

January 3, 2017

ELECTRONIC MAIL

Tom Hoggarth
Regional Manager, Regulatory Review
Fisheries Protection Program
Fisheries and Oceans Canada
867 Lakeshore Road
Burlington, ON L7S 1A1
Thomas.Hoggarth@dfo-mpo.gc.ca

Dear Mr. Hoggarth,

RE: Conformity Review of Ontario Power Generation's Response to the Request for Additional Information for the Deep Geologic Repository for Low and Intermediate-Level Radioactive Waste Project

The Canadian Environmental Assessment Agency (the Agency) is initiating a conformity review of Ontario Power Generation's (OPG) response to the request by the Minister of Environment and Climate Change for additional information relating to the Deep Geologic Repository for Low and Intermediate Level Radioactive Waste Project (the Project). Pursuant to section 20 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Agency requests your department make available the specialist or expert knowledge or information to enable the review of OPG's response, focusing on areas of departmental mandate.

On December 28, 2016, OPG submitted information pertaining to the three elements from the Minister's request: alternate locations, cumulative effects, and mitigation commitments. The Agency is now commencing a conformity review to determine whether OPG's response contains the necessary information to start the technical review and public comment period. The purpose of this review is not to assess whether the information is scientifically and technically accurate. If the Agency determines that there is enough information to begin the technical review and public comment period, it will subsequently seek your technical advice.

The Agency requests that your department provide advice on whether the information provided contains sufficient information to allow a technical review of the information to be completed. Your advice is requested by January 16, 2017. The following questions are designed to assist you in the conformity review.

Alternate Locations

- Whether OPG's response contains enough information relating to the assessment of the environmental effects of technically and economically feasible alternate locations for the Project, specifically in sedimentary rock formations in southern Ontario and in granitic rock formations in central Ontario, including the following:

- is enough information presented to evaluate if alternate locations have geographical and hydrological characteristics that differ from the original site?
- is enough information presented to understand how the technical and economic feasibility of the alternative locations were assessed, including the incremental environmental effects and costs of acquiring land, as well as the incremental costs and risks of additional off-site transportation of the waste?

Cumulative Effects Analysis

- Whether OPG's response contains enough information to assess the potential cumulative effects of the Project in combination with a hypothetical used fuel repository, as per the Phase 1 Preliminary Assessment by the Nuclear Waste Management Organization, in three communities in the traditional territory of the Saugeen Ojibway Nation, including the following:
 - were the appropriate valued components used in conducting the cumulative effects analysis?
 - does the response contain enough information to understand the potential environmental effects of accidents and malfunctions, if they are likely to result from the Project in combination with other physical activities that have been or will be carried out?

Mitigation Commitments

- Whether OPG's response contains enough information to identify any outdated or redundant mitigation commitments in comparison with the recommendations from the Review Panel report of May 2015.

General Considerations

- Understanding that information previously presented and assessed by the Review Panel is not required to be repeated in OPG's response, whether OPG's response contains sufficient information on the valued components related to section 5 of CEAA 2012, for the three elements relevant to the Minister's request;
- Alternatively, if that information is missing, whether OPG's response provides an adequate rationale for not including information pertaining to section 5 valued components;
- Whether OPG's response has taken into account relevant guidance or policy documents that your department has published in relation to environmental assessments; and,
- Whether the level of detail in OPG's response adequately supports the analysis and conclusions on environmental effects in relation to your department's mandate.

The Agency requests that your department provide advice by January 16, 2017.

Please send your comments to CEAA.DGR.Project-Projet.DGR.ACEE@ceaa-acee.gc.ca

or by mail to:

Canadian Environmental Assessment Agency

Deep Geologic Repository Project
Att. Panel Manager
160 Elgin Street, 22nd Floor
Place Bell Canada
Ottawa, Ontario K1A 0H3

Supporting Tools

The attached annexes (2) are provided to focus your department's conformity review of OPG's response.

- **Annex 1: Conformity information requests directed to the proponent:** Provide your department's comments and suggestions for information required from OPG to ensure that the response contains the necessary information to start the technical review and public comment period
- **Annex 2: Advice to the proponent:** Provide any early indications of issues or comments that may arise during the subsequent technical review of OPG's response related to your departmental mandate.

Please ensure that questions, advice, and recommendations are concise, focused, explained, and are linked to your departmental mandate. You may also note areas where the Agency or the proponent should seek advice from other experts, such as the Province.

Additional Information

The Minister's request for additional information and OPG's response are available on the CEAA Registry:

- February 18, 2016 – [Letter from the Minister of Environment and Climate Change to Ontario Power Generation re: Request to provide additional information](#)
- April 15, 2016 – [Letter from Ontario Power Generation to the Canadian Environmental Assessment Agency re: Schedule for submission of further studies to support the environmental assessment decision](#)
- September 7, 2016 – [Letter from the Canadian Environmental Assessment Agency to Ontario Generation Power regarding process to review the additional information](#)

Important Note

In accordance with CEAA 2012, comments received and other documents submitted or generated to inform the environmental assessment are part of the project file unless public disclosure is prohibited under the *Access to information* and *Privacy Act*. Accordingly, information submitted to the Agency that is relevant to the environmental assessment of the Project will be posted on the Canadian Environmental Assessment Registry Internet Site under reference number 17520. The Agency will remove information, such as signatures, prior to public disclosure. Should you provide any documents that contain confidential or sensitive information that you believe should not be made public, please contact me.

Sincerely,

<Original signed by>

Robyn-Lynne Virtue
Panel Manager

Attachments (2)

1. Annex 1: Information requests directed to the proponent
2. Annex 2: Advice to the proponent

ANNEX 1: Conformity information requests directed to the proponent

Table 1: Comments and suggestions for information requests to be directed to the proponent

Departmental number (e.g. HC-01)	Project Effects Link to CEAA 2012	Request Element	Reference to OPG's Response	Context and Rationale	Specific Question/ Request for Information
	<p>If applicable, select the section 5 effect to which your comment applies:</p> <p>5(1)(a)(i) Fish and Fish Habitat 5(1)(a)(ii) Aquatic Species 5(1)(a)(iii) Migratory Birds 5(1)(b) Federal Lands /Transboundary 5(1)(c)(i) Aboriginal Peoples Health/ socio-economic conditions 5(1)(c)(ii) Aboriginal Physical and Cultural Heritage 5(1)(c)(iii) Current Use of Lands and Resources for traditional purposes 5(1)(c)(iv) any Structure, Site or Thing of Historical, Archaeological, Paleontological or Architectural Significance</p> <p>5(2) Linked to Regulatory Permits/Authorizations (specify which legislation)</p> <p>If the interaction between the issue of concern and a section 5 effect is unclear, indicate the interaction pathway in the Context and Rationale column.</p>	<p>Identify which element from the Minister's request are related to the comment (alternative location, cumulative effects, mitigation measures)</p>	<p>Identify which section(s) of OPG's Response and appendices are related to the comment (Volume, section, page number).</p>	<p>Provide applicable background or rationale for requesting the information and why it is important for understanding the effects of the Project or for developing a follow-up program to verify the accuracy of EA predictions or the effectiveness of mitigation measures</p>	<p>Ask a specific question, or request specific additional information or clarification.</p>

ANNEX 2: Advice to the proponent

Table 2: Additional advice to the proponent, such as guidance or standard advice related to your departmental mandate

Departmental number (e.g. HC-01)	Reference to OPG Response	Context and Rationale	Advice to the Proponent
	<p>Identify which section(s) of OPG’s Response report and appendices are related to the comment (Volume, section, page number).</p>	<p>Provide the context of why you are providing the advice to the proponent.</p>	<p>Provide specific advice to the Proponent. This may include guidance or standard advice related to your departmental mandate. Clarify whether this information pertains to the environmental assessment or the regulatory phase.</p> <p>Note that any advice to the proponent would not be considered a request for information required to determine whether OPG’s response contains sufficient information to begin the technical review.</p>