

Notice number: 1368-BPUQRU
Reference number: 2771-BPUQP6

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: Stelco Inc.
2330 Regional Road #3
Nanticoke, Ontario
N0A 1L0

Site: Lake Erie Works, 2330 Regional Road #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 Stelco Inc. facility located at 2330 Regional Road #3, Lot 24, Concession 1, Haldimand, Ontario;

“Notice” means this Notice number 1368-BPUQRU, as it may be amended from time to time;

“Person Responsible” means Stelco Inc. 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 U.S. Steel Canada Inc.- Lake Erie Works 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** 2021

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: 206-16-rv0
Reference Number: 7408-862LE5
Issue Date: May 18, 2016 Expiry
Date: June 30, 2021

Site-specific Standard
Approval Issued to: U.S. Steel Canada Inc. – Lake Erie Works
2330 County Road No. 3
Nanticoke, Ontario N0A 1L0

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

DEFINITIONS - TERMS

For the purpose of this site-specific standard approval for Benzo[a]pyrene the following definitions apply:

- (1) "Approval" means this site-specific standard approval number 206-16-rv0, reference number 7408-862LE5 issued May 18, 2016.
- (2) "Benzo[a]pyrene" means benzo[a]pyrene with a chemical abstract system (CAS) number of 50-32-8;
- (3) "Company" means U.S. Steel Canada Inc.
- (4) "Director" means a Director in the Standards Development Branch of the Ministry appointed under section 35 of the Regulation under the Environmental Protection Act.
- (5) "District Manager" means the District Manager of the Ministry's Hamilton District Office.
- (6) "Facility" means the Company facility referred to as U.S. Steel Canada Inc. – Lake Erie Works site and located at 2330 County Road No. 3, Lot 24, Concession 1, Haldimand County;
- (7) "Ministry" means the Ontario Ministry of the Environment and Climate Change.
- (8) "Ministry Review Report" means the report, dated March 21, 2016 that provides a written review by Ministry staff of the Request by the Company for a site-specific standard for Benzo[a]pyrene with an annual averaging period.
- (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 dated September 28, 2012 and the request made under section 32 of the Regulation and submitted by the Company with respect to the Benzo[a]pyrene standard with an annual averaging period listed in Schedule 3 of the Regulation and includes,
- i. letter, dated September 28, 2012, from John Benson, Environmental Manager of the Company to the Director – Standards Development Branch of the Ministry;
 - ii. letter, dated February 28, 2013, from Geoff Saldanha of the Company to Jeff Burdon of the Ministry;
 - iii. letter dated June 26 2014 from Sean Capstick and Tara Weerasuriya of Golder Associates to Julie Wedzinga of the Company;
 - iv. letter dated June 17 2015 from Sean Capstick of Golder Associates to Andrew Sebestyen of the Company,
 - v. the request document dated September 25, 2012 and signed by John Benson of the Company;
 - vi. the Emission Summary and Dispersion Modelling Report dated September 2012;
 - vii. the Technology Benchmarking Report dated September 2012;
 - viii. the Public Consultation Summary Report dated September 2012 summarizing the public meetings held on October 9, 2008 and September 13, 2013;
 - ix. the Action Plan Report dated September 2012; and
 - x. an Economic Feasibility Assessment Report, dated September 2012.

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.

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 Benzo[a]pyrene standard of 0.01 ng/m³ over an annual averaging period in Schedule 3 of the Regulation because it is not technically feasible for the Company to comply.
2. The site-specific Benzo[a]pyrene 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. The site-specific Benzo[a]pyrene 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.
 5. 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 June 22, 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 Benzo[a]pyrene 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 (ng/m³)	Site-specific Standard Averaging Period
Benzo[a]pyrene	50-32-8	From July 1, 2016 to December 31, 2019	4.9	Annual
Benzo[a]pyrene	50-32-8	From January 1, 2020 to June 30, 2021	2.5	Annual

EXPIRY

In accordance with s.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 annual averaging period will apply to discharges of Benzo[a]pyrene from the Facility.

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

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



Steve Klose, P. Eng.

Director

Ontario Regulation 419/05 - Section 35

c.

R. Vickers, Director, West Central Region

G. Knapper, District Manager, Hamilton District Office/J. Beals/S. Burt/A. Clark/J. Burdon

Director, Environmental Assessment and Approvals Branch/R. Wan, Supervisor

I. Parrott, Manager, Local Air Quality Section, Standards Development Branch/S. Grant