



Ministry
of the
Environment
and Climate
Change

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

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

Order Number: 207-16-order-rv0

Reference Number: 6216-9TVPRQ

Issue Date: May 18, 2016

Expiry Date: June 30, 2021

Order 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

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 U.S. Steel Canada Inc. (the Company) is the owner of an integrated iron and steel production facility known as U.S. Steel Canada Inc. – Lake Erie Works site with the street address of 2330 County Road No. 3, Nanticoke, Ontario N0A 1L0.
- 1.3 On September 28, 2012 and February 28, 2013, 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 6.4 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 6.4 µg/m³ with an annual averaging period was set for the Facility for benzene by the Director on May 18, 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.

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 207-16-rv0, reference number 7408-862LE5 issued May 18, 2016;

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

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

“Company” means U.S. Steel Canada Inc.;

“Director” means a Director in the Standards Development 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 Hamilton District Office;

“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;

“fugitive emission” means an emission that is not entirely collected by a capture system and that is discharged to the atmosphere. Fugitive emissions include:

- (a) an emission that is emitted from 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 and Climate Change 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 207-16-order-rv0 issued under subsection 35(14) of the Regulation in conjunction with Approval number 207-16-rv0;

“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 September 28, 2012 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 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.

“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, for the period 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 Period
1	Implementation of a leak-detection and repair program for the By-Products Plant.	From July 1, 2016 until June 30, 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

- 5.1 The Company was provided a copy of a draft version of this Order on June 22, 2015. 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, 2021.
- 5.3 Pursuant to section 140 of the *EPA*, the Company may require a hearing before the Environmental Review Tribunal (the Tribunal) 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 | Standards Development Branch |
| 2300 Yonge Street, Suite 2100 | Ministry of the Environment and Climate Change |
| Toronto, Ontario | 40 St. Clair Avenue West, 7 th Floor |
| M4P 1E4 | Toronto, Ontario |
| | M4V 1M2 |

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 If you commence an appeal before the Tribunal, under section 47 of the *Environmental Bill of Rights (EBR)*, you must give notice to the public in the *EBR* registry. The notice must include a brief description of this Order (sufficient to identify it) and a brief description of the grounds of appeal. The notice must be delivered to the Environmental Commissioner who will place it on the *EBR* registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario, M5S 2B1, 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 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 by the Environmental Commissioner.

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 at (416) 325-4000.

ISSUED at Toronto this 18th day of May, 2016.

"Original Signed By"

Steve Klose, Director

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

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