

# The North policy briefing

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# THE HILL TIMES

THIRTIETH YEAR, NO. 519 CANADA'S POLITICS AND GOVERNMENT NEWSWEEK MONDAY, JUNE 16, 2014 \$1.00

NEWS SUMMARY

## Liberals prepared to sit on trade bill, recall Parliament in summer if needed; some Senators warn Bill C-100 shouldn't be rushed in Upper Chamber

BY MELANIE HARRIS

The government is prepared to sit on the trade bill to explore

Canada's trade agreement with the United States and Mexico until those countries agree to clarify the deal, says a Liberal MP, a step to take before the Parliament returns for the summer and including behind-the-scenes efforts to demonstrate through election campaigns a government's interest in the bill.

The government introduced Bill C-100 to implement the CUSFTA trade deal with Mexico and the U.S. in the House of Commons last year to bring the bill back

up for debate and endorsement in the Chamber in the New Year. But 11 sitting days remain before

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NEWS SUMMARY

## Fight over nuclear waste dump getting political, but Liberals downriver standing behind the project—or staying quiet

A plan to bury low-level nuclear waste at a site near the Ottawa River is raising opposition from municipalities and environmentalists. The company behind the project, Cameco Nuclear Laboratories, says it's safe. The New Surface Enriched Facility proposal is in year three of an environmental assessment handled by a regulator the Liberal government is on the verge of stepping out of responsibility. By Peter Mansour of Beatrice Pate p. 28



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NEWS SUMMARY

## Kerny's federal campaigning should be limited to carbon tax and pipelines, or else he should run federally: Conservative MP Tilson

BY MELANIE HARRIS

A Conservative MP says Kerny's plan to run for federal office is only to be limited to carbon tax and pipelines. Conservative MP David Tilson says Kerny's plan to run for federal office is only to be limited to carbon tax and pipelines.

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## Hill Times: Ottawa River nuclear waste dump getting political

### Fight over Ottawa River nuclear waste dump getting political, but Liberals downriver standing behind the project—or staying quiet

By Peter Mazereeuw and Beatrice Paez, Hill Times, June 10, 2019  
[www.ccnr.org/Hill\\_Times\\_art\\_June\\_10\\_2019.pdf](http://www.ccnr.org/Hill_Times_art_June_10_2019.pdf)

*A plan to bury low-level nuclear waste at a site near the Ottawa River is raising opposition from municipalities and environmentalists. The company behind the project, Canadian Nuclear Laboratories, says it's safe. The Near Surface Disposal Facility proposal is in year three of an environmental assessment handled by a regulator the Liberal government is on the verge of stripping of that responsibility.*



*Environment Minister Catherine McKenna, right, pictured with Liberal MPs Will Amos and Mona Fortier, make their way to an event related to the Ottawa River watershed at the Rideau Canal on May 28. The Ottawa River flows past their ridings. The Hill Times photograph by Andrew Meade*

A proposed dump for low-level nuclear waste near the Ottawa River has stirred up opposition from community groups, environmentalists, and municipalities worried the waste could leach into the river that flows past about 50 federal ridings, including Ottawa Centre, the home of Parliament Hill and Canada's environment minister, Catherine McKenna.

Members of Parliament from riverside ridings closest to the site of the proposed dump at the sprawling nuclear laboratories at Chalk River, Ont., are largely staying out of the fray. That includes Ms. McKenna, who has the final say over an environmental assessment for the project that is being conducted through a Harper-era assessment process, which she and an independent review panel have discredited.

While concerned citizen groups fret about what they see as a risk to their health and the environment, the company behind the project, Canadian Nuclear Laboratories, says it is safe. The low-level radioactive material that would go into the dump isn't powerful enough to pose a threat to human health or the environment once it is contained there, says Meggan Vickerd, a nuclear waste remediation specialist who serves as the director of what the company calls the Near Surface Disposal Facility (NSDF) project.

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The radioactive waste will be covered in an enormous mound of dirt, and water that flows off and away from the mound will be treated, she said. Groundwater from the site—were it somehow to become contaminated—naturally flows away from the Ottawa River, not toward it, and does so very slowly, allowing the company to intervene and clean it if need be, she said.

Several Liberal MPs from ridings just downstream of the site declined to comment on or be interviewed about the proposed project, as did Natural Resource Minister Amarjeet Sohi (Edmonton Mill Woods, Alta.), while two others organized or held information sessions on the subject for their constituents.

Ms. McKenna told *The Hill Times* during a press conference that she “heard” concerns from her constituents about the project, but didn’t say whether she shared them. Her office did not respond to numerous interview requests on the subject.

The Ottawa Riverkeeper environmental group and the NDP candidate in Ottawa Centre, Emilie Taman, are among those who say they will raise the issue during the upcoming election campaign. Municipal politicians in Montreal and Gatineau have already expressed their opposition. CNL staff, meanwhile, are trying to spread the word about the safety and safeguards planned to keep the proposed dump from harming the environment, or people around and downstream from Chalk River.

### No ‘public trust’ in assessment system

The Near Surface Disposal Facility to hold the low-level nuclear waste is being proposed by **Canadian Nuclear Laboratories (CNL)**. It is part of a complicated arrangement of private and public organizations created under the previous Conservative federal government, which privatized the operation of the Chalk River nuclear facilities that had been run by Atomic Energy of Canada Ltd. (AECL), a Crown corporation, in 2013.



*Meggan Vickerd, director of the Near Surface Disposal Facility project, stands at the proposed site for the engineered mound in Chalk River, Ont., on May 27. The Ottawa River is toward the mountains. The Hill Times photograph by Andrew Meade*

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Under the new model, the part of AECL that ran the labs was shrunk down to a shell of its former self, with most of its employees transferred to CNL. The government pays CNL to run the Chalk River facilities, and AECL—and by extension, the federal government—keeps both the assets and liabilities tied to the site.

CNL is owned by a consortium of companies that mounted a bid for the right to run Chalk River. It includes Quebec's SNC-Lavalin and U.S. engineering firms Fluor and Jacobs, which call themselves the Canadian National Energy Alliance.

The Near Surface Disposal Facility, commonly abbreviated as NSDF, is three years into an environmental impact assessment overseen by the Canadian Nuclear Safety Commission, a regulator for the nuclear industry.

It started the assessment in 2016, months after Ms. McKenna was given a mandate letter from Prime Minister Justin Trudeau (Papineau, Que.) that tasked her with reviewing the process immediately “to regain public trust and help get resources to market.”

Ms. McKenna struck an expert review panel that same year, which spent seven months surveying environmental groups, project proponents, academics, government officials, and other stakeholders about the environmental assessment process established by the previous Conservative government in 2012. Some said that CNSC should continue to be responsible for conducting assessments, given the technical expertise of its staff, but others said it was too close to industry, creating an “erosion of public trust” in the process and its outcomes. The panel recommended that CNSC be stripped of its role conducting assessments on nuclear projects.

Ms. McKenna tabled a bill in Parliament, C-69, which did just that. An omnibus bill that has been subject to criticism by Conservative politicians, industry, and some environmentalists, C-69 would put the power over assessments into the hands of the Canadian Environmental Assessment Agency, which it would rename to the Impact Assessment Agency of Canada. CNSC officials would still play a role, occupying some of the seats on review panels struck to guide assessments of nuclear projects. The Senate sent Bill C-69 back to the House last week with nearly 200 amendments, including those that would put more power over reviews back into the hands of CNSC officials.

In the meantime, however, the NSDF nuclear dump proposal is being evaluated under the old assessment system. When asked about the project at a press conference on the banks of the Ottawa River in late May, Ms. McKenna didn't take a position on whether the proposed dump posed a threat to public health or the environment, or on whether it should undergo a new assessment under the system laid out in her bill. “I've heard those concerns from residents of Ottawa Centre and more broadly,” she said, when asked about concerns raised by some of her constituents.

“I know there's been consultations, and that this is being run by the Canadian Nuclear Safety Commission (CNSC). This is part of the reason I believe that there are concerns, has to go to the history,” she said, referencing Bill C-69 and the previous Conservative government's role in introducing the current assessment process.

“I think, in the longer term, we need to rebuild trust, but certainly, this is a file I'm watching closely. It is in the hands of an independent regulator, but certainly, making sure that people's concerns are heard and are addressed from a science perspective is something very important to me,” she said.

When asked whether the NSDF project should be put through the new assessment process laid out in Bill C-69, once it passes into law, Ms. McKenna was noncommittal, calling the bill a top priority for her government.

“This [proposed project] is under the old process. That is the law. But, as I say, this is something both as minister of environment and climate change [Canada] but also as Member of Parliament, Ottawa Centre, that I'm looking at very closely,” she said.

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When asked whether a new review process was in store for the project, CNL spokesperson Pat Quinn told *The Hill Times*, during a tour of the facilities, “That’s up to the minister.”

“We will follow whatever regulations are in place at the time,” said Ms. Vickerd.



*CNL's Megan Vickerd said the mound will be restricted to low-level waste. The lab sorts through waste that is produced on site, for example, on an ongoing basis. The Hill Times photograph by Andrew Meade*

### More transparency needed on what CNL considers low-level waste, experts say

In the face of public concerns that one per cent of the waste in the engineered mound would be intermediate-level waste, Ms. Vickerd said, CNL has since tweaked its proposal, limiting it to low-level waste.

According to the International Atomic Energy Agency (IAEA), a near-surface disposal facility doesn't have the capacity to safely contain and isolate intermediate-level waste, which, by its definition, has long-lived radionuclides. Such waste, it says, has to be buried underground, by up to a few hundred metres.

Michael Stephens is a former AECL employee whose career in the nuclear industry spanned 25 years, including 16 years at the Chalk River labs, where he helped oversee the decommissioning of nuclear waste. He is one among several retired AECL employees who have decried the project as environmentally unsound.

Mr. Stephens said his main contention with NSDF is the criteria CNL is using to determine what the mound can hold. “What bothered me from the outset was originally the proposal [called] for intermediate-level waste [to be dumped],” he said. “That, by definition, is a non-starter.”

Gordon Edwards, president of the Canadian Coalition for Nuclear Responsibility, a non-profit organization that aims to educate the public on nuclear-energy issues, said the lab seems to be trying to push the limits of what it can reasonably get away with. “If you put forward an outrageous, totally unacceptable proposal, you can trim it and see how far you can go,” Mr. Edwards said. “CNL [was urged by the Harper government] to act quickly, to find a timely remediation to reduce Canada’s nuclear liability, in a ... cost-effective manner. That’s code for relatively quickly, cheaply.”

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Mr. Edwards has worked as a nuclear consultant; in 2017, he was hired by the federal auditor general's office to consult for its performance audit of CNSC. He said scrapping the idea of adding intermediate-level waste only goes "a little way" to addressing the larger issue. "What we're talking about is a mound of literally hundreds of radioactive materials. All have different chemistries, and have different pathways to the environment, to the food chain," he said.

CNL said it accounts for the toxicity of the radioactive material when it evaluates its threat to human health, including assessing the pathways of exposure—whether it's inhaled or ingested.

Another concern for him is the plan to transport and dump the waste of other decommissioned plants, including from Whiteshell Laboratories in Pinawa, Man. "How do they know what's in those containers? As far as we know, if they get the go-ahead to drive those containers right into where the mound will be, they'll simply put them there, bury them ... without having properly identified what's in there," he said.

Mr. Stephens echoed Mr. Edwards' concerns about what, he said, could conceivably wind up in the dump. CNL, he argued, hasn't been transparent about whether, for example, it would dump packaged solid waste, which could have varying degrees of toxicity, or building rubble that's just been slightly contaminated.

Even before the decommissioning of a plant, Mr. Quinn said, CNL "meticulously" characterizes "all the waste that is expected to be generated." CNL, he said, "will develop characterization plans that comply with the proposed NSDF waste acceptance criteria." Its criteria, which the company said conforms to regulatory guidance, is still pending approval from CNSC. What qualifies as low-level waste, Mr. Stephens said, should be limited to materials that are "only slightly [more] radioactive than the world is normally." "They're trying to make this facility do too much by allowing a wide range of contaminants," he said. "They seem to be trying to put long-lived, quantitatively more radioactive material in there."

If, however, the mound was strictly restricted to low-level waste, Mr. Stephens said—as is currently planned—the project would not raise alarms for him. CNL has insisted that the mound will only include low-level waste, including short-lived radionuclides and a restricted amount of "long-lived radionuclides."

### **Metro Montreal, Gatineau oppose project**

Much of the waste slated for the waste dump is material contaminated from being in the presence of radioactive material, including parts of old, demolished buildings where decades of nuclear research took place; safety clothing worn by scientists handling nuclear materials; sand and dirt from sites where nuclear waste was, and remains, buried in trenches in years past. About five per cent of the waste will be brought in from other sites where nuclear work is being done in Canada, all of it classified as low-level by Canadian guidelines, say CNL officials.

The mound itself will be filled in over a period of about 50 years, before being capped off and closed over an additional 30 years. Within about 10 years after that time—roughly 2130—the radioactive materials in the mound will have decayed to roughly the same level of radioactivity as is in the bedrock in the surrounding countryside, according to CNL.

Put another way, someone could, in theory—this would not be allowed under the plan—start a farm on top of the dirt covering the waste dump in the year 2130, raising crops and drawing water from a well, without receiving an unhealthy dose of radiation, said Ms. Vickerd.

In the meantime, CNL plans to operate a wastewater treatment plant to purify water flowing away from the dump. Few companies in Canada carry on operations for a hundred years or more; if CNL folds, the Government of Canada—which is already funding CNL—will be responsible for dealing with the dump.

CNL has held roughly 200 information sessions for members of the public concerned about the project, said Mr. Quinn.

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Still, concerns persist among groups of citizens and city councillors with an eye on the project. **The** Montreal Metropolitan Community, including 82 local mayors, unanimously adopted a motion opposing the NSDF last year, over concerns that it could pollute the Ottawa River, which feeds into the St. Lawrence that flows through the city, CBC reported. The City of Gatineau did the same.

Some citizen groups have voiced concern about the possibility of nuclear waste from the mound being washed into the river if extreme floods spill over its banks. That's almost impossible, according to CNL; the proposed site of the mound sits on the downslope of a hill, running away from the river, at an elevation of 160 metres, about 50 metres higher than the peak water level seen during this year's flood, said Mr. Quinn.

### **‘When do you stop changing all the rules?’: Fergus**

It's still too soon to say whether the project will emerge as a key issue in affected ridings, but Ottawa Riverkeeper, a charity that describes itself as a champion for the rivershed, is vying to make it a talking point on the campaign trail.

Patrick Nadeau, the organization's executive director, said he's particularly concerned that Ottawa appears to have limited oversight of the project, arguing that it doesn't have a comprehensive policy for dealing with the waste that's destined for the NSDF.



Liberal MP Greg Fergus said the 'status quo' of leaving the waste to sit stashed in temporary containment sites is unacceptable. *The Hill Times* photograph by Andrew Meade

“We'll encourage our followers to [ask] these tough questions of their candidates,” Mr. Nadeau said, noting his organization can reach 15,000 people through its channels. “There's a huge wave of grassroots attention, and action, around this.”

Ms. Taman, a criminal lawyer who will be running against Ms. McKenna, said the issue has come up during canvassing, and is of concern to constituents, even as many likely “don't have a deep understanding of the issue.”

“You can have every safety precaution in place, but, because the consequences of an unforeseen leak or contamination of the river are so catastrophic, I think it's fair for the public to be asking questions,” she said. “I would have questions about the independence of the regulator. ... It seems to be very close with the industry.”

When constituents approached her with concerns about the proposal after it was announced, Conservative MP Cheryl Gallant (Renfrew-Nipissing-Pembroke, Ont.)—who represents the riding that hosts Chalk River and many CNL employees—said she reached out to CNL's president, Mark Lesinski, for answers.

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“They were concerned that there would be waste coming from other parts of the country. Ninety per cent of these low-level waste materials are coming from buildings that they are taking down right now at Chalk River,” Ms. Gallant said.

While many citizen and environmental groups question CNSC’s independence relative to the industry, Ms. Gallant said, she isn’t concerned about the regulatory process. “I would be more confident in CNSC having the final say, because the whole nuclear industry is dependent on their doing their job,” she said.

Liberal MP Greg Fergus, whose riding, Hull-Aylmer, Que., is situated along the Ottawa River, said he held two town hall meetings on the project in response to constituents’ concerns. Some 200 people attended overall. CNL officials were called to field their questions, many of which centred on the technology that would be used to ensure radioactive chemicals would not leak into river.



*Bloc Québécois MP Monique Pauzé is concerned about the oversight of the project. The Hill Times file photograph*

Asked whether he’s concerned that the proposal would likely be scrutinized under the Harper-era process, Mr. Fergus said, it’s tricky to have shifting goal posts. “When do you stop changing all the rules?” he said. “If we start all over again, there are a lot of people who are going to think we’re just kicking the can down the road. ... The status quo is unacceptable. We can’t just leave the waste that’s sitting there.”

In a phone interview, Liberal MP Will Amos (Pontiac, Que.), a former environmental lawyer, said that the process should be allowed to play out. “There are some people who would like this environmental assessment process to be politicized in a manner where politicians would simply say the project [needs to be killed],” Mr. Amos said. “What Canada needs, and what is in the public interest, is an independent, science-based process where every point of view can be assessed on their own merits.”

He pushed back at the notion that CNL’s proposal would be subject to the old process, saying that the law is still “in flux.” “The Canadian Nuclear Safety Commission will only conduct a formal environmental assessment process over a final project proposal,” he said.

While Mr. Fergus said it’s more than a vocal minority that has concerns over the proposal, Mr. Amos said it’s too early to tell whether it will figure as a ballot-box issue.

Liberal MP Andrew Leslie (Orleans, Ont.) sent a statement to *The Hill Times* in response to emailed questions about the NSDF project.

“The health and safety of Canadians and the protection of the environment are our top priorities.

“As part of the ongoing process, members of the public, as well as local communities and elected officials have been engaged and informed. All of the input received is being carefully considered.

“Our nuclear regulator, the Canadian Nuclear Safety Commission is peer-reviewed and world-renowned. It always puts safety first.

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“The CNSC will only approve projects if it concludes that they are safe for people and the environment, both now and in the future.”

Bloc Québécois MP Monique Pauzé (Repentigny, Que.), her party’s environment critic, said the idea of constructing a mound of radioactive waste close to the river poses an “unacceptable” risk to the water supply. Though the issue isn’t on the radar of many of Ms. Pauzé’s constituents, her concerns stem from the fact that the Ottawa River feeds into the St. Lawrence River, which is located near her riding in a suburb in Montreal. What’s more, she said, the project is being overseen **by a private consortium**, whose interests are driven by profit first, rather than public safety considerations.

Mr. Sohi, who, as natural resources minister, is responsible for oversight of the nuclear industry, was not available for an interview about the NSDF, according to spokesperson Vanessa Adams. Liberal MP Karen McCrimmon (Kanata-Carleton, Ont.), whose riding sits just downriver from the site, declined to comment via her office.

Emailed questions about the project sent to Liberal MPs Anita Vandenbeld (Ottawa West-Nepean), Mona Fortier (Ottawa-Vanier, Ont.), and Francis Drouin (Glengarry-Prescott-Russell, Ont.) were received, their offices confirmed, but not answered. Liberal MP Steven MacKinnon’s (Gatineau, Que.) office responded to the questions about his views on the project by saying he was not available for an interview.

The Canadian Nuclear Safety Commission did not respond to questions emailed by *The Hill Times*.

[peter@hilltimes.com](mailto:peter@hilltimes.com) [bpaez@hilltimes.com](mailto:bpaez@hilltimes.com)

### ***What Liberal MPs are saying about the low-level nuclear waste dump planned for Chalk River***

*“There are some people who would like this environmental assessment process to be politicized in a manner where politicians would simply say the project [needs to be killed.]”—Liberal MP **Will Amos**, Pontiac, Que.*

*“Our nuclear regulator, the Canadian Nuclear Safety Commission is peer-reviewed and world-renowned. It always puts safety first.”—Liberal MP **Andrew Leslie**, Orléans, Ont.*

*“It is in the hands of an independent regulator, but certainly, making sure that people’s concerns are heard and are addressed from a science perspective is something very important to me.”—Environment Minister **Catherine McKenna**, Ottawa Centre, Ont.*

*“If we start all over again, there are a lot of people who are going to think we’re just kicking the can down the road. ... The status quo is unacceptable. We can’t just leave the waste that’s sitting there.”—Liberal MP **Greg Fergus**, Hull-Aylmer, Que.*