

Notice number: 8701-BPUPTT  
Reference number: 8282-BPUPSL

**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:** ArcelorMittal Dofasco G.P.  
1330 Burlington Street East  
Hamilton, Ontario  
L8N 3J5

**Site:** 1330 Burlington Street 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 ArcelorMittal Dofasco G.P. facility located at 1330 Burlington Street East, Hamilton Ontario;

“Notice” means this Notice number 8701-BPUPTT, as it may be amended from time to time;

“Person Responsible” means ArcelorMittal Dofasco G.P. 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 ArcelorMittal Dofasco Inc. under section 35(1) of the Regulation issued on March 27, 2015, 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 March 27, 2015, 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 nine months 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 30th day of December 2020

"Originally Signed By"

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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: 201-15-rv0  
Reference Number: 7714-9TTLHL  
Issue Date: March 27, 2015  
Expiry Date: December 31, 2020

Site-specific Standard  
Approval Issued to: ArcelorMittal Dofasco Inc.  
1330 Burlington Street East  
Hamilton, Ontario L8N 3J5

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 201-15-rv0, reference number 7714-9TTLHL issued March 27, 2015.
- (2) "Company" means ArcelorMittal Dofasco Inc.
- (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 ArcelorMittal Dofasco Inc. and located at 1330 Burlington Street East, Hamilton, Ontario L8N 3J5
- (6) "Ministry" means the Ontario Ministry of the Environment.
- (7) "Ministry Review Report" means the report, dated February 20, 2015 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.
- (8) "Order" means order number 201-15-order-rv0 issued in conjunction with this Approval under s.35(14) of the Regulation.

- (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 for extension, dated February 19 2013 and the request made under section 32 of the Regulation dated September 30, 2009, 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. letter, dated February 19 2013, from Jim Stirling, General Manager – Environment of the Company to Steve Klose, Director – Standards Development Branch of the Ministry.
  - ii. the request document dated September 30, 2009 and signed by Jim Stirling, General manager – Environment of the Company;
  - iii. the Emission Summary and Dispersion Modelling report dated July 9, 2009, signed by Kyle Edwards of the Company;
  - iv. a Technology Benchmarking Report dated September 2009;
  - v. a Public Consultation Summary documenting the Public Meeting held on September 17, 2009 and other public consultation efforts held on approximately quarterly since September 2009.
  - vi. the Alternative Standards Action Plan report dated, September 2009, submitted by the Company; and
  - vii. an Economic Feasibility Assessment Report, dated September 2009.
- (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 8.1 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. Subsection 34(1.1) of the Regulation applies and therefore no public meeting was necessary.

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. 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. The site-specific suspended particulate matter standard is not likely to permit frequent discharges of the contaminant that result in the concentration of the contaminant at a POI located on a place referred to in subsection 30(8) of the Regulation exceeding the other time period upper risk threshold set out for the contaminant 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 September 22, 2014 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 (µg/m <sup>3</sup> )	Site-specific Standard Averaging Period
Suspended Particulate Matter	---	177	24-hour

**EXPIRY**

In accordance with s.35 (9) of the Regulation, this Approval shall expire on December 31, 2020 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 27<sup>th</sup> day of March, 2015.



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

C.  
M. New, Director, West Central Region  
G. Knapper, District Manager, Hamilton District Office/J. Beals/S. Burt/J. Burdon  
Director, Environmental Assessment and Approvals Branch/R. Wan, Supervisor  
I. Parrott, Manager, Local Air Quality Section, Standards Development Branch/S. Grant