



December 14, 2020

Dear Madam/Sir

Please accept this submission as Environment Hamilton's formal comments on **ERO No 019-2297 – ArcelorMittal Dofasco G.P. – Approval of a Site Specific Standard** – which proposes to extend the company's site-specific standards (SSSs) for benzene, suspended particulate matter (SPM), and manganese at its Hamilton facility.

Environment Hamilton concerns regarding process to extend ArcelorMittal Dofasco SSSs:

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 ArcelorMittal Dofasco are being pursued. The MECP's proposal to extend these SSSs by 2.5 years concerns us as **it is made with no associated lowering (making more stringent) of the existing SSSs 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 – ArcelorMittal Dofasco 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 these SSSs not undertaken sooner than starting on October 30, 2020 – especially since the SPM SSS expires on December 31st?** We are certain that MECP knew it would not have a technical standard ready in time well before late fall 2020. Now the process feels incredibly rushed and, especially in the case of the SSS for SPM, the public consultation does not feel like meaningful consultation when the current SSS expires on December 31st, 2020. We are submitting comments but we are more than certain that MECP has already made up its mind about what it intends to do with these SSS extensions. We are left feeling certain that our input will not be considered in any serious manner. The commenting deadline is December 14th and the proposed new starting date for these SSSs is January 1, 2021. 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 ArcelorMittal Dofasco SPM SSS

We are both puzzled and concerned regarding the MECP proposal to extend ArcelorMittal Dofasco's SPM SSS, maintaining the SSS at the current level of 177 ug/m³ for the next 2.5 years, and not requiring an updated action plan. This SSS value for SPM emissions from ArcelorMittal Dofasco has been in place since 2010. Given this reality, we find it difficult to understand how the MECP justify extending the SSS at this current level a full 10 years later! Further, we wonder whether it is permissible under Regulation 419 for this extension to be granted beyond 10 years at the same level. Our understanding of Regulation 419 suggests to us that, in this circumstance, the proponent cannot simply be granted an extension. Instead, they must be required to reapply for an SSS. Why is the MECP extending this old SSS under these circumstances? **We are opposed to extending the SPM SSS for ArcelorMittal Dofasco at this level that has existed for 10 years and urge the MECP to review and make this SSS more stringent for the period from January 2021 – June 2023. Further, we also want the MECP to require the company to update its action plan to ensure that continuous improvement of SPM emissions will occur over this period of time.** This seems that much more appropriate given that **Ontario has no regulatory limits for inhalable and respirable particulate pollution (PM₁₀ and PM_{2.5} respectively). Hamilton is a hotspot airshed in Ontario, with fine particulate pollution being an on-going concern for human health.**

Concern regarding extension of ArcelorMittal Dofasco Benzene & Manganese SSSs

Benzene is an aromatic hydrocarbon that is a confirmed human carcinogen. Manganese is a human neurotoxin. ArcelorMittal Dofasco's SSSs for benzene and manganese do not expire until June of 2021 and yet the MECP is pushing through a decision to extend the SSSs starting on January 1st, 2021. We believe that the MECP must take the time to consider public input on these SSS extensions before it simply extends the approvals without considering the need to make the SSSs more stringent and to at least update the action plans to ensure continuous improvements are made to emission of benzene and manganese from ArcelorMittal Dofasco. As already stated above, Hamilton is a hotspot airshed. We know that emissions of cancer-causing substances like benzene and benzo(a)pyrene from our local integrated steel mills and some associated industries has resulted in cumulative impacts that have increased cancer risk from exposure to ambient air within the sub airshed over and near the industrial core. This is reason enough for an extension to the SSS for benzene to be taken very seriously. **We are opposed to extending the SSSs for benzene and manganese at ArcelorMittal Dofasco 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 benzene and 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 ArcelorMittal Dofasco continue to provide community members, through the company's community liaison committee (CLC), with quarterly updates regarding progress in improving the emissions of contaminants of concern including benzene, SPM,

and manganese.

In conclusion, we have deep concerns about the MECP process associated with extending ArcelorMittal Dofasco's SSSs for benzene, SPM and manganese. Further we disagree with the extension of the now 10-year old SPM SSS at the current level – and believe the regulation requires a reapplication after ten years. Finally, we believe that MECP should delay the benzene and manganese SSS extensions – given that these SSSs do 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 ArcelorMittal Dofasco SSSs 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.

A handwritten signature in black ink, appearing to read "L. M. Lukasik". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Lynda M. Lukasik, PhD
Executive Director
Environment Hamilton