

RE: Hamilton Specialty Bar Inc. EBR Registry No. 012-3951 MOECC Ref No. 9077-9SLSGB

Dear Application Processor,

Please accept this submission as Environment Hamilton's formal comments on the above-referenced EBR posting for an ECA (Air & Noise) amendment for Hamilton Specialty Bar (HSB), located at 319 Sherman Avenue North in Hamilton.

We have a number of concerns we wish to highlight in our comments on this proposed amendment.

EPA and EBR Process-related Concerns

First, while we are extremely supportive of MOECC efforts to work with the company to resolve air emission issues at this facility, we were concerned to learn that the process change (installation of an evaporative quench system) for which this ECA (Air) amendment was required, was an equipment change that was made back in 2013. The installed system is already operational. The ECA amendment application was not submitted until April 12, 2014 –and not posted to the EBR registry for public comment till April 17, 2015 – a full year later. So we are puzzled and concerned not only by the delay in posting the proposed amendment to the EBR for public comment, but also by the fact that the pollution control equipment that required the ECA amendment in the first place was installed and operational well before the ECA amendment application was submitted by the company. In this instance, we were told by District Office staff that there was a need for action to see problem emissions of contaminants including dioxins/furans addressed. We certainly support swift action when it comes to reducing or eliminating the release of harmful contaminants to our environment. But our concern about respect for legal and public process remains – and we believe that it is possible to take swift action and respect process at the same time. We urge the MOECC to do a better job on this front. As members of the public, we are now commenting on a change that happened in 2013 and we do not believe this upholds the vision of the provincial *Environmental Bill of Rights*, which is meant to provide the public with an opportunity to provide comment on environmentally significant provincial decisions ***before they are made.***

Release of Harmful Contaminants to Air

Hamilton Specialty Bar has a history of challenges with the release of harmful contaminants to air. We are aware of the MOECC's on-going efforts to see the company's dioxin/furan emissions reduced to safe levels and we understand that this work is still on-going. We are hopeful that the addition of the evaporative quench system will help to further reduce dioxin/furan emission levels and would ask that the MOECC require the company to publicly report on the results of its required annual monitoring of the emission levels of this harmful class of chemicals. We are generally concerned that, while there has been awareness regarding this company's challenges with harmful air emissions, there has never been any requirement that the company communicate to its neighbours about the issue and what is being done to resolve the emission problems. In fact, working with nearby residents several years ago, we

contacted the company with a letter requesting an opportunity to meet to discuss neighbourhood concerns about emissions from the plant. Despite repeated attempts, we never even received acknowledgement from the company of our request to meet. **We are therefore requesting that the MOECC require the company to, at a minimum, include a condition in the amended ECA (air & noise) that requires the company to hold an annual meeting to share monitoring results with the community and to also post these results to the company website so the community has a way to gauge company progress in working towards the dioxin/furan air standard.** Ideally, the MOECC should also be including a condition that requires the company to engage its neighbours and to establish a community liaison committee as a vehicle via which it can regularly communicate with surrounding businesses and residents regarding its on-going environmental challenges and the steps being taken to address these challenges.

Again – we are hopeful that the already operational equipment changes required by MOECC will result in reductions in the release of harmful dioxins/furans to the local airshed. But we are also very aware that the new provincial regulatory standard for dioxins/furans comes into force in July of 2016. We are hopeful that the company will succeed in meeting the new air standard and are assuming that MOECC is confident they will successfully do so prior to the July 2016 deadline as there has been no application from the company for a site specific standard for this class of substances. We do understand that there continue to be challenges with the company's ability to meet the phased in Canada Wide Standard for dioxin/furan emissions.

Other Contaminants of Concern

We have remaining questions and concerns regarding other harmful releases to our local airshed from the plant.

Hexachlorobenzene - For instance, past National Pollutant Release Inventory submissions from HSB included hexachlorobenzene as a contaminant of concern that was being released at levels great enough that the company had to report annual releases. But the levels of HCB then appeared to suddenly decrease and are no longer reported to NPRI. Further, the ESDM summary report that accompanied the company's ECA amendment application does not even list HCB as a contaminant coming from the plant. Does the modelling done by the company reflect reality when it comes to the release of HCB to air? We would like some additional assurances that HCB is no longer a contaminant of concern as far as releases to air are concerned.

Mercury – We are very concerned that the company's air modelling shows mercury releases to air at 84% of the POI limit. Our level of concern only grows when this figure is coupled with the fact that the company has reported increasing mercury releases to air over the past few years. In 2002, the company reported a release of 0.030 kg of mercury to air. No data was reported in 2003 and then, during the period from 2004 - 2010, mercury emissions to air were below the NPRI reporting threshold. But in 2011, a release of 11 kg to air was reported, followed by 11 kg in 2012 and 10 kg in 2013. This represents an increase of 360x or more when compared to levels being reported in 2002. All of this

information combined makes us wonder what is happening at the facility where mercury emissions are concerned. Does more need to be done to address mercury emissions? Will the evaporative quenching system help with mercury emissions?

Nitrogen Oxide - We also note that nitrogen oxide levels are at levels that raise concern, when one looks at the ESDM summary charts (61% of MOECC 1 hr and 69% of MOECC 24 hr limits).

Particulate Matter - We are also very concerned about the release of particulate from the site's process stacks and from other activities on site. The company's ESDM summary – included in a report prepared by PINCHIN - indicates that particulate is released to air at 46% of the MOECC POI limit. This number, again, is too high for our liking. We also know that the provincial modelling focuses on total suspended particulate – and not for health reasons but as particulate release relates to visibility impacts. We know that there is no consideration of fine, respirable particulate. But a facility that has issues with dioxins/furans and that is also releasing particulate at levels modelled at 46% of the POI limit, is a facility that may well be generating a significant risk of release of fine particulate with dioxin/furan attached to it. The ESDM does not provide adequate information to the public regarding the levels of fine particulate matter being released from this facility. It seems unreasonable, particularly when the MOECC is so concerned about dioxins/furans, that no attention was given to fine particulate. **We believe the company should be required to at least model, if not measure, fine particulate levels being released from the main process stack (Danali baghouse) so that we have an understanding of these levels and whether there is heightened cause for concern regarding threats to human health from inhalation of respirable particulate with dioxin/furan attached to it.**

We also have some fundamental concerns about management of total suspended particulate at the site. We have observed activities at this facility for a number of years now and have noted over the years sloppy behaviour where drag out onto adjacent streets is concerned and where handling of waste materials on site is concerned. As recently as this past week, we observed the generation of fine dust through handling of waste materials (slag?) on site. In reviewing the MOECC file for this application we noted with interest that during a March 2014 Air Facility Inspection, the MOECC inspectors also noted problems with drag out and fugitive dust generation on-site. Inspectors noted further that "(W)hen asked, the facility representatives were not able to provide a copy of a best management plan for control of fugitive dust from storage piles and roadways". This detail becomes important when, in the PINCHIN air report at page 2, an explanation is provided that road dust emissions were deemed to be insignificant because the company has implemented a best management practices plan for fugitive dust. **We are therefore requesting that the MOECC include a condition in the amended ECA that requires the proponent to develop a best management practices plan for the control of fugitive dust emissions from the site that includes proper control measures for storage piles – including the effective control of dust when materials are placed in piles in the yards – as well as effective measures to control dust from facility drag out onto adjacent public roadways. This BMP should be referenced in a condition in the ECA to ensure that the proponent is legally required to develop and implement the BMP.** At this point in time and given the information we obtained through file review, we have no faith that the company even has a BMP, and definitely no way to confirm that they are implementing said plan. We

want the plan to be formalized as part of the ECA (Air & Noise). placement of mat

Other Concerns

We must state that we are generally concerned about the state of this facility. We have photo-documented some of the issues regarding the physical integrity of the plant. For instance there are plant buildings whose outside metal sheeting is literally eroding away. We also observed a period of time when metal siding fell off of parts of the plant and visible emissions could be observed oozing out the sides of the facility. The general upkeep of the site is not impressive and does not instill any sense of public confidence that the facility is being properly maintained and operated. We also note that there are times when large scrap trucks line up, engines idling, along Birch Avenue, waiting for entry to the plant. This is a problem from a local air quality point of view, particularly when consideration is given to the fact that the plant is located in an already compromised airshed – an airshed within which cumulative effects are not being considered. **We ask the MOECC to take cumulative effects into account when assessing this request for an ECA (Air & Noise) amendment.**

We thank you for the opportunity to comment on this ECA posting.

Yours truly,
Lynda M. Lukasik, PhD
Executive Director
Environment Hamilton