

Sept. 9, 2008

ADMINISTRATION

2008 SEP 16 AM 9: 31

CNSC

CCSN



3288306

Michael Binder  
President  
Canadian Nuclear Safety Commission  
Ottawa, Canada  
K1P 5S9

FILE DOSSIER	4-05-02 <u>37-5-4-0</u>
REFERRED TO RÉFÉRÉ À	<i>Armstrong A.</i>

Dear Mr. President:

**Re: Release of Treated contaminated water – Welcome  
CNSC licensed facility into Lake Ontario – WNSL – W1 –2339.0/indf**

We are profoundly disappointed at your staff's lack of professionalism and obfuscation in dealing with our letter of July 21, 2008. Their advice to you upon which your response is based is legally and factually wrong. I will be very specific in my point by point response below. I am replying to you on behalf of the residents of Lakeshore Road impacted by this loss of containment of nuclear and other contaminants from a licensed facility.

You imply by your comments that your Agency works in a vacuum and you can ignore Provincial and Municipal requirements. You know and must have been advised by your staff that that is in fact not true! Why would the CEO of a Crown Corporation responsible for the Health and Safety of the Public be so poorly briefed?

Let me be specific. Your mandate as we have been told again and again, including publicly by Barclay Howden at a public meeting of the Port Hope Council, does not extend beyond the fences of the licensed property. Therefore your regulatory limit does not apply to dumping of contaminants on a public beach at the end of a municipal right of way.

I have four questions. They are:

1. Since nuclear waste is being transported from a licensed facility to a lake, does the right-of-way require a license?
2. Since nuclear waste and other contaminants have been dumped into Lake Ontario some 50 yards offshore where they would have built up creating a CNSC authorized mini nuclear waste site, why has that mini nuclear waste dump located in Lake Ontario not been licensed?
3. Have your staff provided you with a legal opinion that states that Provincial law pertaining to water quality does not apply to the dumping of contaminated nuclear waste into source water?
4. Will you make that legal opinion available to us and our lawyers?

Please provide us with the records of those inspections that you refer to at the bottom of page one of your response to us, that have been filed with the CNSC. We are advised by abutting property owners that there have not been inspections for more than a year. The pipe was originally designed to prevent more of my family's cows from being poisoned by the arsenic escaping from the nuclear waste site. I was told at the time by one of those involved that the final design of the pipe was to take the waste well out into Lake Ontario into 8 ft. deep water to prevent easy testing of the affluent and soil around the end of the pipe.

Can you please supply us with the initial application file, drawings and all correspondence, memos, etc. relating to the location, construction and subsequent operation of the pipe?

Any reasonably intelligent individual, who actually comes to the site, speaks to local residents that walk and use the beach regularly will tell you that the pipe broke this year and that the balance remains in the lake from the break outward. Will you test the soil at the original end of the pipe and make those soil tests public?

If the original function of the pipe was to dump contaminated nuclear and related waste into Lake Ontario then the Ministry of the Environment Ontario and the licensee are telling you the truth – that is what it is doing! Why has your own staff not done the inspection job that you are required to perform under your legislation when there is a loss of containment and the escape of nuclear waste from a licensed facility?

There does not appear to be delegation authority to the Ontario Ministry of the Environment in Your legislation. If there is, can you provide us with the reference and copies of the decisions of the Commission to delegate that function to the Ontario Ministry of the Environment?

In response to your comments at the top of page two, let me remind you that your legislation only applies to matters inside the fence and that new Provincial water quality legislation arising from the Walkerton tragedy trumps your act. We drink, swim in and enjoy that water and you have no right to license a company to contaminate it! The world has and is changing; it is time for the CNSC to step up to the environmental mark and get it right – stop the polluting. There is technology available that will remove arsenic and uranium to below the provincial standards and I am advised that a small but significant number of the population is violently allergic to beryllium.

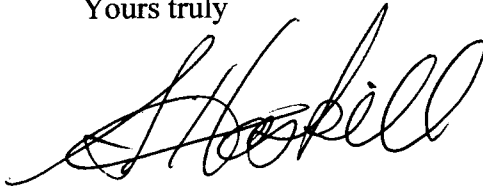
Finally, we were astounded at your comment on the bottom of page one where you state that “the pipeline...is now visible due to lower water levels this year”. Mr. President, that is a lie and you should be ashamed of yourself for lying to those that you took an oath to protect. My family has lived on the land overlooking the pipeline in question for over 200 years, sixty-five of those years have been mine. The water is at a high point, much higher than in previous years.

I know that because I went to our local Canadian Coast Guard office and asked the following question. "Is the water higher or lower in Lake Ontario this year." They said higher and then they provided me with a set of charts showing water levels in all of the great lakes. Is your staff totally incompetent or did they rely on the licensee who told the same lie to the local media only to be called on it by boaters. But to be very clear let me quote from a public document published in July, 2008, which is a water level advisory. That Canadian Coast Guard official document states on its front cover the following, "The water levels on Lake Ontario, Lake Erie and the Port of Montreal, are above their all-time average level for this time of year and are above the level of Chart Datum."

We resent being lied to and misled. We resent having your response which is full of incorrect information made public and used by the Municipality to put our concerns to rest.

I await a response to our questions and comments from you that is honest and truthful and addresses our concerns.

Yours truly



Sanford Haskill  
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EMAIL: [sanann@sympatico.ca](mailto:sanann@sympatico.ca)

c.c.: Ms. Linda Thompson, Mayor Port Hope  
Ms. Gayla Campney, Regional Director M.O.E.  
Dr. Andrew Oliver, Cameco Corporation



# Water Levels Niveaux d'eau

## Great Lakes and Montreal Harbour

Monthly Bulletin prepared by the  
Canadian Hydrographic Service  
Department of Fisheries and Oceans

## Grands Lacs et port de Montréal

Bulletin mensuel préparé par le  
Service hydrographique du Canada  
Ministère des Pêches et des Océans



July 2008 Juillet

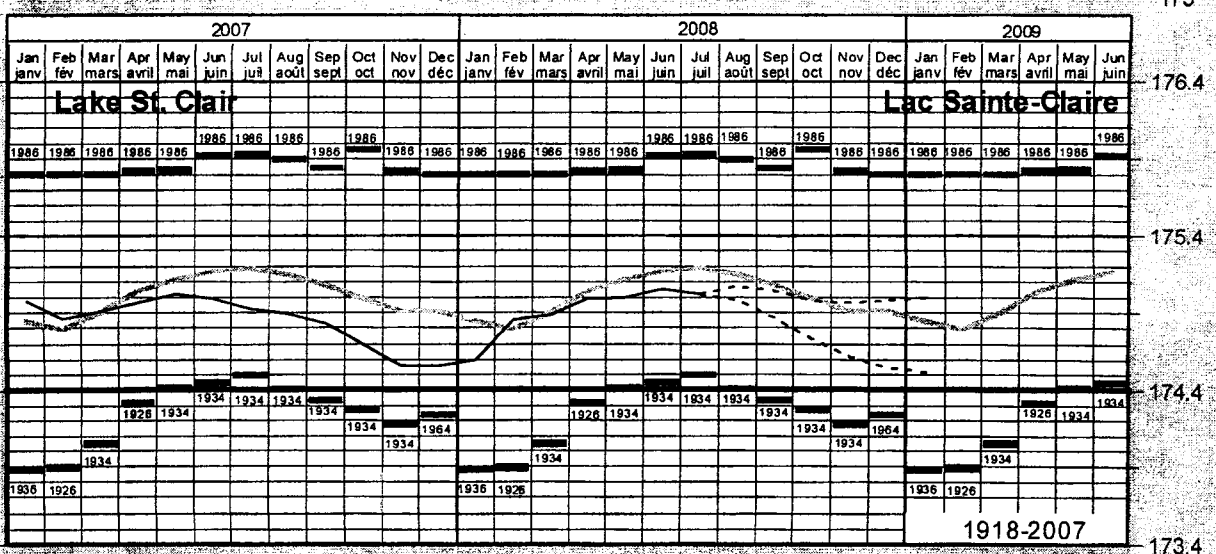
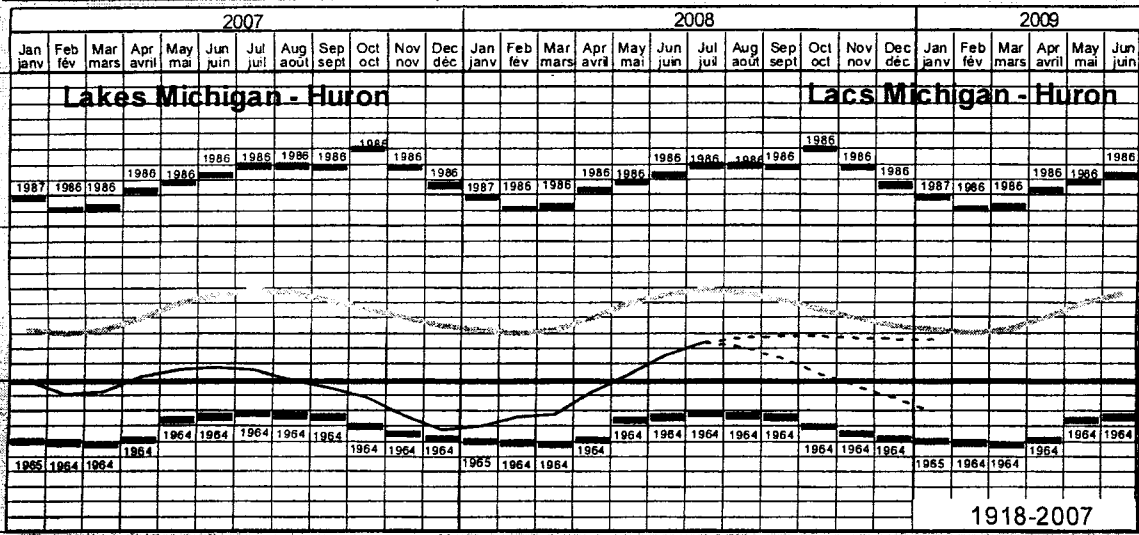
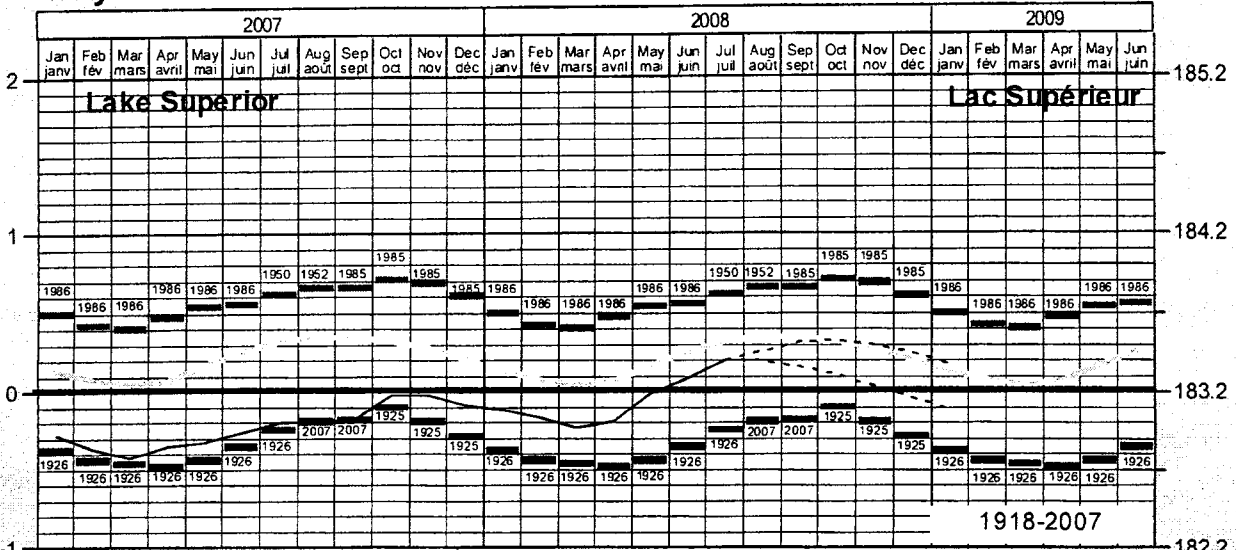
### Water Level Advisory

Water levels on Lakes Superior, Michigan-Huron and St. Clair are below their all-time average level for this time of year and are above the level of Chart Datum. The water levels on Lake Ontario, Lake Erie and at the Port of Montreal, are above their all-time average level for this time of year and are above the level of Chart Datum. **Mariners should exercise extreme caution throughout the entire system, especially during periods of strong winds when water levels can rise or fall significantly in a short period of time.**

### Avis du niveau d'eau

Les niveaux d'eau des lacs Supérieur, Michigan-Huron et Sainte-Claire sont au-dessus de leurs niveau moyen historique pour cette période de l'année et sont au-dessus du zéro des cartes. Les niveaux d'eau aux lac Ontario, lac Érié et au port de Montréal, sur le fleuve St-Laurent, sont au-dessus de leurs niveaux moyens historiques pour cette période de l'année et sont au-dessus du zéro des cartes. **Les navigateurs devraient faire preuve de beaucoup de prudence à travers tout le bassin hydrographique, tout particulièrement lorsqu'il vente très fort, car dans de telles situations, le niveau de l'eau peut grandement augmenter ou diminuer en très peu de temps.**

# July 2008 Juillet



Recorded Monthly Mean Level  
Probable Range of Future Levels

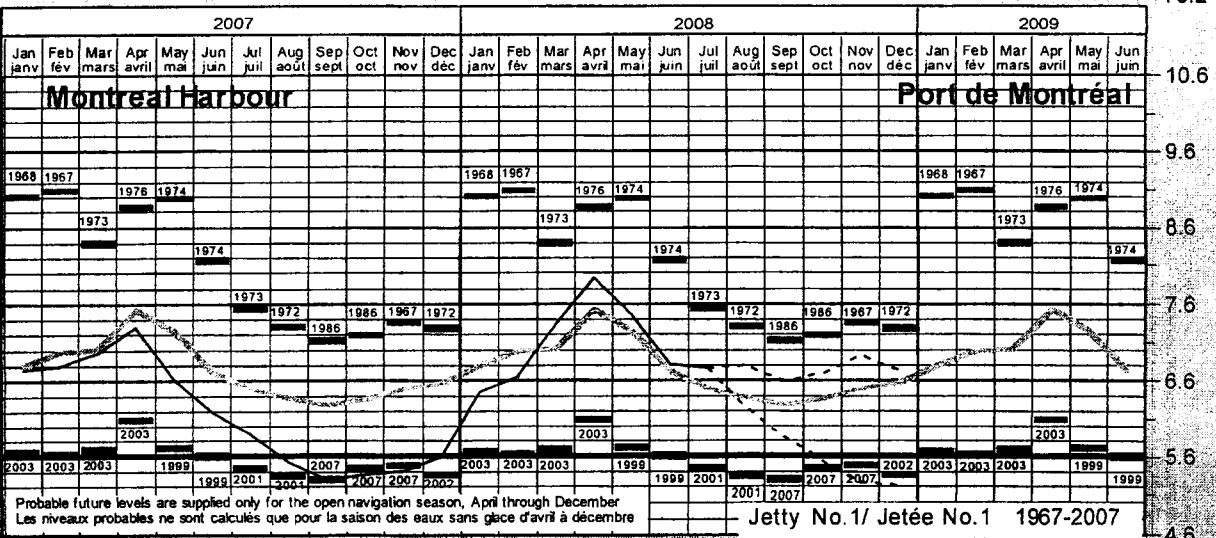
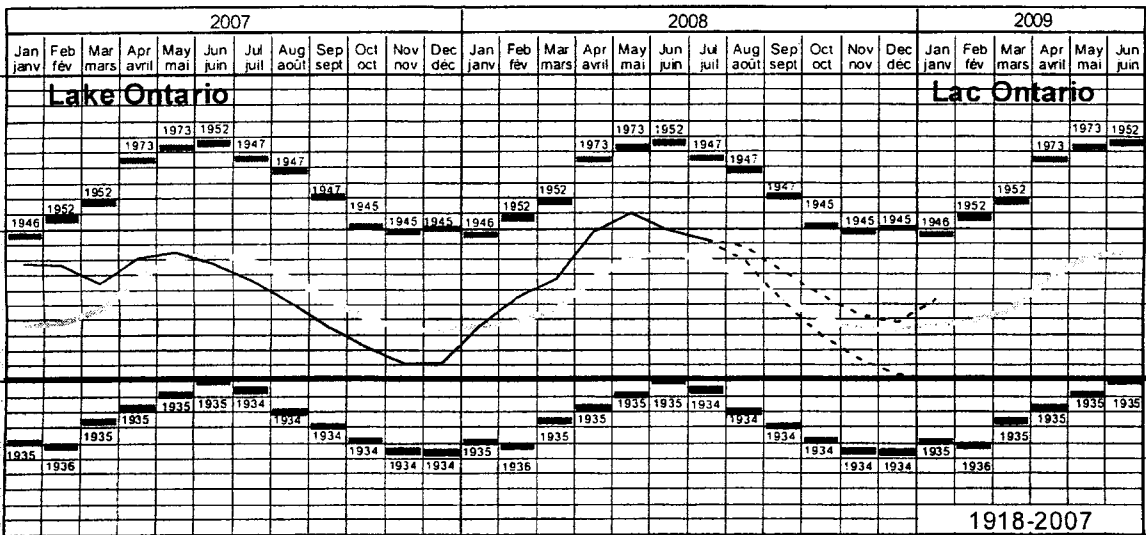
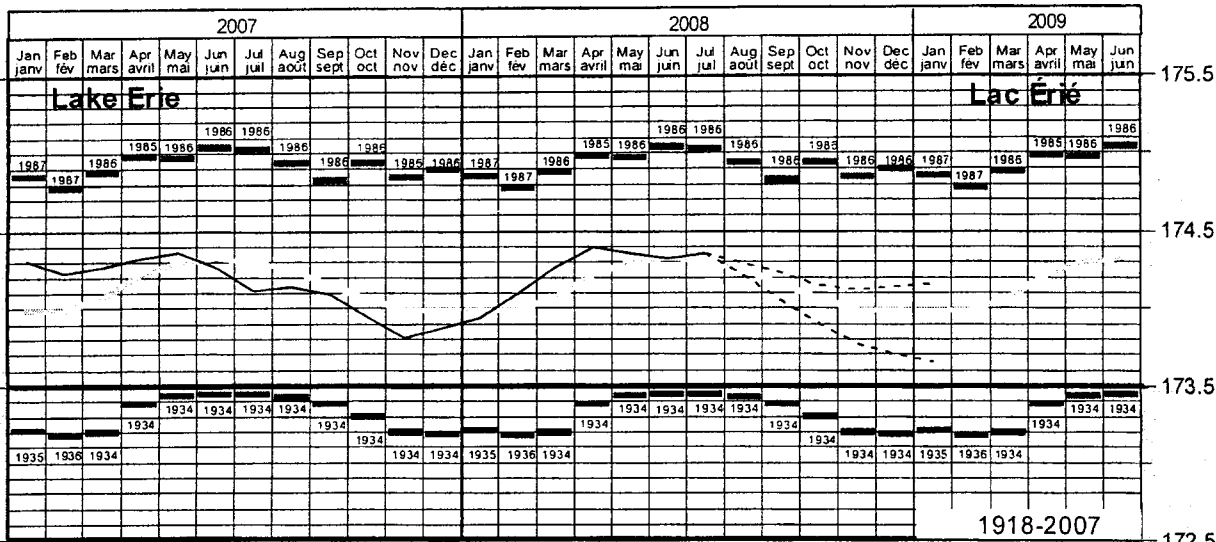
Niveaux moyens mensuels enregistrés  
Prévisions pour les mois à venir

Water Levels in metres referred to chart datum / Niveaux d'eau en mètres par rapport au zéro des cartes

Water Levels in metres referred to IGLD 1985 / Niveaux d'eau en mètres par rapport au SRIGL 1985

# July 2008 Juillet

Water Levels in metres referred to chart datum / Niveaux d'eau en mètres par rapport au Zéro des cartes



Probable future levels are supplied only for the open navigation season, April through December  
Les niveaux probables ne sont calculés que pour la saison des eaux sans glace d'avril à décembre

Jetty No. 1/ Jetée No. 1 1967-2007

All-time Average

Historical extremes - Maximum / Year



Moyenne de tout temps

Minimum / Année - Extrêmes historiques

Water Levels in metres referred to IGLD 1985 / Niveaux d'eau en mètres par rapport au SRIGL 1985

## Monthly Mean Water Levels in metres referred to IGLD 1985

## Niveaux d'eau moyens mensuels en mètres par rapport au SRIGL 1985

July 2008 Juillet	Lake Superior	Lake Huron	Lake St. Clair	Lake Erie	Lake Ontario	Montréal
Mean for month (preliminary data) Moyenne mensuelle (données préliminaires)	183.40	176.24	175.12	174.36	75.12	6.71
Mean for month last year Moyenne mensuelle, l'année dernière	183.00	176.06	174.92	174.16	74.86	5.86
Mean for month, last 10 years Moyenne mensuelle, 10 dernières années	183.33	176.26	175.08	174.27	75.03	6.05
Statistics for period of record Statistiques pour la période d'observation	1918-2007	1918-2007	1918-2007	1918-2007	1918-2007	1967-2007
Maximum monthly mean / year Moyenne mensuelle maximale / année	183.82 1950	177.39 1986	175.93 1986	175.03 1986	75.66 1947	7.49 1973
Mean for month / Moyenne mensuelle	183.52	176.59	175.19	174.31	74.99	6.45
Minimum monthly mean / year Moyenne mensuelle minimale / année	182.96 1926	175.78 1964	174.50 1934	173.45 1934	74.14 1934	5.40 2001
Probable mean for next month Moyenne probable du mois prochain	183.43	176.24	175.03	174.26	75.04	6.50
Chart datum / Zéro des cartes	183.2	176.0	174.4	173.5	74.2	5.55

To convert from metres to feet, divide by 0.3048

Pour convertir de mètres en pieds, divisez par 0.3048

### Information

The monthly mean levels for the previous year and current year shown on the graphs are the average of water levels recorded at a network of gauging stations on each lake. Historical data from these networks are used to determine the all-time average and the historical extreme monthly levels.

Water levels for the Canadian stations in the networks are collected by the Canadian Hydrographic Service. Six month forecasts of the probable range of future levels are prepared under the auspices of the International Coordinating Committee on Great Lakes Basic Hydraulic and Hydrologic Data by Environment Canada and the Detroit District, Corps of Engineers.

This bulletin is prepared each month as a public service and is available on the World Wide Web at:

[http://www.waterlevels.gc.ca/C&A/bulletin\\_e.html](http://www.waterlevels.gc.ca/C&A/bulletin_e.html)

Additional information on water levels in the Great Lakes System may be obtained by telephoning the Canadian Hydrographic Service at (877) CHS-LINK (877-247-5465), by fax at (905) 336-8916, or by email at [CATCWL@dfo-mpo.gc.ca](mailto:CATCWL@dfo-mpo.gc.ca)

**World Wide Web at:** <http://www.waterlevels.gc.ca/C&A>

### Renseignements

Les niveaux moyens mensuels de l'année précédente et de l'année courante indiqués sur les graphiques sont la moyenne des niveaux d'eau enregistrés à un réseau de stations limnographiques sur chaque lac. Les données historiques de ces réseaux sont utilisées pour déterminer les moyennes mensuelles de tout temps et les extrêmes historiques.

Les niveaux d'eau pour les stations canadiennes dans les réseaux sont recueillis par le Service hydrographique du Canada. Les prédictions de six mois sont préparées sous les auspices du Comité international de coordination sur les données de base hydrauliques et hydrologiques des Grands Lacs par Environment Canada et le "Detroit District, Corps of Engineers".

Ce bulletin est préparé chaque mois à titre de service au public et est disponible sur le Web à:

[http://www.waterlevels.gc.ca/C&A/bulletin\\_f.html](http://www.waterlevels.gc.ca/C&A/bulletin_f.html)

On peut obtenir de plus amples renseignements sur les niveaux d'eau du réseau des Grands Lacs en téléphonant durant les heures de bureau au Service hydrographique du Canada au (877) CHS-LINK (877-247-5465), par télécopieur à (905) 336-8916 ou par courrier électronique à [CATCWL@dfo-mpo.gc.ca](mailto:CATCWL@dfo-mpo.gc.ca).

**World Wide Web à :** <http://www.waterlevels.gc.ca/C&A>

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Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

President

Président

Ottawa, Canada  
K1P 5S9

Your file      Votre référence

Our file      Notre référence  
File 4.05.01  
e-DOC 3279330  
ccm 2008-000300

**AUG 27 2008**

Mr. Sanford Haskill  
P.O. Box 354  
Port Hope ON L1A 3W4

Dear Mr. Haskill:

**Subject:**      Release of treated contaminated water – Welcome CNSC licensed facility into Lake Ontario – WNSL-W1-2339.0/indf.

Thank you for your letter of July 21, 2008 (attached), concerning the release of treated effluents from the Welcome Waste Management Facility to Lake Ontario.

As you may know, the mandate of the Canadian Nuclear Safety Commission (CNSC) is to regulate the use of nuclear energy and materials to protect the health, safety and security of Canadians and the environment; and to respect Canada's international commitments on the peaceful use of nuclear energy. Our expectation is that effluents from licensed facilities are discharged in a manner that complies with acceptable regulatory limits.

I would like to address the specific concerns you outlined in your letter, namely:

- 1) the condition of the pipeline; and
- 2) CNSC discharge limits for the Welcome Waste Management Site.

It has been confirmed by the Ontario Ministry of the Environment and the licensee that the pipe is intact and is functioning as intended. The pipeline is usually buried but is now visible due to the lower water levels this year. The licensee does perform regular inspections to ensure that the pipeline is whole and functioning as it was designed to do.

Cameco is authorized under a CNSC licence to collect, treat and discharge surface runoff water from the Welcome Waste Management Facility and currently this discharge is directed into Lake Ontario. The licensee is responsible for all operations at the facility, and is currently in compliance with its licence and the *Nuclear Safety and Control Act* and its regulations.

The current Welcome Waste Management Facility licence stipulates a regulatory discharge limit for arsenic and radium and Cameco reports these results to the CNSC on a quarterly and annual basis. The licence does not stipulate a discharge limit for uranium; however, consistent with good industry practice, Cameco does monitor the effluent for uranium content.

We take your concerns very seriously and the CNSC has taken action to re-examine the content of the effluent discharged at the Welcome Waste Management Facility. In fact, water samples were taken on August 25<sup>th</sup> to allow the CNSC to independently verify the content of the water at the point of discharge and in the near vicinity of the drainage pipe. The analysis of the water should be available in the next few weeks.

Furthermore, the CNSC is currently re-examining the regulatory limits set for arsenic and other effluents contained in the discharged water from the Welcome Waste Management Facility. This assessment will take several weeks to conduct. We will keep you informed of any developments of interest on this issue.

Yours sincerely,



Michael Binder

Attachment

c.c.: Ms. Linda Thompson, Mayor Port Hope  
Ms. Gayla Campney, Regional Director M.O.E  
Mr. R. Carl Cannon, CAO Port Hope  
Dr. Andrew Oliver, Cameco Corporation