

Notice number: 1267-BPUQXY  
Reference number: 7681-BPUQXG

**Notice**  
**s. 36 of O. Regulation 419/05 as amended**  
**made under the *Environmental Protection Act*, R.S.O. 1990, c.E 19 (EPA), as amended**

**To: Harsco Canada Corp. operating as Harsco Metals Canada Corp.**  
**151 York Blvd. Suite E,**  
**Hamilton, Ontario**  
**L8R 3M2**

**Site: 1330 Burlington St. East**  
**Hamilton, Ontario**

**Part 1: Definitions**

In this Notice,

“Act” means the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;

“Director” means the undersigned Director or any other person appointed under section 5 of the Act as a Director for the purposes of section 36 of the Regulation;

“Facility” means the Harsco Canada Corp. facility located at 1330 Burlington St. East, Hamilton, Ontario;

“Notice” means this Notice number 1267-BPUQXY, as it may be amended from time to time;

“Person Responsible” means Harsco Canada Corp. operating as Harsco Metals Canada Corp. being the person who discharges or causes or permits the discharge of contaminants from the Facility into the air;

“Regulation” means Ontario Regulation 419/05: *Air Pollution - Local Air Quality*, made under the Act;  
and

“Section 35 Approval” means the approval issued to Harsco Canada Corp. operating as Harsco Metals Canada Corp. under section 35(1) of the Regulation issued on May 18, 2016, a copy of which is attached in Appendix 1.

**Part 2: Legal Authority**

The following sets out the legal authority that forms the basis for this Notice:

- 36.** (1) If the Director sets a site-specific standard under subsection 35 (1), the Director may give a person to whom the site-specific standard applies a notice,

- (a) altering the conditions imposed under subsection 35 (6);
  - (b) altering the period referred to in subsection 35 (9) so that it ends on an earlier date, if the Director is of the opinion that the person should be capable of complying with a more stringent standard by the earlier date;
  - (c) altering the period referred to in subsection 35 (9) so that it ends on a later date that is not more than 10 years after the date the period began;
  - (d) replacing the site-specific standard with a more stringent site-specific standard, if the Director is of the opinion that,
    - (i) the person is capable of complying with the more stringent site-specific standard, or
    - (ii) discharges of the contaminant that are permitted by the site-specific standard may cause an adverse effect;
  - (e) replacing the site-specific standard with a site-specific standard for another averaging period, if Schedule 3 sets out a standard for the other averaging period and, after the first-mentioned site-specific standard was set, an amendment to Schedule 3 removed the standard set out in Schedule 3 for the averaging period to which the first-mentioned site-specific standard applied; or
  - (f) setting an additional site-specific standard for another averaging period, if,
    - (i) after the first site-specific standard was set, an amendment to Schedule 3 added a new standard that applies to the other averaging period, and
    - (ii) the Director is of the opinion that the additional site-specific standard can be complied with by implementing the plan that was submitted under paragraph 7 of subsection 33 (1) or paragraph 4 of subsection 33 (4) with the request that related to the first site-specific standard. O. Reg. 282/11, s. 11.
- (2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 90 days after the draft is given. O. Reg. 282/11, s. 11.
- (3) References in this Regulation to a site-specific standard set under subsection 35 (1) include a replacement site-specific standard or additional site-specific standard set under clause (1) (d), (e) or (f). O. Reg. 282/11, s. 11.

### **Part 3: Grounds for Notice**

- 3.1 Pursuant to section 35 of the Regulation, on May 18, 2016, the Director issued the Section 35 Approval to the Person Responsible.
- 3.2 Pursuant to subsection 35(9) of the Regulation, the Director specified a period for the Section 35 Approval that ended five years and one month after the date the period began.
- 3.2 Pursuant to subsection 36(1)(c) of the Regulation, I, the Director, am altering the period referred to in subsection 35 (9) so that it ends on a later date that is not more than 10 years after the date the period began.

3.3 In accordance with subsection 36(2) of the Regulation, the Director provided a draft of this Notice to the Person Responsible at the Facility and provided an opportunity for that person to make written submissions to the Director during a ninety (90) day period.

#### **Part 4: Notice Requirements**

Pursuant to my authority under subsection 36(1) of the Regulation, I hereby amend the Section 35 Approval so that it expires on June 30, 2023.

Issued this **XX** day of **Month** 2020

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Heather Malcolmson  
Director  
Ontario Regulation 419/05 – Section 36

# Appendix 1



Ministry of  
the  
Environment  
and Climate  
Change

Ministère de  
l'Environnement  
et de l'Action en  
matière de  
changement  
climatique

**Site-specific Standard Approval Issued Pursuant to  
s. 35(1) of O. Reg. 419/05**

Approval Number: 209-16-rv0  
Reference Number: 3788-A3HJRU  
Issue Date: May 18, 2016  
Expiry Date: June 30, 2021

Site-specific Standard Approval Issued to: Harsco Canada Corp. operating as Harsco Metals Canada Corp.  
151 York Blvd., Suite E, Hamilton, Ontario L8R 3M2

Site Location: 1330 Burlington Street East  
Hamilton, Ontario L8N 3J5

## DEFINITIONS - TERMS

For the purpose of this site-specific standard approval for Suspended Particulate Matter the following definitions apply:

- (1) "Approval" means this site-specific standard approval number 209-16-rv0, reference number 3788-A3HJRU issued May 18, 2016.
- (2) "Company" means Harsco Canada Corp.
- (3) "Director" means a Director in the Standards Development Branch of the Ministry appointed under section 35 of the Regulation under the Environmental Protection Act.
- (4) "District Manager" means the District Manager of the Ministry's Hamilton District Office.
- (5) "Facility" means the Company facility referred to as Harsco Metals Canada Corp. located at 1330 Burlington Street East, Hamilton, Ontario L8N 3J5.
- (6) "Ministry" means the Ontario Ministry of the Environment and Climate Change.
- (7) "Ministry Review Report" means the report, dated April 12, 2016 that provides a written review by Ministry staff of the Request by the Company for a site-specific standard for Suspended Particulate Matter with a 24-hour averaging period.
- (8) "POI" means point of impingement and has the same definition as section 2 of the Regulation.
- (9) "Regulation" means Ontario Regulation 419/05: Air Pollution - Local Air Quality under the Environmental Protection Act as amended from time to time.

- (10) "Request" means the request dated January 29, 2015 and the request made under section 32 of the Regulation and submitted by the Company with respect to the Suspended Particulate Matter standard with a 24-hour averaging period listed in Schedule 3 of the Regulation and includes,
- i. a joint letter, dated June 23, 2010 from Jim Stirling, General Manager-Environment, ArcelorMittal Dofasco G.P. and John Little, Operations Director, Harsco Metals Canada Corp. to the Ministry requesting to be deemed a single property under section 4 of the Regulation;
  - ii. the request form dated January 29, 2015 and signed by Sam Miller, Sr. Site Manager of the Facility;
  - iii. the Emission Summary and Dispersion Modelling report dated October 2014, signed by Jim Stirling, General Manager – Environment and Carolyn Barnes of ArcelorMittal Dofasco G.P.;
  - iv. a Technology Benchmarking Report, submitted by ArcelorMittal Dofasco G.P. dated October 2014;
  - v. a Public Consultation Summary documenting the Public Meeting held by the Facility on September 29, 2015;
  - vi. the Facility's Action Plan report dated June 10, 2015 and the Facility's Best Management Practice Plan for the Control of Fugitive Dust report dated February 2016;
  - vii. a letter submitted by the Facility to the Ministry on April 4, 2016 which expresses an agreement to conduct two meetings per year with interested parties.
- (11) "Suspended Particulate Matter" means particulate matter that has an aerodynamic diameter of less than 44 microns.

#### **GROUNDS FOR APPROVAL**

In accordance with section 35 of the Regulation,

**A.** I, the Director, am satisfied that:

1. The Request is consistent with subsection 32(1), paragraph 6 of the Regulation.
2. The requirements of section 32 of the Regulation have been met.
3. The Request satisfies the requirements of section 33 and other relevant portions of the Regulation.

**B.** Based on the above conclusions and the information that I have reviewed, including the Request, the Ministry Review Report and various interactions with the Company, I am of the opinion that:

1. The Company cannot comply with section 20 of the Regulation with respect to the Suspended Particulate Matter standard of 120 µg/m<sup>3</sup> over a 24-hour averaging period in Schedule 3 of the Regulation because it is not technically feasible for the Company to comply.

2. The site-specific Suspended Particulate Matter standard, as presented in Table 1 below, is the minimum change necessary to enable the Company to comply with section 20 of the Regulation.
  3. There is no public interest reason sufficient to require denial of the Request.
  4. Compliance with this Approval will result in improvements to reduce discharges to air.
- C. The Company was provided a copy of a draft of the Approval on April 5, 2016 and provided an opportunity to make written submissions to the Director during the period that ended 30 days after the draft was given.

#### SITE-SPECIFIC STANDARD APPROVED

Pursuant to subsection 35 (4), (4.1) and (5) of the Regulation, with respect to discharges from the Facility, references in the Regulation to a standard set out in Schedule 3 for Suspended Particulate Matter shall be deemed to be references to the corresponding site-specific standard set out in Table 1.

Table 1 – Site-Specific Standard for the Facility

Contaminant	Contaminant Chemical Abstract System No.	Applicable Dates	Site-specific Standard ( $\mu\text{g}/\text{m}^3$ )	Site-specific Standard Averaging Period
Suspended Particulate Matter	---	From May 18, 2016 to June 30, 2021	177	24-hour

#### EXPIRY

In accordance with subsection 35 (9) of the Regulation, this Approval shall expire on June 30, 2021 after which the standard set out in Schedule 3 to the Regulation for the 24-hour averaging period will apply to discharges of Suspended Particulate Matter from the Facility.

The above noted Request is approved under section 35 of the Regulation.

DATED AT TORONTO this 18th day of May, 2016.



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Steve Klose, P. Eng.  
Director  
Ontario Regulation 419/05 – Section 35

- c.  
R. Vickers, Director(A), West Central Region  
G. Knapper, District Manager, Hamilton District Office  
R. Wan, Supervisor, Environmental Approval Services Branch  
I. Parrott, Manager, Local Air Quality Section, Standards Development Branch