

**Canadian Nuclear
Safety Commission**

**Commission canadienne de
sûreté nucléaire**

Panel Hearing

Audience d'une formation

March 7, 2007

Le 7 mars 2007

Public Hearing Room
14th Floor
280 Slater Street
Ottawa, Ontario

Salle d'audiences publiques
14e étage
280, rue Slater
Ottawa (Ontario)

Commission Members present

Commissaires présents

Ms. Linda J. Keen
Mr. André Harvey
Mr. Alan Graham

Mme Linda J. Keen
M. André Harvey
M. Alan Graham

Secretary: Mr. Marc Leblanc

Secrétaire: M. Marc Leblanc

General Counsel :
Ms. Samantha Maislin-Dixon

Conseiller général :
Mme Samantha Maislin-Dixon

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Ottawa, Ontario

1
2
3 --- Upon commencing on Wednesday, March 7, 2007
4 at 3:32 p.m.

5
6 **Opening Remarks**

7 **MR. LEBLANC:** Bonjour. Very briefly, this
8 is the third hearing today so I will just reiterate that
9 we are transcribing this hearing so I would ask that you
10 speak relatively slowly so that both interpreters can
11 understand and the transcripts are full. Also, introduce
12 yourself before speaking so that again the transcripts are
13 complete.

14 That being said, I am going to ask the
15 President to proceed.

16 **THE CHAIRPERSON:** Good afternoon. I
17 apologize for the delay.

18 We are welcoming you here in Ottawa from
19 Rio Algom and also Mr. Art Coggan is joining us I believe
20 from Elliot Lake.

21 This form of hearing does not provide for
22 public interventions. However, the public was invited to
23 observe the hearing and to have access to Commission
24 Member documents. The record of proceedings and the

1 transcript will be available to the public.

2 I would like to begin by introducing the
3 members of the Commission that are participating in the
4 hearing today. On my left is Mr. Alan Graham and on my
5 right is Mr. André Harvey. In addition, we have the
6 secretary of the Commission, Marc Leblanc, with us on the
7 podium; as well we have Samantha Maislin-Dixon, who is
8 legal counsel to the Commission.

9 I would like to emphasize that the
10 Commission is a quasi-judicial administrative tribunal and
11 a court of record and as such we are independent of all
12 influence be it political, governmental, public interest
13 groups or from the private sector.

14 Each Commission Member is independent of
15 other members as well as independent of CNSC staff.

16 The Commission Members are appointed
17 by the Governor in Council on good behaviour on a basis of
18 their exceptional achievements and their excellent
19 reputation.

20 The Commission does not have an
21 economic mandate and its decisions are not based on the
22 economic impact of a facility nor on the impact of its
23 decision on the facility. It is safety and security of
24 people and the protection of the environment that are
25 paramount.

1 I would like to note that the Commission is
2 still on enhanced security status, as are many of the
3 facilities that we regulate.

4

5 **Rio Algom Limited:**

6 **Environmental Assessment**

7 **Screening Report for the**

8 **Proposed Replacement of the**

9 **Stanleigh Effluent Treatment**

10 **Facility, Elliot Lake, Ontario**

11

12 **THE CHAIRPERSON:** We will begin the hearing
13 today regarding the Environmental Assessment Screening
14 Report for the proposed replacement of the Stanleigh
15 Effluent Treatment Facility in Elliot Lake, Ontario.

16 The Commission members have read the
17 written submissions filed by the CNSC staff as outlined in
18 Commission Member Document 07-H107. I would like to turn
19 to the CNSC staff, to Mr. Chris Taylor, to see if there is
20 anything you would like to add to this, if there is a
21 presentation you would like to give, and then I will be
22 turning later to Rio Algom at a later time.

23 To begin, Mr. Taylor, is there anything you
24 would like to add?

25

1 **07-H107**

2 **Oral presentation by**

3 **CNSC staff**

4 **MR. TAYLOR:** Yes, Madam Chair.

5 Good afternoon, Madam Chair and Members of
6 the Commission. I am with you here today as the Acting
7 Director General of the Directorate of Environmental
8 Assessment and Protection.

9 With me today is Mr. Robert Barker, a
10 project officer with the Wastes and Decommissioning
11 Division, and Liana Ethier, an environmental assessment
12 specialist with the Environmental Assessment Division, as
13 well as other members of the EA review team.

14 Rio Algom Limited applied to the CNSC to
15 replace the existing effluent treatment plant located at
16 the Stanleigh tailings management area near Elliot Lake,
17 Ontario with a new effluent treatment plant and settling
18 pond.

19 In compliance with the requirements of the
20 *Canadian Environmental Assessment Act* a screening
21 environmental assessment was conducted resulting in the
22 screening report, which is the subject of today's
23 presentation.

24 In CMD 07-H107, staff is seeking the
25 Commission's decision on the findings and recommendations

1 contained in that screening report.

2 I will now turn the microphone over to Mr.
3 Barker, who will provide a brief overview presentation.

4 **MR. BARKER:** Thank you, Mr. Taylor.

5 For the record, my name is Robert Barker.
6 I am the project officer for the Elliot Lake mine sites.

7 Currently, Rio Algom Limited operates an
8 effluent treatment plant at the Stanleigh tailings
9 management area. This plant has high power consumption
10 rates, is aging and is susceptible to power supply issues.

11 Rio Algom has proposed to replace this
12 plant with a much smaller one incorporating numerous
13 design efficiencies, which will also require the
14 construction of a settling pond and access road.

15 The proposed effluent treatment plant is
16 designed to reduce energy consumption by 95 per cent over
17 the current system. The design of the proposed plant
18 reduces the risk of non-compliant discharge due to
19 equipment failure, and the incorporation of a settling
20 pond with stop log structures would provide additional
21 control and response options for treatment system upset in
22 extreme event conditions.

23 Activities associated with this project
24 include the demolition of the existing treatment plant,
25 the construction of an access road, the creation of the

1 settling pond, the construction of a settling pond dam and
2 spillway, and construction and operation of the new
3 treatment plant.

4 The CNSC is the only federal responsible
5 authority for this assessment. Federal authorities for
6 the assessment have been identified pursuant to the
7 federal coordination regulations. The federal authorities
8 are Environment Canada, Fisheries and Oceans Canada,
9 Natural Resources Canada, and Health Canada.

10 Rio's proposal would also require several
11 provincial permits as well as a coordinated class
12 environmental assessment for a water turbine.

13 Under the Canada-Ontario Agreement on
14 Environmental Assessment Cooperation, federal and
15 provincial environmental assessment processes are
16 coordinated for projects under joint federal and
17 provincial jurisdiction.

18 The CNSC worked with the Province of
19 Ontario to ensure that the information required to satisfy
20 both federal and provincial requirements would be met
21 through one process.

22 The CNSC also performed the role of the
23 federal environmental assessment coordinator for the EA.

24 The preparation of the environmental
25 assessment guidelines was coordinated with the Province of

1 Ontario to ensure that the requirements for both the
2 federal and provincial approval processes were identified
3 and also to allow for the coordination of subsequent
4 reviews.

5 CNSC staff solicited comments from the
6 public during the development of the guidelines and note
7 that no comments were received during this consultation
8 period.

9 Pursuant to section 17 of the *Canadian*
10 *Environmental Assessment Act*, Rio Algom was delegated to
11 completion of the technical studies to satisfy the
12 requirements of the EA guidelines by the CNSC.

13 Also delegated were certain
14 responsibilities for public consultation.

15 Rio provided the technical studies in the
16 form of an environmental assessment study report, which
17 was initially submitted in May 2006. The technical
18 studies were reviewed by the province of Ontario, CNSC
19 staff and the federal authorities for the EA.

20 Rio responded to the comments of the
21 reviewers by issuing a revised study report in August
22 2006. This version of the study report was accepted as
23 the final version of the technical studies.

24 CNSC staff has drafted a screening report
25 based on the information in the technical studies. Staff

1 distributed the draft screening report to federal
2 authorities in the Province of Ontario for review.
3 Changes were made to the screening report based on this
4 review and concurrence was obtained on the proposed
5 screening report that is before you today.

6 Staff does note that in the finalization of
7 the draft screening report that an artefact table has been
8 introduced on the last page of Appendix B. Staff advises
9 that it intends to remove this table both from the draft
10 screening report and from the proposed screening report.

11 CNSC staff then solicited comments from the
12 public and First Nations on the draft screening report.
13 Copies of the draft screening report were mailed directly
14 to several stakeholders including the Serpent River First
15 Nation, Serpent River Region Environmental Committee, the
16 City of Elliot Lake and the Township of the North Shore.
17 No comments were received.

18 With respect to the provincial EA process,
19 it was contemplated during the development of the EA
20 guidelines that a provincial class EA for resource
21 stewardship and facility development would be required for
22 Rio Algom's application to the Ministry of Natural
23 Resources for approval under the *Lakes and Rivers*
24 *Improvement Act* and for the permit required for the micro
25 hydro facility.

1 However, the province recently clarified
2 that there is no class EA required for approval under the
3 *Lakes and Rivers Improvement Act* but there is a
4 requirement for a provincial class EA for resource
5 stewardship and facility development for Rio Algom's
6 application for a water power direct site release
7 application leading to a land use permit for the project.

8 There is also a provincial class EA for the
9 micro hydro facility as set out by Regulation 116/01
10 Electricity Projects.

11 Together, these two requirements are
12 proceeding in parallel under a joint provincial EA.

13 Rio Algom has proposed to the province a
14 schedule that should complete these processes prior to the
15 proposed licence amendment hearing for this project should
16 the Commission rule in favour of the CA.

17 Rio Algom has proposed to MNR that the
18 requirements of the class EA are satisfied by the federal
19 environmental study report and that only procedural steps
20 remain.

21 Given that the provincial procedural issues
22 remain to be resolved, and based upon discussions with the
23 province as of today, it is possible that minor changes to
24 Rio's environmental report may result. The changes that
25 may occur are expected to be minor and are not expected to

1 impact on the conclusions of the report.

2 The province has indicated that some
3 remaining factors may be related to land tenure,
4 information requirements, and use of power from the
5 turbine.

6 CNSC staff will continue to monitor the
7 provincial process and will advise the Commission in the
8 event that the province recommends any changes that would
9 impact on the conclusions of the screening report.

10 On this basis, CNSC staff recommends
11 proceeding with the review and decision on the federal EA
12 screening report.

13 In summary, CNSC staff and other federal
14 and provincial departments have reviewed the environmental
15 assessment documentation, including the proposed
16 mitigation measures. On the basis of this review, CNSC
17 staff concludes that Rio's proposal, taking into account
18 the mitigation measures, is not likely to cause
19 significant adverse environmental effects.

20 CNSC staff recommends that the Commission
21 accept staff's conclusion and proceed with a course of
22 action consistent with paragraph 21(1) of the *Canadian*
23 *Environmental Assessment Act*. That course of action would
24 be consideration by the Commission under the *Nuclear*
25 *Safety and Control Act* of the application by Rio Algom

1 Limited to amend their Class 1B waste facility operating
2 licence to allow for the replacement of the existing
3 effluent treatment plant with a new effluent treatment
4 plant and settling pond.

5 Thank you. This concludes staff's
6 presentation.

7 **MR. TAYLOR:** Madam Chair, it is Chris
8 Taylor for the record.

9 This does conclude staff's presentation and
10 we are now available to answer questions of the Commission
11 that you may have.

12 Thank you very much.

13 **THE CHAIRPERSON:** Thank you.

14 I am going to now turn to Rio Algom. It is
15 a pleasure to welcome again the Vice-President of Closed
16 Mines for Rio Algom.

17 We do have teleconference on as well, so we
18 turn the floor over to Rio Algom for any comments that you
19 would like to make at this time.

20 **MS. WIBER:** Thank you, Madam Chairman.

21 Maxine Wiber with Rio Algom Limited.

22 We don't have a formal presentation for
23 today. I think the material hopefully is clear in the
24 documents that you have received.

25 Just perhaps a short comment that it is a

1 good project for us. It is going to make operating the
2 site much easier. It will be green in terms of the energy
3 source being the water turbine, which is the gravity flow
4 from the tailings plant.

5 The more recent provincial decision that
6 they are uncertain about covering their EA requirements
7 within our combined EA is something that we will work on
8 and I'm sure that we can get resolved. One way or another
9 we believe that we can get it done in a timely way.

10 I just want to comment it was a lot of work
11 in a year. It was about two years in planning and one
12 year ago we met to talk about how to streamline the
13 provincial and federal process. We worked really hard to
14 do that. Debbie has devoted most of her life and then
15 some to the process of making it happen, and the CNSC
16 staff, Bob Barker and others, have worked very hard to
17 help us with that. So I think it worked out very well.
18 It is complex, even for a small project. There is a lot
19 of rigour in the regulatory regime both at the provincial
20 and at the federal level, so we felt the full weight of
21 that rigour, but I think we are good with it.

22 Thank you.

23 **THE CHAIRPERSON:** Thank you, because you
24 thought of my first question, which was some concerns
25 about the inability to have things come together at the

1 same time and obviously thinking that that doesn't really
2 protect the environment very much. It's a lot of work.

3 I guess my first question would be to both
4 CNSC staff but first of all to Rio Algom as to the
5 functioning of the joint review committee. I think you
6 were probably the pioneer, Rio Algom, in establishing
7 these kinds of committees, which I think are now going to
8 become commonplace I think in a lot of industries
9 including mining. I just wondered if you wanted to
10 comment on the functioning of this particular committee
11 and then I will ask Mr. Barker to do the same.

12 **MS. WIBER:** The committee works really
13 well. The only suggestion I would have for the committee
14 members is maybe to use technology a little bit better.
15 We found that teleconferencing is really efficient and
16 it's a way to focus everyone. When you have everyone on
17 the phone it tends to be a very efficient way of going.
18 Using PowerPoint we can share presentations and of course
19 it works really well.

20 The JRG members, I think Debbie spent a lot
21 of time to be sure that each group was delivering what we
22 needed to make the project successful without having a
23 driver to be sure. Of course it is in our interest to be
24 sure, so I think that helps very well.

25 I think it's really up to the proponent to

1 be sure that things are working and I would say without
2 exception -- Debbie might have a comment -- without
3 exception people were working hard to work together and to
4 meet the timelines.

5 Frankly, I was surprised when we sat down a
6 year ago or a little bit more than a year ago, we mapped
7 out a process that was going to take a year and, you know,
8 then some, so it was surprising to us even back then just
9 how much work and lead time would be required just simply
10 to do what we are doing now but in a better way.

11 That was a bit of a surprise to us then.
12 Of course we have reconciled ourselves to that and we have
13 done -- I think it worked out quite well.

14 **THE CHAIRPERSON:** Mr. Barker.

15 **MR. BARKER:** Bob Barker for the record.

16 Yes, I'm very pleased with the reaction of
17 the joint review group in assessing licensee operations in
18 general in the Elliot Lake area. They have consistently
19 attended meetings when they have been called. They for
20 the most part attend the inspections. They are invited to
21 attend the CNSC inspections when we have them generally
22 every May. My sense is that they do work hard in terms of
23 assessing any changes that are being proposed or
24 operations that are being proposed by the licensees in the
25 Elliot Lake area in relation to the requirements and

1 guidelines.

2 It was a little unfortunate that the
3 current situation did get out of step slightly with the EA
4 process, but again the staff, I think, from the provincial
5 ministries are doing their very best as well.

6 **THE CHAIRPERSON:** Thank you.

7 Questions from my colleagues. Mr. Graham.

8 **MEMBER GRAHAM:** Thank you, Madam Chair.
9 Just a couple of questions.

10 One is with regard to the provincial
11 process that is ongoing I understand at the present time.
12 What is the timeframe on that? You have lived up to your
13 timeframes that you have put on it, but when do you feel
14 that will be completed so that you are then providing
15 everything as approved and you can come forward with the
16 next phase or next step of licensing?

17 **MS. WIBER:** I can't speak directly to that
18 but my understanding is it adds about a month, but it's
19 concurrent time so we are not going to lose time by doing
20 it. They have certain triggers and procedures they have
21 to follow in sequence that we can't meet if we combine our
22 EA with their procedural requirements, so it is mainly to
23 take that problem away to do a separate process.

24 Debbie, I don't know if you want to add
25 details.

1 **MS. BERTHELOT:** Debbie Berthelot for the
2 record.

3 The province has participated fully in the
4 technical reviews and provided comments on the EA, so
5 there aren't any technical issues. It remains around the
6 allocation and the disposition of water rights from the
7 Crown. They have a very prescriptive process that applies
8 to James Bay or to a little turbine going into this site.
9 So in order to give them the ability to fulfil their
10 transparent processes they have a very prescriptive
11 process they have to follow and they were a little bit
12 late in determining that they needed the disposition of
13 that asset, so we are a little bit behind the eight ball.
14 They had originally believed that we would not need a
15 special disposition for it.

16 **MEMBER GRAHAM:** Thank you.

17 Another aspect in reading the report, and
18 by the way it is very well done and very interesting,
19 involvement of the general public, especially the First
20 Nations, there was not -- the opportunities were given but
21 there was no involvement. Is that my understanding?

22 **MS. BERTHELOT:** The public has had many
23 opportunities. We had an open house in April of 2006. We
24 had about eight people attend that. There has been a
25 newsletter in the newspaper itself and we have actually

1 had three different presentations to city council where
2 that was addressed, but we have not received any
3 responses.

4 **MEMBER GRAHAM:** What I'm coming at I guess
5 is First Nations' land claims. Are there any outstanding
6 land claims in that area of Ontario that could reflect on
7 this as you go forward?

8 **MS. BERTHELOT:** Debbie Berthelot for the
9 record.

10 No, there are not any outstanding land
11 claims.

12 **MEMBER GRAHAM:** CNSC staff, anything to add
13 on that?

14 **MR. BARKER:** That's our understanding as
15 well.

16 **MEMBER GRAHAM:** Thank you, Madam Chair.

17 There is just one other question I have
18 with regard to in the back of the documentation there were
19 a series of letters, one from Natural Resources Canada,
20 one from Rio Algom and one from Environmental Health
21 Assessment Services. There were different questions and
22 reports in those letters. I tried to follow them forward
23 to see if they have all been answered. All of the
24 concerns that were put forward in those letters have been
25 addressed by the various federal agencies that put them

1 forward, have they?

2 **MS. WIBER:** Yes, they have.

3 **THE CHAIRPERSON:** Mr. Harvey.

4 **MEMBER HARVEY:** Merci, Madame la
5 Présidente.

6 My first question is quite general. When
7 performing a screening report, to what extent does the
8 staff study the different elements of the environmental
9 assessment? For example, has the staff revised the
10 security aspects of civil works as to dam stability and
11 waste capacity, things like that? To what extent do you
12 look at it?

13 **MR. TAYLOR:** Chris Taylor for the record.

14 The way the environmental assessment is
15 structured is we look at all those aspects of the project
16 that might interact with various components of the
17 environment, including malfunctions and accidents. So,
18 for example, the construction of the dam, any aspect of
19 how the dam construction itself could impact on the
20 environment and also any failure of that dam, the risk,
21 any potential risk of the failure of the dam and how that
22 might also impact on the environment, is looked at quite
23 closely during the course of the environmental assessment.

24 If you have specific questions about the
25 dam, the safety of the dam and the geotechnical safety of

1 the dam, we do have Dr. Marhez Ben Belfadhel(ph) here to
2 address that. He did look at that closely from a
3 geotechnical point of view.

4 **MEMBER HARVEY:** Thank you.

5 On page 14 of the screening report, which
6 is -- sorry -- yes, it's not the screening report but the
7 environmental assessment. No. Okay. I'm sorry.

8 It is said that the temporal boundaries of
9 the settling pond start in June 2007 and extend
10 indefinitely. What guarantee do we have that there will
11 be provisions to ensure that the maintenance and operation
12 of the structure and equipment for so long a period of
13 time?

14 **MR. TAYLOR:** Chris Taylor for the record.

15 The purpose of the environmental assessment
16 is for the Commission to make a determination on the
17 likelihood of significant adverse effects through that
18 time period. The control of that and ensuring that the
19 mitigation measures that are described in the
20 environmental assessment are implemented and that follow-
21 up programs are in place for the continued monitoring and
22 safety of that, then come before the Commission as a
23 licensing matter.

24 The assurance that the licensee will
25 continue to maintain that facility in a safe and secure

1 condition then becomes an obligation under the *Nuclear*
2 *Safety and Control Act* through licensing and perhaps in
3 the long term some form of institutional control depending
4 on the future decommissioning of the site.

5 **MEMBER HARVEY:** My question is premature.
6 I should wait to have come back with my question.

7 Just a small thing on page 28 of the
8 screening report, just at the bottom:

9 "Effluent quantity and quality.

10 Annual volumes of treated water from
11 the existing treatment plant were 8.9
12 in 2003, 8.0 in 2004 and 4.3 in 2005.

13 The project will reserve no change in
14 the annual volume." (As read)

15 But would it be 8 or 4? What is the reason
16 for 4 in one year and 8 the preceding year?

17 **MS. WIBER:** Maxine Wiber, Rio Algom
18 Limited.

19 Really the amount of water we treat depends
20 on if we have a wet or dry year and so that variation you
21 see is a variation because of runoff to the basin.

22 **THE CHAIRPERSON:** Further questions?
23 Mr. Graham.

24 **MEMBER GRAHAM:** Most of my questions would
25 be pertaining to the next step when you come forward, but

1 just technically in the proposed map on page 16, the new
2 settling pond and the old treatment plant, the new
3 settling pond more or less overrides into the new
4 treatment plant but yet the old treatment plant is not
5 going to be demolished until the new pond is built, I
6 understand. I am just wondering how you can build a pond
7 in the same location as the current plant that is going to
8 be replaced and have it still operational until the new
9 one comes into place, just the process there.

10 I mean I know this will be licensing
11 questions, but that was something that I just didn't
12 understand.

13 **MS. WIBER:** One of the steps that we will
14 make in preparing for construction is to draw down the
15 water level in the tailings pond itself so that we won't -
16 - we will have to get rid of water as we are constructing
17 the main dam and we won't have a big demand for the pond
18 water itself.

19 Art Coggan, our construction manager, is on
20 the phone. He is patiently listening to us. This is a
21 chance for him to describe the sequencing and what looks
22 like it could be a conflict, how that is resolved.

23 Madam Chairman, I would suggest Art Coggan
24 be asked.

25 **MR. COGGAN:** It's Art Coggan here. May I

1 proceed?

2 **THE CHAIRPERSON:** Yes, please proceed.

3 **MR. COGGAN:** Thank you.

4 In response to your question, the
5 sequencing is that we will build the new plant, which is
6 at an elevation above the ultimate pond level. We will
7 commission the plant by treating a modest amount of water,
8 which will go into the pond and we can pump that back into
9 the TMA, the idea being that we will have the plant built
10 and tested dry and tested wet by running some water
11 through it in a modest way.

12 We expect to complete that by sometime in
13 October and following that we will have to tear down the
14 old plant prior to running the new plant under full
15 operation because, as you have pointed out, the old plant
16 would be flooded.

17 So we believe we have the time and the
18 ability to build a new plant, commission it and test it
19 and know that it will work and then tear the old plant
20 down. It won't take very long to tear the old plant down.
21 Probably two weeks. Then we would start up the new plant
22 under full production.

23 Does that answer your question?

24 **MEMBER GRAHAM:** Yes, that does.

25 As I say, most of this is in the next phase

1 and I will have a series of questions then.

2 The only other question I had is with
3 regard to the clearing of that land, and that's for the
4 new settling pond. It wasn't clear the method of clearing
5 that would be done. I know it will be harvesting the
6 timber first, but then the debris, the stumps, the waste
7 from that timber harvesting, will it be burned, will it be
8 ground up, will it be excavated and placed in another
9 area? What is the process that will be carried out there
10 for the environment?

11 **MR. COGGAN:** It's Art Coggan again.

12 The normal procedure will be to grub the
13 land and collect the brush and so on and we will burn it.
14 That's our normal procedure.

15 If that is deemed by the Ministry of
16 Natural Resources not to be appropriate, then we will
17 remove it from the site and pile it somewhere where it can
18 be a natural habitat for small animals, but the normal
19 process which the loggers follow is to burn the debris
20 on such a small area as this.

21 **MEMBER GRAHAM:** That will require
22 permitting, I presume, will it, from Natural Resources
23 Ontario?

24 **MR. COGGAN:** It doesn't require anything
25 extensive providing we do it outside of the burning

1 season. It's more of a notification than an actual
2 burning permit required. If we do it I think it's - I
3 believe it's May 1st the burning season ends. We will
4 follow that up. If a permit is required of course we will
5 get it but I don't believe it's necessary.

6 **MEMBER GRAHAM:** My concern would be then
7 the environmental effects on the atmosphere and the
8 prevailing winds, where it may drift, and so on. I don't
9 know whether it's a large area to be burned, but still
10 just the fact that the environmental effects -- I don't
11 want to say come back because this is a one day hearing,
12 but my concern would be that all the necessary permitting
13 would be done.

14 **MR. COGGAN:** Well, most assuredly it will
15 be done.

16 I would like to point out that we are
17 talking a very small area. It's something in the order of
18 4.5 hectares in total that have to be cleared. Much of
19 that has very little growth on it because it was cleared
20 previously in the late seventies, early eighties when the
21 original plant was built. By the time we remove the
22 harvestable material and then grub the bit of brush and so
23 on. We are not talking about a big burn. It would be a
24 relatively small brush pile. We are several kilometres
25 away from the nearest house or anything like -- or any

1 kind of habitation so a pretty small amount of smoke would
2 be generated and it would be well dispersed before it got
3 anywhere near any kind of civilization.

4 We are talking, you know, of the 4.5
5 hectares possibly one hectare of sort of scrub brush. We
6 are not talking here about a large amount of material. We
7 wouldn't be burning the ground or anything like that. It
8 would just be collected brush.

9 **THE CHAIRPERSON:** My question is about
10 timing.

11 The recommendation of the staff is to
12 proceed with the consideration of the Rio Algom
13 application. Certainly, the Commission will be looking at
14 the screening report so I don't want to prejudge that.

15 One of my concerns about the provincial
16 issues is our ability -- if the Commission so decides to
17 proceed with that application, what would be the advice of
18 staff in that regard? Could the Commission recommend or
19 accept this recommendation about proceeding expeditiously
20 with the application or would we be required to await the
21 provincial results or provincial agreements?

22 **MR. TAYLOR:** Chris Taylor for the record.

23 To the best of my knowledge, the
24 Commission's decision is not conditional on the exercise
25 of authority of another jurisdiction. I believe the

1 Commission can proceed with its decision on the
2 environmental assessment and, if it wishes, the decision
3 on the licensing and issue that licence independently of
4 the province. The jurisdictions don't intertwine in that
5 way.

6 Rio Algom would simply have to wait for the
7 other permits from the province before proceeding with the
8 various aspects of the project that are subject to those
9 other permits.

10 **THE CHAIRPERSON:** It's just that I'm
11 cognisant of the weather and the opportunities to move.
12 Even the description with regards to this clearing makes
13 you understand, having been in Elliot Lake, the need to
14 pay attention to the weather, et cetera. I wanted to
15 ensure that whatever measures the Commission takes will
16 not, you know, delay things that should happen.

17 My understanding from reading this project
18 description is that it's, as was described by Rio Algom,
19 good news. It has certainly some issues to handle but the
20 net result, assuming a satisfactory installation, is good
21 news. You know, how do you make sure that this process
22 does not get itself wound up in areas that would seek to
23 prevent a good project from going ahead, with care of
24 course, but that's more my concern.

25 So I'm a bit reassured by that procedure.

1 Are there any further questions?

2 Then with respect to this matter I propose
3 that the Commission confer with regards to the information
4 we have considered today and then determine if further
5 information is needed or if the Commission is ready to
6 proceed with the decision. We will advise accordingly.

7 Thank you very much for coming. Thank you
8 to all of you.

9 --- Upon adjourning at 6:09 p.m.

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