

Information Sheet – Preparing & Submitting Comments – Extension of Steel Sector Site Specific Standards

This information sheet provides all of the basic information you need to prepare and submit comments on the applications from Hamilton steel mills ArcelorMittal Dofasco (& slag-handling affiliate Harsco) and Stelco **to extend their ‘site specific standard’ approvals by 2.5 years to June of 2023**. Under Ontario’s *Environmental Bill of Rights*, every Ontarian has the right to be informed of and to comment on applications with the potential to impact on the environment. As a result, the applications to extend these site-specific approvals have all been posted to the Environmental Registry of Ontario (ERO) for public comment. **Please note that the comment deadline is December 14th, 2020 at 11:59pm.**

Some Background - Regulation 419 (Local Air Quality) & Site Specific Standards

In 2005, Ontario passed a new, updated local air quality regulation – Regulation 419 – that updated existing and introduced new, legally enforceable standards for air contaminants that are set at levels designed to protect human health and the environment. Prior practice had been to set standards that were technically and economically viable for industry emitters to achieve – resulting in standards that did not necessarily protect human health and the environment.

The result is that the air quality standards in Regulation 419 are much more stringent so the regulation was designed to offer a number of ‘compliance options’ to help industrial polluters to transition into regulatory compliance. Regulation 419 provides polluters with ‘3 routes to compliance’:

1. **Comply with the new, more stringent air standards** - Regulatory compliance is achieved when a polluting industry is able to demonstrate that it is operating at or below the emission limits set for all air contaminants of concern. This is obviously the best outcome for human and environmental health.
2. **Apply for a Site Specific Standard to secure more time to meet the new standards** - This option allows the polluter to secure an ‘alternative’ to the regulatory standard that is less stringent. The polluter is required to develop and implement an action plan to demonstrate they are making ‘continuous progress’ in working towards meeting the site specific standard over the timeframe for which the site specific standard is approved.
3. **Sign on to a Technical or Industry Standard** – This is a sector-specific standard that sets requirements for facilities to install mandated pollution control technology and commit to prescriptive plant operations and maintenance requirements. Satisfaction of the requirements in a technical or industry standard requirements absolves the industry from having to meet Regulation 419 air standards with the assumption being the combination of pollution control technology and operations/maintenance measures will achieve maximum reduction of air pollutants of concern.

More About the Proposals Currently Posted for Public Comment

Both ArcelorMittal Dofasco and Stelco have applied to extend their current site specific standards (SSSs). In the case of AMD, that also includes an application from Harsco Canada, the company that processes AMD’s slag in a designated area at AMD’s Hamilton plant (slag is a steel-making by-product). The steel mills have SSSs for the following contaminants:

- Benzo(a)pyrene – SSS expires June 2021
- Benzene – SSS expires June 2021
- Suspended Particulate Matter – SSSs expire December 31st, 2020
- Manganese (AMD only) – SSS expires June 2021

In other words, **for all of these contaminants, the mills are unable to meet the regulatory limits set out in Ontario Regulation 419 – Local Air Quality** & they have had to pursue one of the other ‘routes to compliance’ set out in the regulation – in this case, SSSs. The extensions are to allow the iron and steel sector to continue, during the proposed extension period (January 2021 to June 2023) to work with the provincial Ministry of Environment to finalize an industry standard (see description above) that the mills can opt to sign onto.

There are a number of important issues to consider regarding each contaminant for which SSSs exist when preparing your comments on these proposals to extend the SSSs for the two steel mills:

1. Benzo(a)Pyrene - There is currently **not an active Environmental Registry of Ontario (ERO) posting to extend the benzo(a)pyrene SSSs**. Benzo(a)pyrene is a potent human carcinogen and Hamilton has the highest levels of benzo(a)pyrene emissions to air of any Ontario community. The benzo(a)pyrene SSSs do not expire until June of 2021, and the fact that there is no current posting leaves hope that the Ministry of Environment intends to make benzo(a)pyrene SSSs more stringent and to require additional emission reduction measures in SSS action plans for the two year period from June 2021 to June 2023.

2. Benzene - There are **active ERO postings to extend the benzene SSS to June 2023**, despite the fact that the current benzene SSSs do not expire until June of 2021. Benzene is also a confirmed human carcinogen. The Ministry of Environment is proposing this extension without any plan to phase in a more stringent SSS limits over that time period or to require any additions be made to the current SSS benzene action plans to reduce emissions of benzene from the steel mills. **In other words, the Ministry is not proposing any legally enforceable requirements be included to ensure that there is continuous progress made to reduce benzene emission levels to air during the period from January 2021 to June 2023.**

3. Suspended Particulate Matter (SPM) - There are **active ERO postings to extend the suspended particulate matter SSSs to June 2023**. These SSSs all expire on December 31, 2020. SPM includes particulate of all sizes; the province does not have regulatory limits for inhalable (PM10) and respirable (PM2.5) particulate pollution – and this is cause for worry where human health impacts are concerned. The Ministry of Environment is proposing these SSS extensions without any plans to phase in more stringent SPM air emission limits over this 2.5 year period or to require any additional requirements be added to the SSS-related SPM action plan. **In other words, the Ministry is not proposing that any legally enforceable requirements be included to ensure that there is continuous progress made to reduce SPM emission levels to air during the period from January 2021 to June 2023.**

4. Manganese – There are **currently ERO postings to extend the manganese SSSs for AM Dofasco & Harsco to June 2023**. These SSSs both expire in June 2021. The Ministry of Environment is proposing these extensions without any plans to phase in more stringent manganese air emission limits over this 2.5 year period or to impose any additional requirements be added to the SSS-related manganese action plans. **In other words, the Ministry is not proposing that any legally enforceable requirements be included to ensure that there is continuous progress made to reduce manganese mission levels to air during the period from January 2021 to June 2023.**

How to Submit Your Comments on these Applications Via the Environmental Registry of Ontario

There are a total of **THREE** registry postings for SSS extensions at Hamilton facilities that the public can comment on – one each for AM Dofasco, Harsco Canada, and Stelco Hamilton Works. You can access these

postings and submit your comments on-line via www.ero.ontario.ca or by using these direct links for each posting:

1. Stelco Inc - ERO No 019 - 2298 - Approval of an SSS <https://ero.ontario.ca/notice/019-2298>
2. AM Dofasco - ERO No 019-2217 - Approval of an SSS <https://ero.ontario.ca/notice/019-2297>
3. Harsco – ERO No 019-2302 – Approval of an SSS <https://ero.ontario.ca/notice/019-2302>

The summary chart below provides details regarding the history of these SSSs, and the current SSS values for each contaminant – all proposed to be extended until June 2023. For comparison purposes - the current provincial regulatory standard for each of these contaminants is also included in the table. Remember that these provincial regulatory standards – the Reg 419 Limits - have been set at levels designed to protect human health and the environment.

Summary Chart – History of Site Specific Standard Contaminants & Approved Limits /Timelines

Contaminant of Concern	Site Specific Standard Approval Periods			Reg 419 Limit
Suspended Particulate Matter (SPM – ug/m3 – 24 hour average)	Jul 2010 – Feb 2015	Feb 2015 – Dec 2020	Jan 2021 – Jun 2023	
ArcelorMittal Dofasco	177 ug/m3	177 ug/m3	177 ug/m3	120 ug/m3
Harsco - AMD Slag Handling Area	n/a	177 ug/m3	177 ug/m3	120 ug/m3
Stelco – Hamilton Works	n/a	313 ug/m3	313 ug/m3	120 ug/m3
	Site Specific Standard Approval Periods			Reg 419 Limit
BENZENE (ug/m3 annual average)	May 2015 – Dec 2019	Jan 2020 - Jun 2021	Jan 2021 – Jun 2023	
ArcelorMittal Dofasco	11.1 ug/m3	10 ug/m3	10 ug/m3	0.45 ug/m3
Stelco – Hamilton Works	8 ug/m3	3.9 ug/m3	3.9 ug/m3	0.45 ug/m3
	Site Specific Standard Approval Periods			Reg 419 Limit
MANGANESE (ug/m3 - 24 hour average)		Jul 2016 – Jun 2021	Jan 2020 – Jun 2023	
ArcelorMittal Dofasco		1.5 ug/m3	1.5 ug/m3	0.4 ug/m3
Harsco – AMD Slag Handling Area		1.5 ug/m3	1.5 ug/m2	0.4 ug/m3

When preparing your comments on these proposed SSS extensions, consider raising these concerns:

- The Ministry of Environment is not proposing to make any of these SSSs more stringent over the next 2.5 years nor are they proposing to update action plans to ensure that these contaminants are reduced to lower levels over this time period. **Tell the Ministry that you want them to phase in more stringent limits and require actions that lead to continuous improvement so that these companies work towards meeting the Reg 419 limits for all three of these contaminants (benzene, suspended particulate matter, and manganese) over the next 2.5 years.**

-SSSs for SPM expire on December 31st and the deadline to comment is December 14th. The holiday break is in between. These timelines do not instill any confidence that the Ministry of Environment is taking public comments very seriously. **Tell the Ministry that you are concerned that the timelines associated with the proposal to extend the SSSs for SPM are tight and leave you wondering whether public input is being considered in a meaningful manner.**

-SSSs for benzene and manganese do not expire until June of 2021 and yet the Ministry of Environment is proposing an extension period from January 2021 to June of 2023. To avoid the issue described above regarding

timing and value of public input, **request that the Ministry take more time to consider making the SSSs for these contaminants MORE STRINGENT over the extension period and to require updated action plans to ensure that these industrial facilities realize continuous progress with the reduction of these contaminants over the proposed extension to June 2023.**

-Stelco Hamilton Works has an SSS for SPM that is significantly higher than what AM Dofasco has (see chart), despite the fact that most of the Stelco Hamilton Works plant is shuttered. **Indicate in your comments that you are confused by this situation and that the Stelco Hamilton Work SSS for SPM should be far more stringent.**

-Ministry orders associated with existing SSSs have required both AM Dofasco and Stelco to establish community liaison committees (CLCs) and to host quarterly public meetings with CLCs to update CLC members and the broader community on progress in reducing the emission levels of contaminants for which the plants have SSSs. **Tell the Ministry that you want confirmation that the companies will still be required to hold these meetings and to report back to community because full public openness and transparency is critically important where harmful industrial emissions are concerned.**

-AM Dofasco's SSS for SPM was approved back in 2010. It has been at the same level – 177 ug/m³ since that time. Reg 419 requires that SSSs cannot be extended beyond 10 years. **Tell the Ministry of Environment that Reg 419 requires that AMD reapply for an SSS for SPM and that you believe this is critical to enable a more stringent SSS for SPM that includes an updated action plan to ensure SPM emission reductions are achieved.**

-Be sure to add any other comments you wish to share with the Ministry of Environment regarding these industrial emissions. If you live near these plants, tell the Ministry how these industries impact on you and your family. **Let the Ministry know why you are concerned and why you want to see aggressive efforts by the regulator to reduce the emissions of these harmful industrial pollutants.**

RECAP - Submitting Your Comments The easiest way to submit your comments on these applications is on-line via the Environmental Registry of Ontario – www.ero.ontario.ca. To make it easier, the direct links to each posting are provided here:

1. Stelco Inc - ERO No 019 - 2298 - Approval of a Site Specific Standard <https://ero.ontario.ca/notice/019-2298>
2. AM Dofasco - ERO No 019-2217 - Approval of a Site Specific Standard <https://ero.ontario.ca/notice/019-2297>
3. Harsco – ERO No 019-2302 – Approval of a Site Specific Standard <https://ero.ontario.ca/notice/019-2302>

You can also snail mail your comments to the address in the posting. Once you are on the registry, you will see a blue box on the left hand side labelled 'Submit A Comment' . Click on that box to access the comment form and fill out the form. The comment form includes a text box where you can write your comments. We advise that you draft up your comments off-line in a document and then cut and paste your comments into the comment form text box when you are ready to do so. Please note that the **COMMENT DEADLINE for these proposals is December 14th!** Comments must be submitted by 11:59 pm that day.

If you have any questions/ need any help with preparing and submitting your comments, feel free to contact Jochen Bezner at Citizens Against Pollution at jochenbezner@me.com or Lynda Lukasik at Environment Hamilton at llukasik@environmenthamilton.org.