



December 14, 2020

Dear Madam/Sir

Please accept this submission as Environment Hamilton's formal comments on **ERO No 019-2302 – Harsco Canada Corp Operating as Harsco Metals Canada - Approval of a Site Specific Standard** – which proposes to extend the company's site-specific standard (SSS) for manganese at the company's slag handling area at the ArcelorMittal Dofasco Hamilton plant.

Environment Hamilton concerns regarding process to extend Harsco SSS:

While we recognize that Regulation 419 grants powers to the Director to amend a site-specific standard (SSS), we remain concerned regarding the context in which the extensions to SSSs at Harsco are being pursued. The MECP's proposal to extend the SSS by 2.5 years concerns us as **it is made with no associated lowering (making more stringent) of the existing SSS for this timeframe and no requirement for the company to implement any updated action plan requirements, in order to ensure that continuous progress is made to reduce air emissions of these contaminants.** Instead, the MECP provides the following reasons for the 2.5-year extension:

Extending the expiry dates of the site-specific standards will provide a compliance approach for these facilities while we develop and consult on a proposed technical standard for the integrated iron and steel sector. If the technical standard is published, extending the expiry dates will also provide time for a company to register under that technical standard for these contaminants, or to apply for new site-specific standards.

–ERO Registry Posting – Stelco SSS Amendment

However, the provincial process to develop a technical standard for the integrated iron and steel industry has been underway for well over two years already – and arguably even longer than this if one factors in the time that had already been spent for discussions between the MECP and industry stakeholders prior to community stakeholders being invited to participate in the process. Community stakeholders – including Environment Hamilton - were invited to participate in a provincial stakeholder working group for the development of a technical standard for integrated iron and steel mills in August of 2018 – with meetings starting in September of that year. Given this reality, we are concerned that we are now at December of 2020 and being subjected to a rushed process to extend out SSSs in order to provide even more time for MECP to 'develop and consult on a proposed technical standard'. **Why was the public process to extend this SSSs not undertaken sooner than starting on October 30, 2020?** We are certain that MECP knew it would not have a technical standard ready in time well before late fall 2020. The SSS for manganese does not expire until June of 2021 which makes us more confused about why the MECP is not providing timelines to enable it to properly consider public input. The MECP is only going through the motions here – not providing a genuine opportunity for public input on these important proposals and this is deeply troubling and deeply disappointing from a public environmental rights point of view.

Further, as the MECP confirms in the ERO posting, we could find ourselves at the end of this process with one or more company stakeholders opting not to sign on to the technical standard and, instead, to exercise their right to simply apply for new site-specific standards. Again, our concern is that, while all of this unfolds, industry will be permitted to coast along under existing SSSs potentially for as long as the next 2.5 years. **The fact that this arrangement is being proposed without any associated requirement to review and add to an action plan also leaves us puzzled regarding the requirement of the SSS that MECP staff often**

repeat – that SSSs require demonstration of continuous improvement in reducing emission levels of the contaminants of concern. As explained in the MECP document ‘Guide to Requesting a Site Specific Standard’, ‘(T)he goal of the site-specific standard regime set out in sections 32 to 37.1 of O.Reg 419/05 is continuous improvement of emissions that will occur as new technologies become available or economic circumstances change’ (see: <https://www.ontario.ca/page/guide-requesting-site-specific-standard>). This core requirement of SSSs is extremely unlikely to be met during the SSS extension period as no SSS requirements are being established by MECP to ensure that continuous improvement of emissions will occur. We believe this is counter to the purpose of SSSs and potentially counter to the regulatory requirements for SSSs as set out in Regulation 419.

Concerns regarding extension of Harsco Manganese SPM SSS

Manganese is a human neurotoxin. Harsco’s SSS for manganese does not expire until June of 2021 and yet the MECP is pushing through a decision to extend the SSS starting on January 1st, 2021. We believe that the MECP must take the time to consider public input on this SSS extension before it simply extends the approval without considering the need to make the SSS more stringent and to at least update the action plan to ensure continuous improvements are made to emission of manganese from the Harsco slag handling area at AM Dofasco. Hamilton is a hotspot airshed, making it that much more essential that this SSS extension be undertaken in a manner that ensures continuous improvement. **We are opposed to extending the SSS for manganese for Harsco and urge the MECP to take the time to consider public input regarding the proposed extension. Regulation 419 requires that SSSs are designed to ensure continued improvement and we do not believe this arrangement for manganese will ensure that this outcome is achieved.**

Need for Confirmation that Community Openness and Transparency Will Continue We are also urging the MECP to take steps to formalize a requirement that Harsco continue to provide its regular updates to community members, through ArcelorMittal Dofasco’s community liaison committee (CLC).

In conclusion, we have deep concerns about the MECP process associated with extending Harsco’s SSSs for manganese. We believe that MECP should delay the manganese SSS extension – given that this SSS does not actually expire until June of 2021 – until consideration has been given to public comments. Ideally, we want to see the MECP take steps to ensure that any extension of Harsco’s SSS for manganese is done in a manner to ensure that the Regulation 419 goal of continuous emissions improvements is achieved. Failure to do so, we believe, will constitute failure to uphold the regulatory compliance requirements set out for SSSs in Regulation 419.

We thank you for the opportunity to comment on this proposal.



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Environment Hamilton