



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Licensee/Person  
Named in or  
Subject to Order

Ontario Ministry of the Environment

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Subject

Review by the Commission of the Designated  
Officer Order Issued on June 3, 2015 in  
regards to the Deloro Mine Site Cleanup  
Project

Date of  
Commission's  
Review

June 30, 2015

## **RECORD OF PROCEEDINGS**

Licensee/Person named in  
or subject to order: Ontario Ministry of the Environment

Address/Location: 1259 Gardiners Road, unit 33  
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Kingston, Ontario  
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Purpose: Review by the Commission of the Designated Officer Order Issued  
on June 3, 2015 in regards to the Deloro Mine Site Cleanup Project

Order Issued: June 3, 2015

Date of Commission's  
Review: June 30, 2015

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing  
Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Member present: M. Binder, Chair

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## Introduction

1. On June 3, 2015, a Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) Designated Officer issued an Order to the Ontario Ministry of the Environment and Climate Change (MOECC). The Order required the MOECC to immediately comply with specific actions and measures identified in the Order. Among other actions and measures, the MOECC was ordered to immediately cease any remediation activities that may increase environmental risk from cleanup work at the Young's Creek Area Project, develop and implement a contingency plan for the current exigent circumstances, review all work to be conducted in the Young's Creek Area Project, and to prepare an Oversight Plan and a Winter and Spring Management Plan within stated deadlines.
2. Pursuant to subsection 37(6) of the *Nuclear Safety and Control Act*<sup>2</sup> (NSCA), the Designated Officer referred the Order to the Commission for review.
3. Pursuant to paragraph 40(1)(d) of the NSCA, the Commission provided an opportunity to be heard to the MOECC, as the Licensee subject to and named in the Order. In a letter dated June 19, 2015, the Deputy Minister of the MOECC submitted that they will not be seeking an opportunity to be heard on the Order, and provided the MOECC's commitment to comply with the terms of the Order.
4. This *Record of Proceedings* describes the Commission's consideration of the MOECC's submission on the Order, the review of the Order and the reasons for the decision.

## Issue

5. In its review of the Order, the Commission was required to confirm, amend, revoke or replace the Order, pursuant to subsection 37(6) of the NSCA.

## Order Review

6. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the Order. The Commission, in making its decision, considered the Designated Officer Order, including information referred to in the Order (CMD 15-H112), as well as a written submission from the MOECC (CMD 15-H112.1).

## Decision

7. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

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<sup>1</sup> The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

<sup>2</sup> Statutes of Canada (S.C.) 1997, chapter (c.) 9.

the Commission, pursuant to subsection 37(6) of the NSCA, confirms the Designated Officer Order issued to the Ontario Ministry of the Environment and Climate Change on June 3, 2015.

### **Issues and Commission Findings**

8. In reviewing the Order under subsection 37(6) of the NSCA, the Commission considered the reasonableness of the Order. In this regard, the Commission considered the actions and measures identified in the Order and the information on which the Order was based, as identified in the Order. In this regard, and as elaborated further below, the Commission is satisfied that the Designated Officer, based on the information available, had sufficient evidence and a reasonable basis for issuing an Order to protect the environment until the matter could come before the Commission.

#### *Background*

9. The Order states that CNSC staff was notified of an unplanned release of non-radioactive construction waste water to the local environment occurred on April 30, 2015. This release resulted in no significant impact on the environment. CNSC staff received a detailed report on the event on May 21, 2015 and conducted a site visit on May 28, 2015.
10. During the site visit, CNSC staff determined that the licensee did not:
- Have any contingency plans in place to deal with any failures of the temporary aqua barriers
  - Have any action plan in dealing with results from their monitoring program to ensure the stability of the temporary aqua barriers.
  - Have any systems or programs to ensure that every contractor working at the site complies with this licence.
11. CNSC staff issued the Designated Officer Order on June 3, 2015.

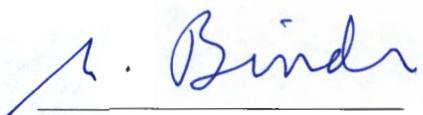
#### *Actions and Measures of the Order*

12. The Order lists the following actions and measures the licensee is required to perform:
1. Immediately cease any remediation activities that may increase environmental risk from cleanup work at the Young's Creek Area project, which is part of the closed Deloro mine.
  2. Immediately develop and implement a contingency plan for the current exigent circumstances, that is, to prevent the release of the construction waste water held on-site to the local environment. The MOECC is to provide a verbal report as soon as this contingency plan has been developed and implemented. Documentation of this plan is to be submitted to the CNSC within 30 days of issuance of this order.

3. Within 60 days, review all work to be conducted in the Young's Creek Area Project and evaluate it for risks to environment and health and safety. Prepare a contingency plan for the Young's Creek Area project for submission to and acceptance by the CNSC.
  4. Within 90 days, prepare a Young's Creek Area Project Oversight Plan for submission to, and acceptance by, the CNSC. The plan must document the mechanisms by which the MOECC will oversee the project to ensure compliance with its licence.
  5. Within 120 days, prepare a Young's Creek Area Project Winter & Spring Management Plan for submission to and acceptance by the CNSC.
13. The MOECC submitted that they are working with the CNSC to ensure that they fully comply with the Order and provided details on the work planned to be performed and timelines. The MOECC also confirmed that they continue to update CNSC staff on the site conditions.

#### **Conclusion**

14. The Commission has considered the information in the Order, as well as MOECC's information presented in the material available on the record for the proceeding.
15. Based on the above information, the Commission is of the view that the Order was warranted.
16. Thus, the Commission, pursuant to subsection 37(6) of the NSCA, confirms the Designated Officer Order issued to the MOECC on June 3, 2015 in the manner described in this *Record of Proceedings*.



Michael Binder  
President,  
Canadian Nuclear Safety Commission

JUN 3 0 2015

Date