Ministry of the Environment, Conservation and Parks

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Ontario

**Notice number: xxxx-xxxxx**
**Reference number: xxxxxxx-xxxxx**

# Notice
## s. 36 of O. Regulation 419/05 as amended made under the *Environmental Protection Act*, R.S.O. 1990, c.E 19 (EPA), as amended

**To:** Discovery Kidd Creek Inc.

**Site:** Kidd Concentrator Site,
10050 Highway 101 East, Hoyle Township,
Timmins, Ontario, P4N 7K1

## Part 1: Definitions

For the purpose of this Notice, the following definitions apply:

**(1)** "Company" means Discovery Kidd Creek Inc., the successor of Glencore Canada Corporation with respect to the Facility and includes any successors and assigns in accordance with section 19 of the EPA.

**(2)** "Director" means a public servant who works in the Ministry and is appointed pursuant to section 5 of the EPA for the purpose of section 35 of the Regulation.

**(3)** "EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended from time to time.

**(4)** "Facility" means the Company facility referred to as Kidd Concentrator Site and located at 10050 Hwy 101 E., Hoyle Township, P4N 7K1 Ontario.

**(5)** "Filter Press" means the equipment used for concentrate dewatering as described in the technology benchmarking report and action plan documents submitted by the Company as part of the request it made under section 32 of the Regulation, dated March 30, 2022.

**(6)** "Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.

**(7)** "Notice" means this Notice number _____, as it may be amended from

time to time

**(8)** "Regulation" means Ontario Regulation 419/05: Air Pollution – Local Air Quality made under the EPA.

**(9)** "Section 35 Approval" means the approval (Approval Number 50123rv0), reference number 3575-CD2NGP issued to Glencore Canada Corporation under subsection 35(1) of the Regulation on June 30, 2023, a copy of which is attached in Appendix 1.

**(10)** "Sulphur Dioxide" or "$SO_2$" means the contaminant identified by the Chemical Abstract Number 7446-09-5.

**Part 2: Legal Authority and Grounds for Notice**

2.1 I am appointed as a Director for the purposes of section 36 of the Regulation.

2.2 On June 30, 2023, the Director issued the Section 35 Approval to Glencore Canada Corporation pursuant to section 35 of the Regulation. On June 1, 2026, the Company took ownership and control of the Facility. The Section 35 Approval applies to the Company as a successor to Glencore Canada Corporation with respect to the Facility.

2.3 The Director imposed three conditions in the Section 35 Approval including Condition 3, which requires commencing the installation phase of the Filter Press project at the Facility no later than December 31, 2026. The Company is currently evaluating different operating plans than were considered by the Director when the Section 35 Approval was issued. The Filter Press project may not be relevant or required as an air pollution control method depending on the chosen operating plan. Therefore, pursuant to clause 36 (1) (a) of the Regulation, I am altering the conditions imposed under subsection 35 (6) by revoking Condition 3. A revised summary of Action Plan items, reflecting this change, is set out in Appendix 2 to this Notice.

2.4 Pursuant to subsection 35 (9) of the Regulation, the Director specified a period for the Section 35 Approval that ended five years after the date the period began (i.e. from July 1, 2023, to July 1, 2028). Pursuant to clause 36 (1) (c) of the Regulation, I am altering the period in which the Section 35 Approval applies so that it ends on December 31, 2029 to provide the Company with more time to evaluate plans for the Facility and determine if the Facility requires a site-specific standard for Sulphur Dioxide to comply with the Regulation. The revised end date for Section 35 Approval is a later date that is not more than 10 years after the date the period began, as required by clause 36 (1) (c) of the Regulation.

2.5 Based on an Emission Summary and Dispersion Modelling report for the Facility dated September 30, 2026, I am of the opinion that the Company is capable of complying with a site-specific standard of 420 $\mu g/m^3$ (1-hour average) for Sulphur

Dioxide, which is a more stringent site-specific standard than the site-specific standard set out in the Section 35 Approval of 690 µg/$m^3$ (1-hour average) for Sulphur Dioxide. Therefore, pursuant to subclause 36 (1) (d) (i) of the Regulation, I am replacing that site-specific standard with the more stringent site-specific standard of 420 µg/m3 (1-hour average), taking effect on July 1, 2027. The phase-in of the more stringent site-specific standard is intended to provide the Company with time to assess and make operational adjustments needed to meet the more stringent site-specific standard.

2.6 Pursuant to clause 36(1)(a) of the Regulation, I am altering the conditions imposed under subsection 35 (6), by altering Condition 1.2, which requires the submission of Sulphur Dioxide measurements and calculated emissions to the District Manager on a quarterly basis. In order to assist with monitoring compliance with the more stringent site-specific standard, this condition is being altered to require that the submitted information includes a summary of the number of hours that the calculated emissions resulted in the predicted off-property concentration of Sulphur Dioxide exceeding 420 µg/$m^3$ (1-hour averaging period).

2.7 In accordance with subsection 36 (2) of the Regulation, I provided a draft of this Notice to the Company and provided an opportunity for the Company to make written submissions to the Director during a ninety (90) day period.

**Part 3: Effect of this Notice**

Pursuant to my authority under subsection 36(1) of the Regulation, I hereby amend the Section 35 Approval as follows:

3.1 The site-specific standard of 690 µg/$m^3$ (1-hour averaging period) for Sulphur Dioxide is replaced with a site-specific standard of 420 µg/$m^3$, starting July 1, 2027. Table 1 of the Section 35 Approval is replaced with:

**Table 1: Site-Specific Standard for the Facility**

| Contaminant | Contaminant Chemical Abstracts Service No. | Applicable Time Period | Site-specific Standard (µg/$m^3$) | Site-specific Standard Averaging Period |
|---|---|---|---|---|
| Sulphur Dioxide | 7446-09-5 | From July 1, 2023 to June 30, 2027 | 690 | 1-hour |
| | | From July 1, 2027 to December 31, 2029 | 420 | |

3.2 Condition 1.2 of the Section 35 Approval is replaced with:

1.2 The Company shall record and submit electronically, on a quarterly basis, to the District Manager the Sulphur Dioxide measurements and calculated emissions. This report must include the number of hours that the calculated emissions resulted in the predicted off-property concentration of Sulphur Dioxide exceeding 420 µg/$m^3$ (1-hour averaging period).

3.3 Condition 3 of the Section 35 Approval is revoked~~.~~

3.4 The period referred to in subsection 35 (9) of the Regulation in respect of the Section 35 Approval is altered so that it ends on December 31, 2029.

Issued this __ th day of _____, 2026

_____

Dan McDonald
Director, Section 36, O. Reg. 419/05
Air Policy and Programs Branch

# APPENDIX 1

Ministry of the Environment, Conservation and Parks

Ministère de l'Environnement, de la Protection de la nature et des Parcs

Ontario

**Approval for Site-specific Standards Issued Pursuant to s.35(1) of O. Reg. 419/05**
Approval Number: 50123rv0
Reference Number: 3575-CD2NGP
June 30, 2023
Expiry Date: July 1, 2028

Site-specific Standard Issued to: Glencore Canada Corporation

Site Location: Kidd Concentrator Site, 10050 Highway 101 East, Hoyle Township, Timmins, Ontario, P4N 7K1

**DEFINITIONS - TERMS**

For the purpose of this site-specific standard approval for Sulphur Dioxide, the following definitions apply:

**(1)** "Action Plan" means the document entitled "Action Plan Report", dated March 30, 2022 and additional documentation dated November 2, 2022 and June 22, 2023 submitted by the Company as part of its Request.

**(2)** "Approval" means this site-specific standard approval (Approval Number 50123rv0), reference number 3575-CD2NGP issued June 30, 2023.

**(3)** "Company" means Glencore Canada Corporation (Glencore) and includes any successors and assigns in accordance with section 19 of the EPA.

**(4)** "Director" means a public servant who works in the Ministry and is appointed pursuant to section 5 of the EPA for the purpose of section 35 of the Regulation.

**(5)** "District Manager" means the District Manager, Timmins District Office, Northern Region of the Ministry.

**(6)** "EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended from time to time.

**(7)** "Facility" means the Company facility referred to as Kidd Concentrator Site and located at 10050 Hwy 101 E., Hoyle Township, P4N 7K1 Ontario.

**(8)** "Filter Press" means the equipment used for concentrate dewatering as described in the Technology Benchmarking Report and Action Plan dated March 30, 2022 submitted by the Company.

**(9)** "Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.

**(10)** "Ministry Review Report" means the report, dated February 17, 2023 that provides a

written review by Ministry staff of the Request by the Company for a site-specific standard for Sulphur Dioxide for a 1-hour averaging period.

**(11)** "POI" means point of impingement and has the same definition as section 2 of the Regulation.

**(12)** "Regulation" means Ontario Regulation 419/05: Air Pollution – Local Air Quality made under the EPA.

**(13)** "Request" means the request made under section 32 of the Regulation dated March 30, 2022, and submitted by the Company with respect to the Sulphur Dioxide 1-hour averaging period standard listed in an amendment to Schedule 3 of the Regulation that comes into force on July 1, 2023 and includes,

i. the request document signed by Leah Fedat, Superintendent Environment;
ii. an Emission Summary and Dispersion Modelling Report;
iii. a Technology Benchmarking Report;
iv. a Public Consultation Summary Report summarizing the public meeting;
v. the Action Plan; and
vi. updated additional information submitted by the Company on November 2, 2022 and June 23, 2023.

**(14)** "$SO_2$ Analyzers" means the existing analyzers that measure the concentration of Sulphur Dioxide at the Facility and are described in Appendix I of the Emission Summary and Dispersion Modelling Report submitted with the Request.

**(15)** "Sulphur Dioxide" or "$SO_2$" means the contaminant identified by the Chemical Abstract Number 7446-09-5.

## GROUNDS FOR APPROVAL

In accordance with section 35 of the Regulation,

**A.** I, the Director, am satisfied that:

1. The Request is consistent with subsection 32(1), paragraph 5 of the Regulation.
2. The requirements of section 32 of the Regulation have been met.
3. The Request satisfies the requirements of section 33 and other relevant portions of the Regulation.
4. The notification and holding of a public meeting and follow-up to the public meeting by the Company met the requirements under Section 34 of the Regulation.

**B.** Based on the above conclusions and the information that I have reviewed, including the Request, the Ministry Review Report, the Facility description in the Request and various interactions with the Company, I am of the opinion that:

1. The Company cannot comply with section 20 with respect to the standard of 100 micrograms per cubic metre for Sulphur Dioxide over a 1- hour averaging period that will be coming into force and set out in Schedule 3 on July 1, 2023, because it is neither technically nor economically feasible for the Company to comply.

2. The site-specific standard for Sulphur Dioxide, set out in Table 1 below, is the minimum difference necessary to enable the Company to comply with section 20 of the Regulation.

3. The conditions imposed and the end date for the Approval are appropriate having considered the following:
    a. The nature of Sulphur Dioxide;
    b. The frequency with which the inability to comply with section 20 referred to in subclause 35 (1)(b)(i) of the Regulation would occur; and,
    c. Whether there are any acute effects associated with Sulphur Dioxide.

4. There is no public interest reason sufficient to require denial of the Request.

5. The site-specific Sulphur Dioxide standard is not likely to permit discharges of the contaminant that too frequently result in the concentration of the contaminant at a POI located on a place referred to in subsection 30(8) of the Regulation exceeding the other time period upper risk threshold set out for the contaminant in Schedule 6 of the Regulation.

6. Compliance with this Approval will result in improvements to reduce discharges to air.

C. The Company was provided a draft copy of the Approval on February 24, 2023 and an updated draft copy on June 27, 2023 and was provided an opportunity to make written submissions to the Director during the period that ended 30 days after the draft was given.

**SITE-SPECIFIC STANDARD APPROVED**

Pursuant to s.35 (1), (4), (4.1), (5), and (9.1) of the Regulation, beginning on July 1, 2023, with respect to discharges from the Facility, references in the Regulation to a standard set out in Schedule 3 for Sulphur Dioxide shall be deemed to be references to the site-specific standard set out in Table 1 for the averaging period set out in Table 1.

The standard with a 24-hour averaging period for Sulphur Dioxide set out in Schedule 3 of the Regulation remains applicable to the discharges from the Facility. On and after July 1, 2023, the standard with an annual averaging period for Sulphur Dioxide set out in Schedule 3 of the Regulation will remain applicable to the discharges from the Facility.

**Table 1: Site-Specific Standard for the Facility**

| Contaminant | Contaminant Chemical Abstracts Service No. | Applicable Time Period | Site-specific Standard ($\mu g/m^3$) | Site-specific Standard Averaging Period |
|---|---|---|---|---|
| Sulphur Dioxide | 7446-09-5 | From July 1, 2023 to July 1, 2028 | 690 | 1-hour |

**CONDITIONS**

You are hereby notified that this Approval is issued to you subject to the conditions outlined below pursuant to subsection 35 (6) of the Regulation. Please note that subsection 35 (7) of the Regulation states that the approved site-specific standard for Sulphur Dioxide for the 1-hour averaging period applies only if the following conditions are complied with.

**Condition 1: Continuous Emissions Monitoring**

1.1 The Company shall continue to use, maintain, and calibrate the $SO_2$ Analyzers and the existing meteorological station and calculate Sulphur Dioxide emissions.

1.2 The Company shall record and submit electronically, on a quarterly basis, to the District Manager the Sulphur Dioxide measurements and calculated emissions.

**Condition 2: Written Summary Report of Action Plan Implementation and any other actions taken to minimize Sulphur Dioxide levels in the vicinity of the Facility**

2.1 The Company shall prepare a written summary report of the measures taken each calendar year to implement the Action Plan, including a description of each measure taken, the date of implementation of each measure taken, and proposed dates for the implementation of measures yet to be taken.

2.2 The Company shall submit an electronic copy of the written summary report to the District Manager no later than the later of:

1. March 31 of the year following the calendar year that is being summarized, or
2. A date later than March 31 as set out in writing by the District Manager for the purpose of this condition, if any.

2.3 The Company shall make the annual written summary report available to the public by posting it on the Company's website.

2.4 The Company shall continue to investigate and include in the written summary report described by Condition 2.1 any other measures taken to minimize Sulphur Dioxide levels in the vicinity of the Facility.

**Condition 3: Installation of Filter Presses**

The Company shall commence the installation phase of the Filter Press project at the Facility no later than December 31, 2026.

**REASONS FOR CONDITIONS**

Condition 1, Condition 2, and Condition 3 are included in accordance with subsection 35(12) of the Regulation to assist in minimizing the frequency of exceedances of the Sulphur Dioxide standard in Schedule 3 of the Regulation.

**EXPIRY**

In accordance with subsection 35 (9) of the Regulation, this Approval shall expire on July 1, 2028 after which the standard set out in Schedule 3 of the Regulation for the 1-hour averaging period will apply to discharges of Sulphur Dioxide from the Facility.

The above noted Request is approved under Section 35 of the Regulation.

This Approval is issued this 30 day of June, 2023.

Dan McDonald
Director, Section 35, O. Reg. 419/05
Environmental Policy and Programs Branch

## Appendix 1: Summary of Action Plan Items

| Item | Actions | Proposed completion date |
|---|---|---|
| 1 | Replacing Dryers and operating Filter Presses Under a Mine Extension (Mine 5) Scenario. Otherwise, the Facility will begin to implement the closure planning process.<br>Item 1 includes: | |
| | Commence Installation Phase of Filter Press Project | December 31, 2026 |
| | Commissioning of Filter Presses and operating as designed | Before July 1, 2028 |
| 2 | Address adverse conditions that result in loss of feed and current controls<br>• Filter boot alarm to be implemented when filter boot drops below 85% indicating loss of feed.<br>• Install weightometer on dryer feed conveyors.<br>• Trial camera installation on disk filters for continuous monitoring and if proven successful implement monitoring. | July 1, 2023<br><br>Ongoing, up to the dryers' replacement with filter press. |
| 3 | Update $SO_2$ Monitoring Alarm | July 1, 2023<br>Ongoing |
| 4 | Implement Filter Boot Level Alarming | July 1, 2023<br>ongoing |
| 5 | Modify Standard Operating Procedures (SOP's) related to dryer operation | July 1, 2023<br>ongoing |
| 6 | Standardize response to losses of feed and mitigating actions to be taken by operator to prevent elevated $SO_2$ emissions | July 1, 2023<br>ongoing |
| 7 | Modify Start-up Procedure and Verify Dryer Moistures during Start-up | July 1, 2023<br>ongoing |
| 8 | Calibrate and record/document the maintenance routine for the $SO_2$ Analyzers | July 1, 2023<br>ongoing |
| 9 | Maintain the meteorological station on site | July 1, 2023<br>ongoing |

## APPENDIX 2

### Appendix 2: Summary of Action Plan Items

| Item | Actions | Proposed completion date |
|---|---|---|
| 1 | Address adverse conditions that result in loss of feed and current controls<br>• Filter boot alarm to be implemented when filter boot drops below 85% indicating loss of feed.<br>• Install weightometer on dryer feed conveyors.<br>• Trial camera installation on disk filters for continuous monitoring and if proven successful implement monitoring. | July 1, 2023<br><br>Ongoing |
| 2 | Update $SO_2$ Monitoring Alarm | July 1, 2023<br>Ongoing |
| 3 | Implement Filter Boot Level Alarming | July 1, 2023<br>ongoing |
| 4 | Modify Standard Operating Procedures (SOP's) related to dryer operation | July 1, 2023<br>ongoing |
| 5 | Standardize response to losses of feed and mitigating actions to be taken by operator to prevent elevated $SO_2$ emissions | July 1, 2023<br>ongoing |
| 6 | Modify Start-up Procedure and Verify Dryer Moistures during Start-up | July 1, 2023<br>ongoing |
| 7 | Calibrate and record/document the maintenance routine for the $SO_2$ Analyzers | July 1, 2023<br>ongoing |
| 8 | Maintain the meteorological station on site | July 1, 2023<br>ongoing |