

Notice number: 7118-BPUR55
Reference number: 0457-BPUR4L

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.
2330 County Road No. 3,
Lot 24, Concession 1,
Haldimand, Ontario
N0A 1L0

Site: 2330 County Road No. 3,
Lot 24, Concession 1,
Haldimand, 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 2330 County Road No. 3, Haldimand, Ontario;

“Notice” means this Notice number 7118-BPUR55, 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

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: 205-15-rv0
Reference Number: [2774-9PMQDH]
Issue Date: March 27, 2015
Expiry Date: December 31, 2020

Site-specific Standard
Approval Issued to: Harsco Canada Corporation Operating As Harsco Metals Canada Corporation
2330 County Road No. 3
Lot 24 Concession 1, Haldimand, Ontario N0A 1L0

Site Location: 2330 County Road No. 3
Lot 24 Concession 1, Haldimand, Ontario N0A 1L0

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, reference number 2774-9PMQDH issued March 27, 2015;
- (2) "Company" means Harsco Canada Corporation, Operating As Harsco Metals Canada Corporation.
- (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 Corporation and located at 2330 County Road No. 3, Haldimand, Ontario.
- (6) "Minister" means the Minister of the Environment and Climate Change or such other member of the Executive Council as may be assigned the administration of the Environmental Protection Act under the Executive Council Act;
- (7) "Ministry" means the ministry of the Minister;
- (8) "Ministry Review Report" means the report, dated October 15, 2014 that provides a written review by Ministry staff of the Request by the Company for a site-specific standard for Suspended Particulate Matter with an averaging period of 24 hours.

- (9) "POI" means point of impingement and has the same definition as section 2 of the Regulation.
- (10) "Regulation" means Ontario Regulation 419/05: Air Pollution – Local Air Quality under the Environmental Protection Act as amended from time to time.
- (11) "Request" means the request made under section 32 of the Regulation dated September 28 2012, 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. joint letter, dated September 27, 2012, from John Benson, Environmental Manager, U.S. Steel Canada Inc. and John Little, Operations Director of the Company to Director of the Standards Development Branch of the Ministry;
 - ii. the request document dated November 13, 2012, pertaining to Harsco Metals Canada Site 17, and signed by John Benson, Environmental Manager, U.S. Steel Canada Inc.;
 - iii. the request document dated November 13, 2012, pertaining to Harsco Metals Canada Site 32, and signed by John Benson, Environmental Manager, U.S. Steel Canada Inc.;
 - iv. the US Steel Canada Inc. request made under section 32 of the Regulation dated September 25 2012 and signed by John Benson, Environmental Manager, U.S. Steel Canada Inc.;
 - v. the Harsco Metals Canada Corporation Action Plan, dated September 2014.
- (12) "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.
4. The notification and holding of a public meeting and follow-up to the public meeting by the Company met the requirements of section 34 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/m³ 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. The conditions imposed are appropriate having considered the following:
 - a. The nature of Suspended Particulate Matter;
 - b. The frequency with which the inability to comply with section 20 referred to in subclause 35 (1)(b)(i) of the Regulation would occur; and
 - c. Whether there are any acute effects associated with Suspended Particulate Matter.
 4. There is no public interest reason sufficient to require denial of the Request.
 5. Suspended Particulate Matter is not listed in Schedule 6 of the Regulation.
 6. 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 October 16, 2014 and March 3, 2015 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 s.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.	Site-specific Standard ($\mu\text{g}/\text{m}^3$)	Site-specific Standard Averaging Period
Suspended Particulate Matter	---	169	24-hour

EXPIRY

In accordance with s.35 (9) of the Regulation, this Approval shall expire on December 31, 2020 after which the Suspended Particulate Matter standard with a 24-hour averaging period set out in Schedule 3 to the Regulation will apply.

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

DATED AT TORONTO this 27th day of March 2015,



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

cc: Geoffrey Knapper, District Manager, Hamilton District Office