR process. More importantly, however, there is no authority given to the Governor in Council to extend beyond the maximum three months cap found in section 54(3). As a result, there is no authority for the Governor in Council to extend the 2 year Statute of Limitations for an additional 243 days. There is also no authority cited and no reasoning provided wherein the Governor in Council could extend the 2 year Statute of Limitations by an additional 243 days beyond the statutory authority given by Parliament to extend the time limit by a maximum of only 6 months.

f. More importantly, the 2 year Statute of Limitations expired years ago related to the OPG DGR project for clothes and rags. As a result, there was no authority to extend the 2 year Statute of Limitations pursuant to section 54(3)(4). The referral for an environmental assessment by a review panel was done by the Minister on June 29, 2007. It has been 10 years [a decade] without a decision statement by the Minister. 8 years of this inexplicable 10 year journey is not based upon the Agency and the Joint Review Panel and the Minister reasonably waiting for information and studies that they had individually requested. And this referral in 2007 was after OPG had been investigating and studying this clothes and rags DGR for at least 5 years prior to the referral. If OPG required 8 years of just answering questions and concerns by the Agency and the Joint Review Panel and the Minister because OPG was too inept to make its case initially – heaven help us! Parliament requires a 2 year Statute of Limitations to ensure that OPG does not endlessly squander our finite and precious Taxpayer dollars that only benefits OPG jobs and SNC-Lavalin coffers. The Registry establishes that for 8 years OPG was not

collecting information and undertaking studies requested by the Agency and the Joint Review Panel and the Minister pursuant to sections 39, 44(2), 47(2), 48(a)(b)(c).

g. Citizens and Taxpayers require the Deep Geologic Repository Project to provide all of us with the specific time-line that the Minister relied upon that established some 8 years of the 10 year incomprehensible time period was tolled in the calculation of the 2 year Statute of Limitations. The specific time-line must establish that exactly 24 months had expired at the time the Minister extended the 24 month Statute of Limitations by 3 months. A review of the Registry establishes that it is impossible for the OPG DGR project to survive the mandatory 24 month Statute of Limitations, and that it is not a close call by more than a few years.

h. Citizens and Taxpayers need to see the actual requests by the Minister for extending times, and need to see the actual signed orders and other documents from the Governor in Council, and we need the name of the Governor in Council who extended the 2 year Statute of Limitations and Why he did so.

2. All Citizens and Taxpayers await your time-line response that in my view cannot allow the OPG DGR project to continue. Every additional second spent on this incompetent OPG DGR for clothes and rags squanders our time and Taxpayer dollars. The OPG DGR project is time-barred. Dismiss it immediately.

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores

From: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Sent: May 4, 2017 9:12 AM
To: 'John Mann'
Cc: Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]
Subject: RE: Second Request -- Re: Please advise all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursuant to section 54 of the Canadian Envi

Dear Mr. Mann,

Thank you for your correspondence of April 24, 2017, concerning Ontario Power Generation's Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project).

Under Section 54 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Minister of Environment and Climate Change must issue a decision statement to the proponent within 24 months of a referral of an environmental assessment of a designated project to a review panel. The calculation of the time limit within which the Minister must issue the decision statement does not include the time taken by the proponent to comply with the requirements for studies and collection of information.

Under subsection 54(3) of CEAA 2012, the Minister has the legislative authority to extend the time limit for issuance of a decision statement to the proponent by 90 days and under subsection 54(4), the Governor in Council has the authority to further extend the time limit. The Governor in Council is the Governor General acting on the advice of Council, that is, the Queen's Privy Council for Canada as represented by the Cabinet or a designated committee.

The time limit for the issuance of a decision statement under CEAA 2012 on the Project has been extended three times. The Canadian Environmental Assessment Agency posted public notices of the extensions on its website, which are available at the following links:

- <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101707>
- <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=103943>
- <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=116589>

The Orders in Council for the extensions authorized by the Governor in Council may be found at the following link: <http://www.pco-bcp.gc.ca/oic-ddc.asp?lang=eng&Page=&txtOICID=&txtFromDate=&txtToDate=&txtPrecis=deep+geol+ogic+repository&txtDepartment=&txtAct=&txtChapterNo=&txtChapterYear=&txtBillNo=&rdoComingIntoForce=&DoSearch=Search+%2F+List>

Sincerely,

DGR Project Team
Canadian Environmental Assessment Agency
22nd Floor, 160 Elgin St. Ottawa ON K1A 0H3

CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

From: John Mann <email address removed>

Sent: May 3, 2017 6:19 PM

To: Hon. Catherine McKenna; Conditions (CEAA/ACEE); Trudeau, Justin: HOC; Jeffrey Lyash; Premier Wynne; Ken Nash; Binder, Michael: CNSC; Bonnie Lysyk; Minister Jim Carr; Michael Ferguson; Ministre / Minister (EC); Laurie Swami; Laurie Swami; Wayne Robbins; MPP Lisa Thompson; MP Ben Lobb; Deep Geologic Repository Project/ Projet de stockage de déchets radioactifs[CEAA\ACEE]

Cc: Aimee Puthon; Amanda Pfeffer; barb; Bettyanne Cobean; Beverly Fernandez; Capitan my Capitan; Cheryl Grace; Dave Myette; David Akin; Demers,Manon [CEAA]; Don Matheson; Eugene Bourgeois; Frances Learment; fsteve finch; Smith,Heather [CEAA]; Jerry Keto; Jill Taylor; Jim Lynch; John Rich; Kristina Premachuk; Linda White; Luke Charbonneau; Mayor Buckle; Mayor Eadie; Mayor Eagleson; Mayor Inglis; Mayor Jackson; Mayor McIver; Mayor Mike Smith; Mayor Weaver; Binder, Michael: CNSC; Mike Myatt; Mike Strobel; Mitch Twolan (Warden); Neil Menage; Pat Gibbons; info@cnscccsn.gc.ca; Information (CNSC/CCSN); Rob Dobos; Santa Claus; Sarah Patterson-Snell; Sarah Roberts; Scott Berry; Senator Hopgood; Chapman,Steve [CEAA]; Kurt Saunders; Saunders,Kurt [CEAA]; Janice MacKay; Chris Adams; Lorrie Goldstein; Fred Kuntz; Jennifer Wells; Dale Palin; W5; Mitchell Rivard; John Mann

Subject: Second Request -- Re: Please advise all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursuant to section 54 of the Canadian Environm

Importance: High

May 3, 2017

Hi Minister McKenna and CEAA Project Manager:

Second request for answers to the April 24, 2017 email set forth below.

Most Respectfully,

John Mann

Citizen and Registered Participant

Saugeen Shores

From: John Mann

Sent: Monday, April 24, 2017 7:16 PM

To: Hon. Catherine McKenna ; CEAA National Programs Div. conditions ; Prime Minister Trudeau ; Jeffrey Lyash ; Premier Wynne ; Ken Nash ; Michael Binder ; Bonnie Lysyk ; Minister Jim Carr ; Michael Ferguson ; Ministre / Minister (EC) ; Laurie Swami ; Laurie Swami ; Wayne Robbins ; MPP Lisa Thompson ; MP Ben Lobb ; CEAA Project Manager

Cc: Aimee Puthon ; Amanda Pfeffer ; barb ; Bettyanne Cobean ; Beverly Fernandez ; Capitan my Capitan ; Cheryl Grace ; Dave Myette ; David Akin ; Demers Manon ; Don Matheson ; Eugene Bourgeois ; Frances Learment ; fsteve finch ; Heather [CEAA] Smith ; Jerry Keto ; Jill Taylor ; Jim Lynch ; John Rich ; Kristina Premachuk ; Linda White ; Luke Charbonneau ; Mayor Buckle ; Mayor Eadie ; Mayor Eagleson ; Mayor Inglis ; Mayor Jackson ; Mayor McIver ; Mayor Mike Smith ; Mayor Weaver ; Michael Binder ; Mike Myatt ; Mike Strobel ; Mitch Twolan (Warden) ; Neil Menage ; Pat Gibbons ; info@cnscccsn.gc.ca ; Information (CNSC/CCSN) ; Rob Dobos ; Santa Claus ; Sarah Patterson-Snell ; Sarah Roberts ; Scott Berry ; Senator

Hopgood ; Steve Chapman ; Kurt Saunders ; Kurt Saunders ; Janice MacKay ; Chris Adams ; Lorrie Goldstein ; Fred Kuntz ; Jennifer Wells ; Dale Palin ; W5 ; Mitchell Rivard ; John Mann

Subject: Please advise all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursuant to section 54 of the Canadian Environmental Assessment Act.

April 24, 2017

Hi Minister McKenna and CEAA Project Manager:

1. Please advise me and all Citizens and Taxpayers why Minister McKenna does not dismiss the OPG DGR Application because it appears to be time-barred long ago by the 2 year Statute of Limitations pursuant to section 54 of the *Canadian Environmental Assessment Act*.
2. Please provide to me and all Citizens and Taxpayers a copy of the December 12, 2016, written Order by the Governor in Council extending the time to issue Minister McKenna's Decision Statement for the proposed DGR by 243 days.
3. Also please provide to me and all Citizens and Taxpayers a copy of the recommendation of Minister McKenna seeking the extension by up to 90 days pursuant to s. 54(4) of the *Canadian Environmental Assessment Act*, but without any apparent authority to extend by 243 days and in apparent violation of the Statute of Limitations.
4. Who is the Governor in Council, and how did the Governor in Council allow an extension of 243 days without any apparent statutory authority and in further apparent violation of the Statute of Limitations?

Most Respectfully,

John Mann
Citizen and Registered Participant
Saugeen Shores