

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7313-8KEN49

Notice No. 1

Issue Date: November 17, 2022

Rain Carbon Canada Inc.
725 Strathearne Ave N
Hamilton, Ontario
L8H 5L3

Site Location: Rain Carbon Canada Inc.
725 Strathearne Ave N
Hamilton, Ontario

You are hereby notified that I have amended Approval No. 7313-8KEN49 issued on August 8, 2011 for a coal tar and petroleum-based material processing facility, as follows:

The following sources have been added to Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

- one (1) activated carbon unit to control emissions from the fugitive emissions collection system at truck loading spot 7, discharging to the atmosphere through two horizontal vents each having an exit diameter of 0.36 metre and extending 4.6 metres above grade;

TK-93 is added to the list of nitrogen blanketed pitch storage tanks served by the exhaust system associated with fume scrubbing tank TK-48 as follows:

- one (1) exhaust system associated with fume scrubbing tank TK-48 which serves nitrogen blanketed pitch storage tanks TK-31, TK-38, TK-42, TK-43, TK-85, TK-86, TK-92 and TK-93, the vapour recovery from truck loading spot and the fume hood over the feed end of the Sandvik conveyor, complete with a Venturi scrubber and a condenser, exhausting into the atmosphere at an average volumetric flow rate of 0.05 cubic metre per second through a stack, designated as TK-48, having an exit diameter of 0.08 metre and extending 19.0 metres above grade;

all other equipment listed in the Approval remains unchanged.

The following definitions have been added to Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

Definitions:

"*Approval*" means this Environmental Compliance Approval, including the application and supporting documentation listed within the Approval;

"*Benzene*" means benzene with a chemical abstract system (CAS) number of 71-43-2.

"*Benzo(a)pyrene*" means benzo(a)pyrene with a chemical abstract system (CAS) number of 50-32-8.

"*District Manager*" means the District Manager of the appropriate local district office of the *Ministry*, where the *Facility* is geographically located.

"*EMT*" means the Environmental Monitoring Team that the Company is required by Condition 7 to establish and maintain.

"*FSS Scrubber Tanks TK-49/77 & TK-48 Draft Control Compliance Statement*" means the document titled "Work Ordered Item No. 9 FSS Scrubber Tanks TK-49/77 & TK-48 Draft Control Compliance Statement", dated November 16, 2020 and prepared by Jimmy C. Chang, P.Eng. of MCL.

"*Fume Gathering and Incineration System*" means the exhaust system gathering vent gases from coal tar and coal tar product storage tanks and venting through knockout tanks TK-84, TK-87, TK-89 and TK-90 to Process Boiler B-1 and/or Process Boiler B-2.

"*Fume Scrubbing Systems*" means the exhaust systems associated with fume scrubbing tanks TK-48, TK-49/TK-77 and TK-68.

"*Fume Scrubbing Systems Engineering Review Report*" means the document titled "Fume Scrubbing Systems Engineering Review Report", dated August 7, 2019 and prepared by Jimmy C. Chang, P.Eng. of MCL.

"*Mini-Ray*" means a Ray Systems Mini-Ray photoionization detector (PID);

"*Monitoring Plan*" means the document titled "Monitoring Plan for Benzo(a)pyrene and Benzene" prepared by Golder Associates Ltd. and dated November 2019, as amended based on the approval of the *District Manager*;

"*Plan to Continuously Monitor the Temperature of TK-45, TK-48, TK-49/TK-77 and TK-68*" means the document titled "Plan to Continuously Monitor the Temperature of TK-45, TK-48, TK-49/TK-77 and TK-68" Rev.2, prepared by Jimmy C. Chang, P.Eng. of MCL and signed July 27, 2022.

"*Publication NPC-207*" means the *Ministry* draft Publication NPC-207, "Impulse

Vibration in Residential Buildings”, November, 1983 as amended.

"*Publication NPC-300*" means the Ministry Publication NPC-300, " Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300", August, 2013, as amended.

"*Work Instruction - Fume Scrubbing System Tk 45 Scrubber Oil Change Out*" means the document titled "Work Instruction - Fume Scrubbing System Tk 45 Scrubber Oil Change Out", dated October 1, 2020.

The following definitions have been removed from the Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

(16) "*Publication NPC-205*" means Ministry Publication NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), October 1995, as amended.

all other definitions in the *Approval* remain unchanged.

The following Terms and Conditions have been added to Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

PERFORMANCE REQUIREMENTS

1. The *Company* shall, at all times, ensure that:
 1. the noise emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-300*.
 2. the vibration emissions from the *Facility* comply with the limits set out in *Ministry Publication NPC-207*.

FACILITY OPERATION

6. The *Company* shall:
 1. implement the *Plan to Continuously Monitor the Temperature of TK-45, TK-48, TK-49/TK-77 and TK-68*. The *Company* shall update the *Plan to Continuously Monitor the Temperature of TK-45, TK-48, TK-49/TK-77 and TK-68* as necessary or at the direction of the *District Manager*, and the *Company* shall:
 - a. notify the *District Manager* immediately when any updates are

made to the *Plan to Continuously Monitor the Temperature of TK-45, TK-48, TK-49/TK-77 and TK-68*;

- b. maintain the temperature of scrubber oil in TK-48, TK-49/TK-77 and TK-68 at a setpoint of 47 degrees Celsius;
 - c. maintain records of the temperature of scrubber oil in TK-45, TK-48, TK-49/TK-77 and TK-68, with records available for review by the Ministry upon request;
2. implement the *Work Instruction - Fume Scrubbing System Tk 45 Scrubber Oil Change Out*. The *Company* shall update the *Work Instruction - Fume Scrubbing System Tk 45 Scrubber Oil Change Out* as necessary or at the direction of the *District Manager*, and the *Company* shall:
 - a. the *Company* shall notify the *District Manager* immediately when any updates are made to the *Work Instruction - Fume Scrubbing System Tk 45 Scrubber Oil Change Out*;
 3. continuously monitor and record the temperature of gases leaving the combustion chamber of each of Process Boiler B-1 and Process Boiler B-2;
 4. follow the processes outlined in the *FSS Scrubber Tanks TK-49/77 & TK-48 Draft Control Compliance Statement* in order to maintain the design vent flow rates outlined in Table 4 and Table 6 of the *Fume Scrubbing Systems Engineering Review Report*;
 5. ensure that all continuous nitrogen purges to the storage tanks connected to the *Fume Gathering and Incineration System* are controlled to 1.5 - 2.0 standard cubic feet per hour at each location and checked at least every three months, with records of checks available for review by the Ministry upon request;
 6. complete monitoring of pressure/vacuum release valves with a portable *Mini-Ray* to check for potential vapour leaks such that pressure/vacuum release valves on TK-1, TK-2, TK-3, TK-4, TK-5, TK-7, TK-8, TK-9, TK-10, TK-11, TK-13 and TK-25 are each monitored at least once per week;
 7. as of November 22, 2022, the *Company* shall continue to follow the requirements for the Leak Detection and Repair Program as described in items 4.3 to 4.14, Appendix A, Appendix B and Appendix C of the site-specific Order Number 202-17-order-rv0 issued on November 21, 2017.

8. The *Company* shall continue to follow the *Monitoring Plan* for the monthly measurement of *Benzene* at locations in accordance with the *Monitoring Plan*. The *Company* shall:
 - a. prepare a written summary of the measurements of *Benzene* taken at each monitoring station identified in the plan approved by the *District Manager* under Condition 6.8 during each calendar month, in a format acceptable to the *District Manager*, and including the following information:
 - i. identification of each location at which a measurement was taken; and
 - ii. for each location mentioned in Condition 6.8 the date, time and concentration of each measurement taken;
 - b. submit an electronic copy of the summary required by Condition 6.8.a to the *District Manager* no later than the twentieth of each month following the calendar month that is being summarized; and
 - c. make a copy of the summary required by Condition 6.8.a available for public inspection at the *Facility* during office hours and on the *Company's* website no later than the twentieth of each month following the calendar month that is being summarized.

9. The *Company* shall continue to follow the *Monitoring Plan* for the monthly measurement of *Benzo(a)pyrene* at locations in accordance with the *Monitoring Plan*. The *Company* shall:
 - a. notify the *District Manager* within 30 days in writing when any measured twenty-four hour concentration of *Benzo(a)pyrene* exceeds 0.0043 microgram per cubic meter and provide the following information:
 - i. an analysis of what may have caused the concentration of *Benzo(a)pyrene* to exceed 0.0043 microgram per cubic meter;
 - ii. the production rate at the time when the concentration of *Benzo(a)pyrene* exceeded 0.0043 microgram per cubic meter;
 - iii. an assessment of additional equipment, technically feasible methods and operational measures that are available to further minimize the likelihood of measurements of *Benzo(a)pyrene* above 0.0043 microgram per cubic meter;

and

- iv. a proposed schedule to implement any actions that would minimize the likelihood of measurements of *Benzo(a)pyrene* above 0.0043 microgram per cubic meter.
 - b. prepare a written summary of the measurements of *Benzo(a)pyrene* taken at each monitoring station identified in the plan approved by the *District Manager* under Condition 6.9 during each calendar month, in a format acceptable to the *District Manager*, and including the following information:
 - i. identification of each location at which a measurement was taken; and
 - ii. for each location mentioned in Condition 6.9 the date, time and concentration of each measurement taken.
 - c. submit an electronic copy of the summary required by Condition 6.9.b to the *District Manager* no later than the twentieth of each month following the calendar month that is being summarized.
 - d. make a copy of the summary required by Condition 6.9.b available for public inspection at the *Facility* during office hours and on the *Company's* website no later than the twentieth of each month following the calendar month that is being summarized.
10. If the *Company* is required to notify the *Ministry* of a discharge pursuant to subsection 30 (4) of Ontario Regulation 419/05, the *Company* shall make a copy of the notification provided to the *Ministry* available on the *Company's* website.
- a. Unless another date has been specified in writing by the *District Manager*, the *Company* shall comply with Condition 6.10 of this *Approval* on the same date that it notifies the *Ministry* of the discharge.

ENVIRONMENTAL MONITORING TEAM

7. The *Company* shall maintain and participate in the existing *EMT*, and ensure that:
 1. the *EMT* serves as a forum for dissemination, consultation, review and exchange of information regarding the operation of the *Facility*, environmental issues such as air monitoring, analysis of relevant

monitored data and any need for new approvals or amendments to existing approvals.

2. the *EMT* includes at least one representative from the *Company*, at least three representatives from the community and one representative of the *Ministry*.
3. subject to Condition 7.5, the *Company* shall ensure that the *EMT* meets at least one time in every three month period, outside the *Facility* at a publicly accessible location.
4. each member of the *EMT* is notified of each meeting of the *EMT* at least 30 days prior to the meeting.
5. the frequency of *EMT* meetings can be reduced to a frequency of no less than one time in every six months period if a vote is taken at an *EMT* meeting and all persons attending the meeting vote in favour of the change in frequency.
6. by March 31 of each year, the *Company* shall prepare an annual report titled "Environmental Management System and Community Engagement Report" that sets out the following information with respect to the preceding calendar year:
 - a. documentation of all complaints received by the *Company* relating to air emissions and the resolution of those complaints;
 - b. a written summary of actions taken each calendar year to reduce contaminant emissions, including a description of each action taken, the date of implementation of each action taken and dates for the implementation of planned actions yet to be taken; and
 - c. the minutes of the *EMT* meetings held during the calendar year and any related follow-up actions.
7. the *Company* shall make a copy of the report required by Condition 7.6 available for public inspection at the *Facility* during office hours and available on the *Company's* website no later than March 31 of the year following the calendar year that the report was prepared for.
8. the *Company* shall present the report required by Condition 7.6 to the *EMT* at the next meeting of the *EMT* following the date that the report is prepared.

The following Terms and Conditions have been removed from the Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

1. The Company shall ensure that the noise emissions from the Facility comply with the limits set in Publication NPC-205.

all other Terms and Conditions in the Approval remain unchanged.

The following Reason has been added to Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

1. Condition 1 and 6 are included to outline the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the *Facility*.
5. Condition 7 is included to require the *Company* to gather accurate information so the the environmental impact and subsequent compliance with the *EPA*, the regulations and this *Approval* can be verified.

The following Reason has been removed from the Environmental Compliance Approval Number 7313-8KEN49, issued August 8, 2011:

1. Condition 1 is included to outline the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.

all other Reasons in the *Approval* remain unchanged.

All in accordance with the letter titled "Air Quality Review of Proposed Facility Improvements" dated May 27, 2022 and signed by Gord Gilmet, the Technical Memorandum titled "Air Quality Review of Proposed Facility Improvements" dated May 27, 2022, prepared by Golder Associates and signed by Kate Lubansky, the email from Gord Gilmet dated November 16, 2022 and the Technical Memorandum dated May 27, 2022, prepared by WSP GOLDER and signed by Tomasz Nowak, M.Sc., M.Eng. and Joe Tomaselli, M.Eng., P.Eng.

This Notice shall constitute part of the approval issued under Approval No. 7313-8KEN49 dated August 8, 2011

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me, the Ontario Land Tribunal and in accordance with Section 47 of the *Environmental Bill of Rights*, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the *Environmental Protection Act*, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

The Minister of the Environment,
Conservation and Parks
777 Bay Street, 5th Floor
Toronto, Ontario
M7A 2J3

and

The Director appointed for the purposes of
Part II.1 of the *Environmental Protection Act*
Ministry of the Environment, Conservation
and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.olt.gov.on.ca**

This instrument is subject to Section 38 of the *Environmental Bill of Rights*, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the *Environmental Protection Act*.

DATED AT TORONTO this 17th day of November,
2022



Nancy E Orpana, P.Eng.

Director

appointed for the purposes of Part
II.1 of the *Environmental Protection
Act*

MS/

c: District Manager, MECP Hamilton - District
Kate Liubansky, Golder Associates Ltd.