

**Order Issued Pursuant to s.35(14) of
O. Reg. 419/05**

Order Number: 502-16-order-rv2

Reference Number: 0616-9TVPPM

Issue Date: June 27, 2016

Amendment Date: December 27, 2017

Amendment Date: December XX, 2020

Expiry Date: June 30, 2022

Order Issued to: Algoma Steel Inc.
105 West Street
Sault Ste Marie, Ontario P6A 7B4

Site Location: 105 West Street
Sault Ste Marie, Ontario P6A 7B4

Part 1: Legal Authority and Reasons

- 1.1 Pursuant to subsection 35(14) of O. Reg. 419/05 if the Director sets a site-specific standard under subsection 35(1) of the Regulation, he or she may make an order requiring a person to whom the site-specific standard applies to take steps specified by the order, not later than the dates specified in the order, that are related to complying with section 20, having regard to subsection 35(4) of the Regulation.
- 1.2 Algoma Steel Inc. (the Company) is the owner of an integrated iron and steel production facility known as the Algoma Steel site with the street address of 105 West Street, Sault Ste. Marie.
- 1.3 On December 24, 2014, the Company submitted the Request pursuant to s. 35(1) of O.Reg. 419/05 (see Part 2 for the definition of the Request).
- 1.4 Information provided in the Request indicates that a benzene site-specific standard of 2.2 µg/m³ with an annual averaging period would result in the difference between the standard with an annual averaging period set out in Schedule 3 of the Regulation and the site specific standard being the minimum difference necessary to enable the Company to comply with section 20 of the Regulation with respect to benzene.
- 1.5 A site-specific standard of 2.2 µg/m³ with an annual averaging period was set for the facility for benzene by the Director on June 27, 2016. This Order is being made under subsection 35(14) of the Regulation and directs the Company to undertake the necessary steps that are related to complying with section 20 of the Regulation, having regard to subsection 35(4) of the Regulation.

- 1.6 On December 15, 2017, the Company requested an extension of time to complete the work in respect of the North Raw Liquor Tank mentioned in item 1 of Table 1. The Company provided a letter describing the reasons why the extension was being requested. The Director agreed that the extension was reasonable and amended the Order accordingly.
- 1.7 On April 27, 2020, the Company requested removal of the requirement for vapour collection and air pollution control on #3 Tar Tank, since #3 Tar Tank was taken out of service in 2019, and an extension of time of one year to complete the work in respect of the #4 Tar Tank, Tar Barge Loading, and #7 Tank (which is replacing the E-Tank) mentioned in item 2 of Table 1. The Company provided a letter describing the reasons why the extension is being requested. The Director agrees that the extension is reasonable and is amending Item 3.4 of the Order accordingly. As a result, the Order is also being amended to extend the expiry date of the Order by one year.
- 1.8 The Order is also being amended to update the name of the Company and update some of the definitions in Part 2.

Part 2: Definitions and Application

2.1 For the purpose of this Order,

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

“Action Plan” means the plan, submitted by the Company as part of the Request, to reduce benzene air emissions from the Facility.

“air pollution control device” means a device that removes contaminants from air and includes electrostatic precipitators, scrubbers, baghouses, and cyclones;

“Approval” means the site-specific standard approval number 502-16-rv0, reference number 6802-9TTLP6 issued June 27, 2016, and amended by Notice number 1006-BPUPG8 issued December XX, 2020 ;

“benzene” means benzene with a chemical abstract system (CAS) number of 71-43-2;

“By-Products Plant ” means the area at the Facility where by-products are recovered from the gases produced by the coke ovens;

“Company” means Algoma Steel Inc.;

“Director” means a Director in the Environmental Permissions Branch of the Ministry appointed under section 5 of the Act for the purpose of section 35 of the Regulation;

“District Manager” means the District Manager of the Ministry’s Sudbury District Office;

“Facility” means the Company facility referred to as Algoma Steel mill and located at 105 West Street, Sault Ste Marie;

“fugitive emission” means an emission that is not entirely collected by a capture system and that is discharged to the air. A fugitive emission includes,

- (a) an emission that escapes capture by process equipment exhaust hoods,
- (b) an emission that is emitted during material transfer,
- (c) an emission that is emitted from buildings housing material processing equipment or handling equipment, and
- (d) an emission that is emitted directly from process equipment;

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act;

“Ministry” means the ministry of the Minister;

“Order” means this order number 502-16-order issued under subsection 35(14) of the Regulation in conjunction with Approval number 502-16-rv0 amended by Notice number 1006-BPUPG8;

“Regulation” means Ontario Regulation 419/05: *Air Pollution – Local Air Quality*, made under the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended;

“Request” means the request, dated December 24, 2014 and the request made under section 32 of the Regulation and submitted by the Company with respect to the benzene standard with an annual averaging period listed in Schedule 3 of the Regulation and includes,

- i. letter, dated December 24, 2014, from Fred Post, Manager – Environmental Control, of Essar Steel Algoma Inc., to Steve Klose, Director – Standards Development Branch and Agatha Garcia-Wright of the Ministry including an action plan to reduce benzene air emissions;
- ii. the request form dated December 24 2014 and signed by Fred Post ;
- iii. the Public Consultation Notice dated June 19, 2014;
- iv. the Public Consultation Report dated October 2013;
- v. an Emission Summary and Dispersion Modeling Report checklist, dated December 24 2014, from Fred Post and Paul Walz of Essar Steel Algoma Inc.;
- vi. the Emission Summary and Dispersion Modelling Report and Application for Site Specific Standard dated December 2014;
- vii. a Technology Benchmarking Report dated December 2 2009; and
- viii. an email, at 1:27 pm EST on June 19 2015, from Fred Post of Essar Steel Algoma Inc. to Scott Grant of the Ministry that indicates an earlier completion date by the end of December 31, 2017 (instead of December 31st 2020 in the original request) for installation of air pollution control for the #8 Tar Tank, #9b Tar Decanter and the North Raw Liquor Tank.

“Wastewater Treatment Plant (for coke production effluent)” means the equipment at the Company’s Facility that treats coke production wastewater prior to it being discharged from the Facility.

Part 3: Work Ordered

The Company shall take steps related to compliance with section 20 of the Regulation having regard to the site-specific standard referred to in Item 1.5 above. Pursuant to ss. 35(14) of the Regulation, I hereby order the Company to, commencing on the compliance date set out in each Item below, take all steps necessary to do the following:

REQUIREMENTS FOR MONITORING

Item 3.1

Compliance Date: December 31, 2017

1. The Company shall ensure that a plan to measure the fugitive concentrations of benzene is given, for approval, to the Director in consultation with the District Manager.
2. The plan required by paragraph 1 shall include the following information:
 - i. A description of the methodology that will be used to measure the concentration of benzene.
 - ii. An indication of the locations/sources in the Wastewater Treatment Plant (for coke production effluent) and By-Products Plant at which the concentration of benzene will be measured.
 - iii. An indication of the starting date of the benzene concentration measurement plan.
 - iv. An indication of the frequency that the measurements of benzene concentration will be taken at each of the locations.

Item 3.2

Compliance Date: Commencing May 1, 2018 or within 90 days of approval of the plans required in Item 3.1, whichever is later.

1. No later than May 1, 2018 or 90 days after the plan required to be given under Item 3.1 is approved as likely to provide an accurate reflection of the concentration of benzene, whichever date is later, the Company shall ensure that the concentration of benzene is measured in accordance with the approved plan. The measurement program must be completed within six months of the starting date.

Item 3.3

Compliance Date: The period during which Item 3.2 applies.

1. No later than 60 days following the completion of the measurement program, the Company shall prepare a report that summarizes the measurements required by Item 3.2 and shall ensure that a copy of the report is given to the Director and District Manager.
2. The report required by paragraph 1 shall contain the following information:
 - i. Identification of each location at which a measurement was taken.
 - ii. For each location mentioned in subparagraph i, the concentration of each measurement taken.
 - iii. The date and time of each measurement mentioned in subparagraph ii.
 - iv. Analysis and conclusions.

REQUIREMENTS TO IMPLEMENT THE ACTION PLAN

Item 3.4 **Compliance Date:** The applicable dates identified in Columns 3 of Table 1.

1. The Company shall implement the Action Plan items, in Table 1, by the date in Column 3.

Table 1 – Action Plan Items Related to Reducing Benzene Air Emissions

Column 1 Item Number	Column 2 Description of Item	Column 3 Implementation Completed By
1	<p>Installation of vapour collection and air pollution control for the following air emissions sources:</p> <ul style="list-style-type: none"> • #8 Tar Tank • #9b Decanter; and 	December 31, 2017
1.1	<p>Installation of vapour collection and air pollution control for the North Raw Liquor Tank</p>	December 31, 2018
2	<p>Installation of vapour collection and air pollution control for the following air emissions sources:</p> <ul style="list-style-type: none"> • #4 Tar Tank • Tar Barge Loading; and • #7 Tank 	December 31, 2021

Part 4: General

- 4.1 All orders are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.
- 4.2 The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the order shall not be affected thereby.
- 4.3 Any request to change a requirement in this order shall be made in writing to the Director and District Manager with reasons for the request, at least 14 days prior to any compliance date for that requirement.
- 4.4 The requirements of this order are minimum requirements only and do not relieve you from:
- (a) complying with any other applicable order, statute, regulation, municipal, provincial or federal law; and
 - (b) obtaining any approvals or consents not specified in this order.
- 4.5 Subsection 19(1) of the EPA provides that an order of the Director is binding upon the successor or assignee of the person to whom it is directed.
- 4.6 Subsection 186(2) of the EPA provides that non-compliance with the requirements of this order constitutes an offence.
- 4.7 An obligation set out in this Order may be adjusted in a manner defined by the Director, in consultation with the District Manager, if he or she is of the opinion that a party to this Order is rendered unable to perform or comply with the obligation because of:
- (a) natural phenomena of an exceptional, inevitable or irresistible nature, or insurrections, or
 - (b) strikes, lockouts, or other industrial disturbances, or
 - (c) inability to obtain materials or equipment for reasons beyond the control of the company, or
 - (d) any other cause whether similar to or different from the foregoing beyond the reasonable control of the parties,
- 4.8 To obtain an adjustment mentioned in Item 4.7, the party must notify the Director immediately of any of the occurrences set out in that Item, providing details that demonstrate that no practical alternatives are feasible in order to meet the compliance dates in question.

Part 5: Expiry and Hearing before the Environmental Review Tribunal

- 5.1 The Company was provided a copy of a draft version of this Order on June 22, 2015. The Company was provided a copy of a draft version of this amended Order on October 9, 2020. The Director considered the comments of the Company as well as other public comments before deciding to issue this order.
- 5.2 This order expires on June 30, 2022.
- 5.3 Pursuant to section 140 of the *EPA*, the Company may require a hearing before the Environmental Review Tribunal (the Tribunal) regarding the amendments made to the Order if, within 15 days after service upon the Company of a copy of this Order, the Company serves written notice upon the Director and the Tribunal as set out in clause 5.5.
- 5.4 Pursuant to section 142 of the *EPA*, the notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required and the grounds on which the Company intends to rely at the hearing. Except by leave of the Tribunal, the Company is not entitled to appeal a portion of the Order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.
- 5.5 Written notice requiring a hearing should be served personally or by mail upon:
- | | |
|-------------------------------|---|
| Secretary | Director |
| Environmental Review Tribunal | Environmental Permissions Branch |
| 2300 Yonge Street, Suite 2100 | Ministry of the Environment, Conservation and Parks |
| Toronto, Ontario | 135 St. Clair Avenue West, |
| M4P 1E4 | Toronto, Ontario |
| | M4V 1P5 |

Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail.

- 5.6 The *Environmental Bill of Rights (EBR)*, 1993, requires that a person who has appealed a decision that was posted on the Environmental Registry is required to give notice of the appeal on the Environmental Registry of Ontario.

This is done by providing notice to the Ministry of the Environment, Conservation and Parks, who will publish the notice on the Environmental Registry.

A notice of appeal must include the following information:

1. A brief description of the decision in respect of which an appeal is sought, enough to identify the decision, and
2. A brief description of the grounds for the application for leave to appeal or for the appeal.

The notice must be delivered to the Environment Minister at 777 Bay Street, 5th Floor, Toronto, Ontario, M7A 2J3 or submitted via e-mail to minister.mecp@ontario.ca, by the earlier of:

- 5.6.1 2 days of commencing the appeal before the Tribunal; and

- 5.6.2 15 days after service of this Order.

- 5.7 Pursuant to subsection 47(7) of the *EBR*, the Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.

- 5.8 For your information, under section 38 of the *EBR*, any person resident in Ontario with an interest in this Order may seek leave to appeal the amendments made to the Order. Under section 40 of the *EBR*, the application for leave to appeal must be made to the Tribunal by the earlier of:

- 5.8.1 15 days after notice of this Order is given in the *EBR* registry; and

- 5.8.2 if you appeal, 15 days after your notice of appeal is placed in the *EBR* registry.

To ascertain whether or not an application for leave to appeal this Order has been made by any person, you may wish to periodically check the EBR registry up to a few business days after the period mentioned in paragraphs 5.6.1 and 5.6.2 above. Information about how to access the EBR registry is available from your local library or by calling the Ministry of the Environment, Conservation and Parks at (416) 325-4000.

This order was issued at Toronto on June 27th, 2016 by Steve Klose, Director, Ontario Regulation 419/05, s.35 (14); amended at Toronto on December 27th, 2017 by Kathleen O'Neill, Director Ontario Regulation 419/05, s.35 (14).

AMENDED at Toronto this XXth day of December, 2020.

Heather Malcolmson, Director
Ontario Regulation 419/05, s. 35 (14)

- c.
- F. Miklas, Director, Northern Region
- B. Cameron, District Manager, Sudbury District Office
- R. Dorscht, Area Supervisor (A), Sault Ste Marie Office/L. Greco
- K. Miki, Manager (A), Local Air Quality Permits, Environmental Permissions Branch/B. Gillies