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PLANNING POLICY APPROACH

INCINERATION AND WASTE PROCESSING TRANSFER AND DISPOSAL STUDY (FILE: N05)

PREPARED BY:



MMM GROUP

JULY 2007

MMM Group Limited
Planning & Environmental Design
50 McIntosh Drive, Unit 225
Markham, ON L3R 9T3
t: 905-477-7776 | f: 905-477-3309
www.mmm.ca

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Mr. Adrian Smith, MCIP, RPP
Director, Planning & Land Development Services
Planning, Design & Development Department
City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2

Dear Mr. Smith,

**Subject: Incineration and Waste Processing, Transfer and Disposal Study
Planning Policy Approach (Phase 2)**

We are very pleased to submit our Planning Policy Approach (Phase 2) Report in relation to the Incineration and Waste Processing, Transfer and Disposal Study for your review. This Report recommends a planning policy approach to regulate incineration and waste processing, transfer and disposal uses. The Report will form the basis for amendments to the City's planning documents to reflect the preferred planning approach.

Please call if you have questions or comments.

Yours truly,

MMM GROUP LIMITED

Steve Willis, MCIP, RPP
Vice President
Planning and Environmental Services

Chris Tyrrell, MCIP, RPP
Manager
Planning and Environmental Design

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1.0 INTRODUCTION

1.1 Purpose

MMM Group Limited (MMM) was retained by the City of Brampton to undertake the Incineration and Waste Processing, Transfer and Disposal Study.

It is the purpose of this study to evaluate the appropriateness of the City's land use designations, applicable land use policies, as well as transportation modes and routes, to recommend implementation policies and zoning measures to regulate the development of incineration and waste processing, transfer and disposal sites.

The Research Compendium summarizes our background investigations (in accordance with the Terms of Reference, March 9, 2006, MMM) and includes our review of the existing policy and regulatory environment, an inventory of land uses and relevant facilities (including consideration of new and emerging waste management technologies as they would be applicable to this study), and a discussion of the potential land use effects from existing and emerging technologies.

This Draft Planning Policy Approach Report recommends a planning policy framework for the regulation of incineration and waste processing, transfer and disposal uses. This Report will form the basis for amendments to the City's planning documents to reflect the preferred planning approach. Appended to this report are draft Official Plan and Zoning By-law Amendments.

1.2 Approach

Our overall approach to this assignment is to acquire sufficient information to support a planning recommendation and Council decision regarding an Official Plan Amendment and Zoning By-law Amendment. The amendments will recommend appropriate land use policies with respect to incineration, waste processing, transfer and disposal sites, and adjacent land uses. This will be accomplished through a policy and regulatory review, background conditions and operational characteristics review, environmental best management practices analysis, evaluation and application to the City of Brampton.

Our approach does not envisage this as a scientific assignment, but rather as the development of a land use and environmental planning strategy. It has been established with City staff that the facilities relevant to the study are those that involve the various forms of waste management, including incineration, and combustion-based power generation (other than coal-fired since the Provincial government is phasing such facilities out of service in the near future). Subject facilities do not include other types of power generation (e.g., wind power, solar power, nuclear power and power generation based on other emerging technologies).

1.2.1 Consultation

In a series of meetings, the City and MMM consulted industry stakeholders and the public regarding the draft planning approach. Meetings were held on May 2, 2007, May 8, 2007, May 22, 2007 and June 25, 2007. Generally, the stakeholders and public were supportive of the planning approach, and had no concerns on the proposed policy directions for the majority of the types of waste management uses. Meeting notes and comment forms received from the industry stakeholders and public consultation meetings are included in Appendix A.

However, concerns were raised from both members of the general public as well as the industry stakeholders group regarding the suggested approach to hazardous waste. Initially, it was suggested that all hazardous waste facilities would require a site-specific Official Plan Amendment, subject to full justification.

Members of the general public who spoke at the Public meeting on May 22, 2007, and representative of PARC who met directly with the study team, expressed concern regarding the environmental impacts of industries dealing with hazardous wastes. Public concerns largely revolved around hazardous wastes, principally radioactive and toxic substances. While they supported facilitating the management of locally-generated wastes, they expressed reservation at Brampton becoming a major recipient of hazardous wastes from across the Province or beyond. Generally, the public expressed a desire to closely regulate these uses.

Industry stakeholders noted concerns with this approach due to the breadth of waste defined as hazardous by O.Reg. 347. They noted that "hazardous" waste encompasses a very broad range of substances, many of which can be found in everyday household goods. They noted the extensive regulatory regime imposed by the Province through the Certificate of Approval process. The group wanted assurances that the City would not frustrate the continuation or expansion of existing legally operating businesses. In addition, they requested that the City provide clear direction on where these uses should be located and a straightforward process for approvals.

The City and MMM investigated opportunities to "parse" hazardous waste into different categories and assign a planning approvals approach based on the relative severity of the hazard. The sub-categories of hazardous waste are based upon the categorization of hazardous wastes in Provincial regulations. This approach is reflected in this report.

The balance of the planning approach was either generally supported or not of fundamental concern to the public and industry stakeholders.

1.3 Context

Incineration, including processes involving energy recovery and waste processing, transfer and disposal technologies, are evolving. Many of the modern and emerging technologies were not contemplated in the City's current land use policy framework and zoning standards, nor are there other planning tools that the City may use to regulate such uses. In recent years, there has been increased public interest and awareness surrounding waste management and energy. The City aims to position itself to address these issues properly through the administration of its obligations and responsibilities.

There are established Provincial and Federal regulatory processes for the approval of waste management and energy facilities. Recent experience suggests that the City planning policy and approvals process need to:

- a) address issues of local interest;
- b) reflect/relate to the approval responsibilities of Provincial and Federal agencies; and
- c) fulfill the City's responsibilities that are not addressed in the Provincial or Federal levels, without unnecessarily overlapping them.

The City approved Interim Control By-law 312-2005 (ICB) on October 12, 2005, to prohibit new and expanded incinerators and waste processing, transfer and disposal facilities (except as is necessarily incidental to any permitted industrial or manufacturing use) for a period of one year, for lands shown on Schedule A to the ICB, which generally include all employment lands in the City. An extension to the ICB was approved on September 18, 2006 to allow the completion of the study and provide opportunity to draft appropriate amendments to the City's planning documents. The ICB will expire on October 11, 2007. The ICB provides the opportunity for the City to evaluate its land use planning policies with respect to incineration and waste processing, transfer and disposal facilities.

For the purposes of the ICB, an incinerator is defined as *"a furnace or other arrangement for burning waste, garbage, trash, etc. to ashes for the purposes of power generation or waste disposal"*.

The ICB excluded those facilities owned, operated or managed by or used for the purposes of a municipal waste program pursuant to a contract with the Region of Peel and the Sithe Energy facility, located west of Goreway Drive and north of Highway 407, which received planning approvals prior to the enactment of the ICB.

1.4 Jurisdictional Responsibilities

The Phase 1 Research Compendium provides a detailed overview of the federal, provincial, Regional (upper-tier) and City (lower-tier) roles and jurisdictional responsibilities

with respect to waste management and incineration uses through a review of relevant Acts and regulations and policies and guidelines.

The following Table 1 provides a broad overview of the federal, provincial and regional roles and responsibilities. Municipal interests and responsibilities are discussed in Section 1.5.

Table 1 – Jurisdictional Responsibility Overview

Federal Government	Provincial Government	Region of Peel
<ul style="list-style-type: none"> • <i>Canadian Environmental Protection Act</i> – regulates toxic substances and trans-border shipping. • <i>Canadian Environmental Assessment Act</i> – Federal undertakings or certain projects funded or licensed by the Federal Government require an EA to consider environmental effects. • <i>Nuclear Safety and Control Act</i> – regulates nuclear material and wastes. 	<ul style="list-style-type: none"> • <i>Planning Act</i> – governs the use of land, identifies the supply, efficient use and conservation of energy and the adequate provision and efficient use of waste management systems. • <i>Ontario Environmental Protection Act</i> – provides for protection, conservation and management of the natural environment and requires a Certificate of Approval (CofA) for most industrial, waste management and energy facilities where there are emissions to air or water. • <i>Ontario Environmental Assessment Act</i> – major public and designated undertakings require an EA. • <i>Ontario Water Resources Act, Ontario Safe Drinking Water Act, Ontario Clean Water Act</i> – governs release of contaminants into water. • <i>Waste Diversion Act</i> – promotes 3R's and waste diversion programs. • Numerous Ontario Regulations dealing with landfill sites, waste management, PCB's, air quality and emissions, recycling and composting, contaminant discharge, and effluent monitoring. MOE has policies and guidelines for preparing CofA's. 	<ul style="list-style-type: none"> • The <i>Municipal Act</i> identifies waste management as a sphere of Regional jurisdiction. • Waste collection, processing and disposal of residential and some small business waste. • The management of non-residential waste is generally the responsibility of private waste management companies. • Public health and safety promotion and protection.

1.5 Municipal Interest

There are numerous municipal responsibilities associated with the consideration of waste and energy infrastructure including land use compatibility and the consideration for public health and safety as identified through the *Planning Act*, Provincial Policy Statement (PPS) and the *Municipal Act*. We have identified five key areas of the responsibilities:

1. Waste management infrastructure and energy supply need to be considered as part of the broader municipal planning framework as essential infrastructure to be included in municipal plans.

The *Planning Act* (Section 2.0(f)) identifies matters of a provincial interest that municipalities in carrying out their responsibilities shall have regard for, these include the adequate provision and efficient use of waste management systems.

The PPS (Section 1.6.8) requires that waste management systems be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems are to be located and designed in accordance with provincial legislation and standards.

The PPS (Section 1.8.2) promotes increased energy supply by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible.

The *Municipal Act* identifies waste management as a sphere of jurisdiction (Section 11(2)), which provides the assigned municipalities the power to pass by-laws related to waste management.

The Region is responsible for the collection, processing and disposal of residential and some small business waste (generated within various Business Improvement Areas (BIAs) throughout Peel, including downtown Brampton). The Region also collects waste from municipal buildings, recreation centres and places of worship and other institutional uses located within residential areas. Recyclable materials are collected from schools in residential areas, where they have arranged for the collection of garbage through private waste haulers). The management of non-residential waste (i.e., collection, transfer, processing and disposal) is a private responsibility, typically contracted to private waste management companies, with the exception of non-hazardous waste generated by small businesses doing work for Peel (e.g., contractors doing renovations on homes in Peel) that is delivered to Peel's Community Recycling Centres and non-residential waste collected from the BIA's.

Section 6.4.2 of the Regional Official Plan provides broad guidance by requiring area municipal official plans to direct waste facilities, including processing and storage, to appropriate locations and ensuring that any new waste disposal facilities are consistent with the Regional and area municipal Official Plan policies.

2. The City has a responsibility for orderly distribution of land uses.

The *Planning Act* (Section 2(h)) identifies matters of a provincial interest that municipalities in carrying out their responsibilities shall have regard to, this includes the orderly development of safe and healthy communities. Municipalities are also required to prepare an Official Plan which establishes goals, objectives and policies to manage and direct physical change and the effects on the social, economic and natural environment (Section 16).

3. The City has to ensure compatibility with adjacent land uses.

Section 1.7.1 e) of the PPS promotes long-term economic prosperity through planning so that major facilities, such as waste management systems and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

4. The City has a responsibility to ensure the orderly development of individual sites.

The *Planning Act* (Section 41) provides municipalities with the powers to regulate the development of individual sites through Site Plan Control, to address such matters as building and structure location, the location of all facilities and works to be provided, building massing and conceptual design, and the relationship of the proposed building to adjacent uses.

5. The City has a responsibility for public health and safety (e.g., fire prevention and emergency response).

The *Planning Act* (Section 2 (o)) identifies matters of a Provincial Interest that municipalities in carrying out their responsibilities shall have regard to, this includes the protection of public health and safety.

Section 1.1.1 c) of the PPS promotes healthy, liveable and safe communities by avoiding development and land use patterns which may cause environmental or public health and safety concerns. The *Municipal Act* (Section 130) permits municipalities to regulate matters not specifically provided for by the Act or any other Act for purposes related to health, safety and well-being of the inhabitants.

Furthermore, fire protection clearly falls within the jurisdiction of the City of Brampton.

The Planning Act and Bill 51

The enactment of Bill 51, *The Planning and Conservation Land Statute Law Amendment Act*, incorporated numerous amendments to the *Planning Act*. The amendments provide new planning rules and tools, specifically related to energy. In order to strengthen the implementation of energy-related projects, Section 62.0.1 of the *Planning Act* now allows the Lieutenant Governor in Council to exempt energy related projects from *Planning Act* approvals, if they have been approved or exempted under the *Environmental Assessment Act*. The amendments are not necessarily a "blanket exemption", however it remains to be seen how such an exemption may be applied.

Site plan powers are now broadened. Under Section 41(4) of the *Planning Act*, site plan drawings must now display matters relating to the exterior design, including the character, scale, appearance and design features of buildings and their sustainable design. Municipalities can now implement sustainable streetscape improvements on public boulevards adjoining development sites through the site plan process, subject to official plan policies and site plan control by-law requirements.

Draft regulations indicated that Bill 51 would also provide the authority to establish a regulation that would set out the conditions that a municipality may impose as part of zoning approval provided that their official plan contains such relevant policies. It is proposed that the regulation would set out prescribed conditions that a municipality may impose in a zoning by-law, including prescribed conditions for measures that provide for energy conservation and alternative energy provisions, for example.

Increased Provincial support and guidance for alternative energy generation is also evident. Expanded site plan approval powers related to sustainable building design, for instance, would allow municipalities to require the use of alternative energy sources.

2.0 TYPES OF USES/OPERATIONS

2.1 Primary Classification/Definition of Types of Uses/Operations

The Research Compendium identified seven categories of facilities which exist in the City and/or may be anticipated through emerging technologies. The existing facilities were mapped in relation to their relevant Official Plan and Secondary Plan land use designations, and the potential effects associated with the Facility categories were summarized.

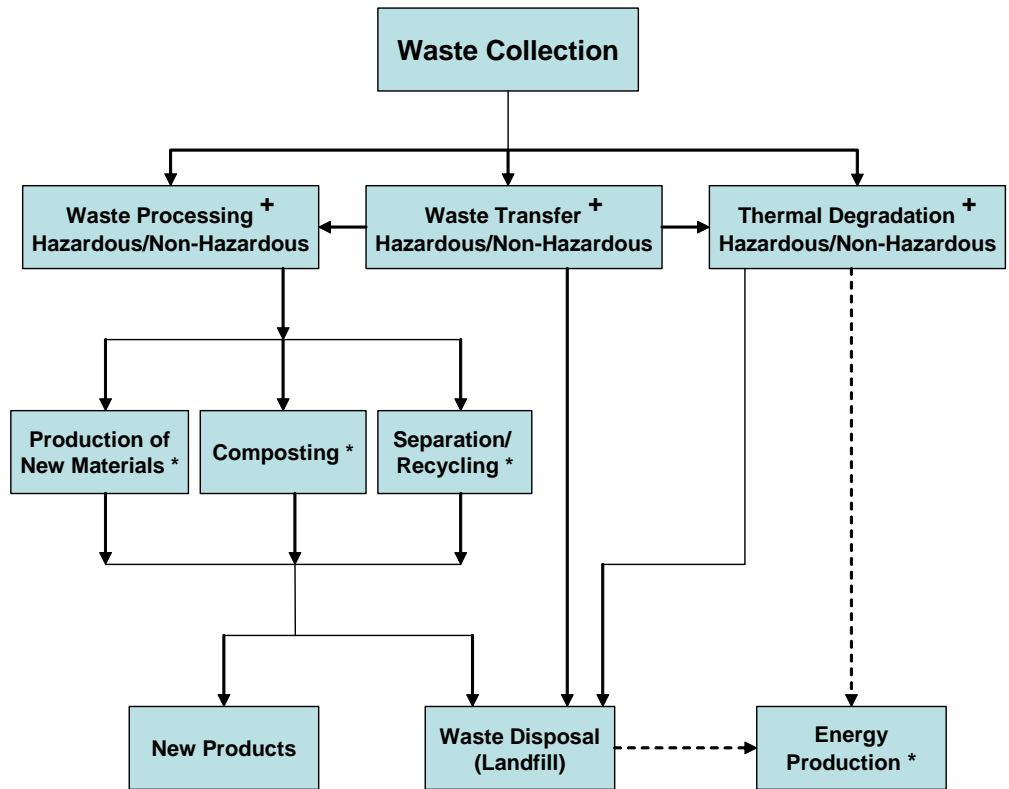
From a City-wide perspective, the general clustering of facilities is focused within four distinct areas generally within the Industrial and Business Industrial land use designations. Furthermore, the facilities are generally located interior to the Industrial and Business Industrial land use designations. The identified 300-metre area of study largely falls within the Industrial and the Business Industrial areas. However, there are a few exceptions where the area of study extends into sensitive land uses (Residential and Open Space land use designations), or are located wholly within a predominately Residential area.

The classification and definition of types of uses/operations is based on our understanding of the inter-relationships among waste management facilities. The inter-connections and relationships among the various waste management facilities as they are represented in the above categories are illustrated on Figure 1.

The types of existing or potential waste management and relevant power generation facility uses are generally consistent with the Phase 1 Report, and are classified as follows:

1. Solid Waste (Non-hazardous) Transfer Site;
2. Solid Waste (Non-hazardous) Processing Site;
3. Waste Transfer and Processing (Hazardous) Site;
4. Thermal Degradation (Non-Energy Producing) Site;
5. Thermal Degradation (Energy from Waste) Site;
6. Power Generation (Fuel Combustion) Site; and
7. Landfill Site.

Figure 1 – Inter-Relationship Among Waste Management Facilities



- + Waste transfer, waste processing and incineration may be conducted within the same facility
- * Indicates facility could incorporate new or emerging waste management technologies
- - - Indicates potential pathway for some facilities (e.g. waste materials and by-products)

The definition of a “waste disposal site” as used for the following definitions is consistent with Ontario Regulation 347 (under the *Environmental Protection Act*), specifically:

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a).

The following provides working definitions of the types of uses/operations.

1. **Solid Waste (Non-hazardous) Transfer Site** – a waste disposal site used for the purpose of transferring waste from one vehicle to another for transport to another waste disposal site. Some limited degree of processing (e.g., compaction) of the waste may take place at a waste transfer site. The waste handled at a non-hazardous waste transfer site is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347. Examples of non-hazardous solid waste include ashes, garbage, refuse, domestic waste, industrial waste and municipal refuse.



2. **Solid Waste (Non-hazardous) Processing Site** – a waste disposal site that manages or prepares waste for subsequent reuse or disposal. Processing sites typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a non-hazardous waste processing site is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347. Examples of non-hazardous solid waste include ashes, garbage, refuse, domestic waste, industrial waste and municipal refuse.



3. **Waste Transfer and Processing (Hazardous) Site** – a waste transfer and/or processing site that handles waste, either solid or liquid, that is defined as “hazardous waste” by O.Reg. 347. Section 2.1.1 provides a further breakdown of hazardous waste types.



4. **Thermal Degradation (Non-Energy Producing) Site** – a waste disposal site designed and operated for the degradation or destruction of waste by thermal means. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment. For the purposes of this category, thermal degradation of waste does not include the generation of electricity. This category would likely only include the thermal degradation of hazardous waste, since hazardous wastes are typically not conducive to energy generation since they involve smaller quantities of waste and a non-steady waste stream.



5. **Thermal Degradation (Energy from Waste) Site** – a waste disposal site that treats waste by thermal means and is accompanied by the generation of electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment.



6. **Power Generation (Fuel Combustion) Site** – a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators. Excludes centralized heating plants and localized district energy (may be defined by facility size).



7. **Landfill Site** – a waste disposal site that provides for the disposal of waste on land using engineered methods for the purposes of minimizing environmental and human health hazards.

2.1.1 Hazardous Waste Categories

Recognizing that O.Reg. 347 defines a very broad range of substances as hazardous, we have organized hazardous waste into six sub-categories, based on the defined groups of hazardous wastes in the regulation, and recognizing human health and/or environmental risk associated with the handling of waste at a management facility.

For the purposes of this study hazardous waste will be defined as “wastes that include: Acute Hazardous Waste Chemicals; Corrosive, Reactive or Radioactive Waste; Hazardous Waste Chemicals; Medical, Veterinary or Pathological Waste; Other Hazardous Wastes; and PCB Waste.”

Definitions for each of the categories of hazardous waste have been developed and included in the planning approach:

- Acute Hazardous Waste Chemicals shall mean commercial chemical products or manufacturing intermediates defined as Acute Hazardous Waste Chemicals under O.Reg. 347.
- Corrosive, Reactive or Radioactive Waste shall mean Corrosive and/or Reactive Waste and/or Radioactive Waste as defined in O.Reg. 347 or wastes that are susceptible to violent or vigorous reactions or are likely to generate toxic fumes. This may include waste compressed gases, explosive manufacturing waste, solvents, waste fuels and fuel by-products, and corrosive acidic or alkaline wastes.
- Hazardous Waste Chemicals shall mean commercial chemical products or manufacturing intermediates including pharmaceutical, detergents and soaps, photo processing wastes, graphic arts wastes, organic acids,

amines, organic sludges, slurries and solids, pesticides, acid solutions, aqueous salts, chemical fertilizer wastes, landfill leachate, tannery waste sludges, inorganic waste from pigment manufacturing, solvents, petroleum distillates, resins, tannery wastes, or as otherwise defined by O.Reg. 347, but does not include Acute Hazardous Waste Chemicals, as defined by O.Reg. 347, and does not include any product returned directly to a manufacturer or supplier of the product for reprocessing, repackaging or resale for any reason, including that the product, substance or organism is

- (a) defective or otherwise not usable for its original purpose, or
- (b) in surplus quantities but still usable for its original purpose.

- Medical, Veterinary or Pathological Waste shall mean any part of the human body, including tissues and bodily fluids, or any part of the carcass of an animal.
- Other Hazardous Wastes shall mean any waste, defined as Hazardous Waste by O.Reg. 347, but does not include Acute Hazardous Waste Chemicals, Corrosive and Reactive Waste, Hazardous Waste Chemicals, Medical, Veterinary or Pathological Waste or PCB Waste.
- PCB Waste shall mean PCB Waste as defined by O.Reg. 362, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations."

2.2 Secondary Classification of Types of Uses/Operations

The preferred policy approach recognizes that the extent of land use impacts associated with the type of operation/use will vary depending upon the magnitude of the use. The preferred policy approach provides for the further classification of these uses depending on whether they are an accessory use or to accommodate outside storage.

Accessory Uses

Thermal degradation, waste transfer and processing uses accessory to a principal use have also been identified separately to provide a planning framework which considers the magnitude of the operation/use and their relationship with other uses.

Accessory Solid Waste (Non-Hazardous) Transfer Site, Accessory Solid Waste (Non-Hazardous) Processing Site and an Accessory Waste Transfer and Processing (Hazardous) Site are considered to be accessory uses, where they are not considered the

primary use of the site. The primary use of the site will likely be some other form of industrial use (e.g., manufacturing).

Accessory Thermal Degradation (Non-Energy Producing) Site, Accessory Thermal Degradation (Energy from Waste) Site and Accessory Power Generation (Fuel Combustion) Site are considered to include uses that produce energy for the sole use of the operation/use or only involves the thermal degradation of waste and materials resulting from the primary use/operation on site.

Outside Storage

Outside storage is defined in the City of Brampton zoning by-laws as the storage of goods, inventory, materials, machinery or vehicles including oversized motor vehicles not actively engaged in loading and unloading of goods and materials in conjunction with a business located within a building or structure on the same lot.

Where outside storage is proposed in association with a primary or accessory use, it is recognized that more vigorous standards should apply to regulate the use and potential land use impacts.

2.3 Key Planning Issues by Operation/Use Classification

The Research Compendium identified a range of potential effects associated with waste management and power generating facilities. Refer to Table 6.2 of the Draft Research Compendium (Phase 1) for a detailed description of the key planning issues.

Table 2 provides a summary of the key planning issues and identifies the potential mitigation/assessment measures within the City's jurisdiction.

Table 2 – Key Planning Issues and Mitigation/Assessment Measures

Key Planning Issue	Mitigation/Assessment Measures
Traffic (e.g., truck traffic)	<ul style="list-style-type: none"> • Traffic Impact Study
Noise	<ul style="list-style-type: none"> • Noise Study
Air Quality (e.g., odour, dust and contaminants)	<ul style="list-style-type: none"> • MOE controlled issue – City may request Air Quality Study of MOE and provide comments
Wastewater and Runoff, Surface Water, Landfill Gas (e.g. sub-surface migration)	<ul style="list-style-type: none"> • Municipal and MOE controlled issue - City should require a Wastewater and Runoff Management Plan
Nuisance Effects (e.g., litter and vermin)	<ul style="list-style-type: none"> • Property Standards
Visual Aesthetics	<ul style="list-style-type: none"> • Land Use Compatibility Analysis • Site Plan Control • Design Guidelines
Physical Containment and Security (e.g., fencing)	<ul style="list-style-type: none"> • Site Plan Control
Fire Prevention and Emergency Response	<ul style="list-style-type: none"> • Fire Safety Consultant Report
Outside Storage	<ul style="list-style-type: none"> • Land Use Compatibility Analysis • Site-Specific Zoning By-law Amendment • Site Plan Control

The preferred policy approach will identify the submission requirements to allow the City to appropriately assess the potential impacts of the operation/use while not duplicating efforts and information already required through the C of A process, or the responsibility of other jurisdictions.

Table 3 provides a summary of key planning issues of City jurisdiction by Operational Classification and typical Ministry of the Environment Industrial Classification. Policy directions and comments have been noted for each type of Operation/Use.

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
<p>Solid Waste (Non Hazardous) Transfer Site</p>	<p>A non-hazardous waste transfer site is a waste disposal site² used for the purpose of transferring waste from one vehicle to another for transport to another waste disposal site². Some limited degree of processing (e.g., compaction) of the waste may take place at a waste transfer site.</p> <p>The waste handled at a non-hazardous waste transfer site is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347. Examples of non-hazardous solid waste include ashes, garbage, refuse, domestic waste, industrial waste and</p>	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., odour, dust and contaminants) • Wastewater and Runoff • Nuisance Effects (e.g., litter and vermin) • Visual Aesthetics • Physical Containment and Security (e.g., fencing) • Fire Prevention and Emergency Response 	<p>Generally, CLASS II or III, depending on operational characteristics, under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.</p>	<p>The extent and nature of the “limited degree” of processing should be defined in the Zoning By-law.</p> <p>The use should be permitted as-of-right within certain Industrial land use designations, subject to performance criteria related to the satisfactory mitigation of the following potential impacts:</p> <ul style="list-style-type: none"> • traffic impacts (City should require a Traffic Impact Study); • noise impacts (City should require a Noise Study); • air quality / odour / dust (MOE controlled issue – City may request Air Quality Study of MOE and provide comments); • fire safety (City would require a Fire Safety Consultant Report); • wastewater and runoff (Municipal and MOE-controlled issue. City should require a Wastewater and Runoff Management

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
	municipal refuse.	<ul style="list-style-type: none"> • Outside Storage 		<p>Plan);</p> <ul style="list-style-type: none"> • visual impacts; • land use impacts (a land use compatibility analysis should be required). <p>Permit as-of-right in certain zones, subject to separation criteria from sensitive land uses. Relief from any of the performance standards established in the Zoning By-law should require approval of a minor variance.</p> <p>Accessory Solid Waste (Non-Hazardous) Transfer Sites should also be permitted subject to the same policy direction as a Solid Waste (Non-Hazardous) Transfer Site.</p> <p>Outside Storage – Where there is outside storage associated with the Solid Waste (Non-Hazardous) Transfer Sites more vigorous standards should apply and a site specific zoning by-law amendment would be required.</p>

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
<p>Solid Waste (Non-Hazardous) Processing Site</p>	<p>A non-hazardous solid waste processing site is a waste disposal site² that manages or prepares waste for subsequent reuse or disposal. Processing sites typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a non-hazardous waste processing site is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347. Examples of non-hazardous solid waste include ashes, garbage, refuse, domestic waste, industrial waste and municipal refuse.</p>	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., odour, dust and contaminants) • Wastewater and Runoff • Visual Aesthetics • Outside Storage • Physical Containment and Security • Nuisance Effects (e.g., litter and vermin) • Fire Prevention and Emergency 	<p>CLASS II or III, depending on operational characteristics, under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.</p>	<p>The use should be permitted within certain Industrial land use designations, subject to performance criteria related to the satisfactory mitigation of the following potential impacts:</p> <ul style="list-style-type: none"> • traffic impacts (City should require a Traffic Impact Study); • noise impacts (City should require a Noise Study); • air quality / odour / dust (MOE controlled issue – City may request Air Quality Study of MOE and provide comments); • fire safety (City would require a Fire Safety Consultant Report); • wastewater and runoff (Municipal and MOE-controlled issue. City should require a Wastewater and Runoff Management Plan); • visual impacts;

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
		Response		<ul style="list-style-type: none"> land use impacts (a land use compatibility analysis should be required). <p>Permit as-of-right in certain zones, subject to separation criteria from sensitive land uses. Relief from any of the performance standards established in the Zoning By-law should require approval of a minor variance.</p> <p>Accessory Solid Waste (Non-Hazardous) Processing Sites should be subject to the same policy direction as a Solid Waste (Non-Hazardous) Processing Sites.</p>
Landfill Site	A landfill site is a waste disposal site ² that provides for the disposal of waste on land using engineered methods for the purposes of minimizing environmental and human health hazards.	<ul style="list-style-type: none"> Traffic Noise Landfill Gas (e.g., sub-surface migration) Air Quality (e.g., odour, dust and contaminants) 	Subject to the D-1 and D-4 Guidelines.	<p>It is recognized that no additional landfill sites are likely in Brampton, given the City's state of planned urbanization. The Official Plan should clearly indicate that new landfill sites are not contemplated and even discouraged. However unlikely, any proposed landfill sites should require an Official Plan Amendment, subject to a full justification.</p> <p>Development criteria in proximity to an existing/former Landfill Site may be required.</p>

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
		<ul style="list-style-type: none"> • Leachate • Surface Water • Nuisance Effects (e.g., litter and vermin) • Visual Aesthetics • Fire Prevention and Emergency Response 		
Waste Transfer and Processing (Hazardous) Site	A hazardous waste transfer and processing site is a waste transfer and/or processing site that handles waste, either solid or liquid, that is defined as “hazardous waste” by O.Reg. 347. Note that sub-	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., odour, dust and contaminants) • Wastewater and Runoff 	CLASS II or III depending on operational characteristics, under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.	“Hazardous Waste Chemicals” processing and transfer and “Medical, Veterinary or Pathological Waste” processing, transfer and thermal degradation should be permitted in the Industrial designation, provided a minimum 1,000 metre separation distance is provided from sensitive land uses. A lesser separation (but not less than 300 metres) may be considered by the City through a site-specific Zoning By-law Amendment process provided the applicant provides a technical justification that the facility

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
	categories of hazardous waste are proposed in Section 2.1.1	<ul style="list-style-type: none"> • Visual Aesthetics • Outside Storage • Physical Containment and Security • Nuisance Effects (e.g., litter and vermin) • Fire Prevention and Emergency Response 		<p>would not adversely impact the sensitive receptors.</p> <p>Thermal degradation of any other form of Hazardous Waste should require an Official Plan Amendment, subject to full justification.</p> <p>Accessory uses should be treated the same as primary uses.</p>
Thermal Degradation (Non-Energy Producing) Site	A thermal degradation site is a waste disposal site ² designed and operated for the degradation or destruction of waste by thermal means. Thermal degradation includes incineration,	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., odour, dust and contaminants) • Wastewater and 	CLASS III, depending on operational characteristics, under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.	<p>Thermal Degradation (Non-Energy Producing) Sites should require a Site Specific Zoning By-law Amendment, subject to meeting a number of performance criteria.</p> <p>Accessory Thermal Degradation (Non-Energy Producing) Site should be subject to the same policy direction as a Thermal Degradation (Non-Energy Producing) Site.</p>

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
	<p>gasification, pyrolysis or plasma arc treatment. For the purposes of this category, thermal degradation of waste does not include the generation of electricity.</p> <p>This category would likely only include the thermal degradation of hazardous waste, since hazardous wastes are typically not conducive to energy generation since they involve smaller quantities of waste and a non-steady waste stream.</p>	<p>Runoff</p> <ul style="list-style-type: none"> • Visual Aesthetics • Outside Storage • Physical Containment and Security • Nuisance Effects (e.g., litter and vermin) • Fire Prevention and Emergency Response 		
<p>Thermal Degradation (Energy from Waste) Site</p>	<p>A thermal degradation (energy from waste) site is a waste disposal site² that is accompanied by the generation of</p>	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., 	<p>CLASS III under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.</p>	<p>The use should be permitted within certain Industrial land use designations, subject to performance criteria related to the satisfactory mitigation of the following potential impacts:</p>

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
	electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment.	odour, dust and contaminants <ul style="list-style-type: none"> • Wastewater and Runoff • Visual Aesthetics • Outside Storage • Physical Containment and Security • Nuisance Effects (e.g., litter and vermin) • Fire Prevention and Emergency Response 		<ul style="list-style-type: none"> • traffic impacts (City should require a Traffic Impact Study); • noise impacts (City should require a Noise Study); • air quality / odour / dust (MOE controlled issue – City may request Air Quality Study of MOE and provide comments); • fire safety (City would require a Fire Safety Consultant Report); • wastewater and runoff (Municipal and MOE-controlled issue. City should require a Wastewater and Runoff Management Plan); • visual impacts; • land use impacts (a land use compatibility analysis should be required).

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
<p>Power Generation (Fuel Combustion) Site</p>	<p>A power generation facility is a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators.</p> <p>Excludes centralized heating plants and localized district energy (may be defined by facility size).</p>	<ul style="list-style-type: none"> • Traffic • Noise • Air Quality (e.g., odour, dust and contaminants) • Wastewater and Runoff • Visual Aesthetics • Outside Storage • Physical Containment and Security • Nuisance Effects (e.g., litter and vermin) 	<p>CLASS III under the D-6 Guideline for compatibility between industrial facilities and sensitive land uses.</p>	<p>Subject to any regulation issued under the <i>Planning Act</i> once Bill 51 receives Royal Assent, the use should be permitted within certain Industrial land use designations, provided a minimum separation distance of 300 metres is maintained from sensitive land uses and subject to performance criteria related to the satisfactory mitigation of the following potential impacts:</p> <ul style="list-style-type: none"> • traffic impacts (City should require a Traffic Impact Study); • noise impacts (City should require a Noise Study); • air quality / odour / dust (MOE controlled issue – City may request Air Quality Study of MOE and provide comments); • fire safety (City would require a Fire Safety Consultant Report); • wastewater and runoff (Municipal and

TABLE 3 – Key Planning Issues by Operational Classification

Type of Operation/Use	Definition	Key Planning Issues of City Jurisdiction ¹	Typical Ministry of the Environment Industrial Classification (based on the D Series Guidelines)	Policy Directions and Comments
		<ul style="list-style-type: none"> • Fire Prevention and Emergency Response 		<p>MOE-controlled issue. City should require a Wastewater and Runoff Management Plan);</p> <ul style="list-style-type: none"> • visual impacts; • land use impacts (a land use compatibility analysis should be required). <p>Accessory Power Generation (Fuel Combustion) Sites should be subject to the same policy direction as a Power Generation (Fuel Combustion) Site.</p>

Notes:

1. See Research Compendium (Phase 1) for detailed description of planning issues.
2. The definition of a “waste disposal site” is consistent with Ontario Regulation 347 (under the *Environmental Protection Act*), specifically:
 - (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
 - (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a).

3.0 PLANNING POLICY APPROACH

The Research Compendium summarized the existing planning policy context for incineration, waste processing, transfer and disposal uses in the City of Brampton.

Since the City's last policy review, the waste management context has evolved at the Provincial level, particularly in that there is an emerging market for private energy and waste facilities, which is anticipated to increase. Furthermore, waste management systems have broadened beyond landfilling, waste diversion and recycling, to more complex operations and processes involving processing of wastes for incineration and electricity generation.

As a result, the existing policy framework and zoning standards did not contemplate many of the modern and evolving incineration processes, including processes involving energy recovery, and waste processing, transfer and disposal technologies. In recent years, there has been increased public interest and awareness surrounding waste management and energy. The City aims to position itself to address these issues properly through the administration of its obligations and responsibilities, as well as its commenting role in the Provincial regulatory approvals process.

This section outlines the draft planning policy approach to regulate incineration, waste processing, transfer and disposal uses in the City of Brampton, based on our findings in the Research Compendium and discussions with the Steering Committee.

The planning policy approach consists of a set of planning principles that the City intends to accomplish through the regulation of such uses, and preferred land use policy directions.

3.1 Planning Principles

We recommend that a set of planning principles be established in the City's Official Plan to provide a strong policy basis for the managing and directing such uses and clearly identify what the City intends to achieve through the planning approvals process. The principles will be substantiated with the preferred planning directions for the type of operation/use and detailed performance criteria related to the satisfactory mitigation of potential impacts.

The City planning principles and objectives should relate to the matters of municipal interest as discussed in Section 1.4. The *Planning Act* identifies matters of provincial interest that municipalities shall have regard for in carrying out their responsibilities, such that Section 2.0 provides for:

- (f) the adequate provision and efficient use of waste management systems;
- (h) the orderly development of safe and healthy communities; and

(o) the protection of public health and safety.

Furthermore, the Provincial Policy Statement, 2005 (Section 1.6.8) provides guidance with respect to municipal waste management systems and requires that waste management systems be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems are to be located and designed in accordance with provincial legislation and standards. The PPS (Section 1.8.2) also promotes increased energy supply by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible.

We recommend that the set of planning principles include the following:

- i) compatibility between existing and proposed land uses (may vary by extent/intensity of the potential hazard associated with the use);
- ii) the adequate provision and efficient use of waste management systems;
- iii) the protection of public health and safety;
- iv) the protection of the natural environment;
- v) the provision of adequate transportation systems, which direct truck traffic away from residential neighbourhoods;
- vi) encourage and promote efforts to reduce, reuse, recycle and recover energy;
- vii) promote sustainable local energy production and alternative energy sources that adhere to the planning principles;
- viii) appropriate site design, through such matters as access, aesthetics, safety, fire protection, protection of natural features/watercourses; and
- ix) allow for extended producer responsibilities (i.e., material recovery operations).

The policy framework should ensure longevity and maintain applicability, recognizing that incineration, waste processing, transfer and disposal technology is evolving.

3.2 Policy Directions

Table 4 identifies the types of operations/uses and corresponding preferred policy direction based on our understanding of the potential impacts and required extent of municipal regulation through the planning approvals process.

The policy direction identifies the proposed use permissions and related performance criteria to ensure the satisfactory mitigation of the potential impacts (i.e., land use, truck traffic, noise impacts, odour impacts, dust impacts and visual impacts), as discussed in Section 2.3.

The preferred policy directions have been categorized as follows:

- **Policy Direction A** – Permits operation/use within certain industrial land use designations and zones, subject to performance criteria. Performance criteria may include standards related to: separation distances from sensitive land uses, setbacks, height, coverage, buffering and landscaping, fencing and access, among other criteria.
- **Policy Direction B** – Permits operation/use within certain industrial land use designations subject to certain approval requirements and criteria. The use would require a site-specific zoning by-law amendment. The zoning by-law amendment would provide a tool to regulate the operation/use on a site-specific basis to ensure the City's interests are met.
- **Policy Direction C** – The operation/use is not permitted and would require an Official Plan and Zoning By-law Amendment, subject to full justification. The full justification would be outlined in the Official Plan and would provide for a comprehensive planning evaluation and approvals process.

Site plan approval under Section 41 of the *Planning Act*, in accordance with the policies of the Brampton Official Plan, would be required for all of the policy directions.

As discussed in Section 2.0, accessory and outside storage uses have been categorized separately to provide a planning framework which considers the magnitude of the operation/use and their relationship with other uses.

New landfill sites are not contemplated in the City of Brampton given the predominately urban or urbanizing nature of the City. Furthermore, the Official Plan provides a framework and development criteria to regulate development in proximity to existing/former landfill sites and contaminated sites.

Table 4 - Summary of Policy Direction by Operation/Use

Type of Operation/Use*		Policy Direction		
		A Permit within certain industrial land use designations and zones, subject to performance criteria	B Permit within certain industrial land use designations subject to performance criteria. Use would require a site-specific zoning by-law amendment	C Require an Official Plan and Zoning By-law Amendment, subject to full justification
1. Solid Waste (Non-Hazardous Waste) Transfer Site	<i>Primary Use / Accessory Use</i>	X (if greater than 300 metres from a sensitive land use)	X (if less than 300 metres from a sensitive land use, but no less than 70 metres)	
	<i>Outside Storage</i>		X	
2. Solid Waste (Non-Hazardous Waste) Processing Site	<i>Primary Use / Accessory Use</i>	X (if greater than 300 metres from a sensitive land use)	X (if less than 300 metres from a sensitive land use, but no less than 70 metres)	
	<i>Outside Storage</i>		X	
3. Waste Transfer and Processing and Thermal Degradation (Hazardous Waste) Site	<i>Acute Hazardous Waste Chemicals</i>			X**
	<i>Corrosive, Reactive or Radioactive Waste</i>			X**
	<i>Hazardous Waste Chemicals</i>	X (if greater than 1,000 metres from a sensitive land use) (excluding thermal degradation)	X (if less than 1,000 metres from a sensitive land use, but no less than 300 metres) (excluding thermal degradation)	X (for thermal degradation)
	<i>Medical, Veterinary or Pathological Waste</i>	X (if greater than 1000 metres from a sensitive land use)	X (if less than 1000 metres from a sensitive land use but no less than 300 metres)	
	<i>Other Hazardous Wastes</i>			X**
	<i>PCB Waste</i>			X**
4. Thermal Degradation (Non-Hazardous including Energy from Waste) Site	<i>Primary Use</i>		X (if greater than 300 metres from a sensitive land use)	
	<i>Accessory Use</i>	X (Energy from Waste)		
5. Power Generation (Fuel Combustion) Site	<i>Primary Use / Accessory Use</i>		X (if greater than 300 metres from a sensitive land use)	
6. Landfill Site	Landfill Sites are not contemplated in the City			

Notes:

- * Existing uses that legally existed prior to the passing of the Interim Control By-law will be permitted to continue.
- ** Sites operated by or on behalf of the Region (i.e., Community Recycling Centres) may be subject to Policy Direction B, excluding the thermal degradation of hazardous waste.

4.0 IMPLEMENTATION

We recommend that the preferred policy framework be established principally in the City's Official Plan for clarity and consistency. The need for amendments to the secondary plans is negated by the interpretation policy in the Official Plan indicating that these new policies take precedence in the event of conflict. The preferred policy framework has also been drafted to amend the existing Official Plan, to ensure the policies are in place prior to the lapse of the Interim Control By-law, should Regional approval of the new Official Plan be delayed. Draft amendments to the City's new Official Plan (2006) as well as the existing Official Plan for the City of Brampton Planning Area, which is still in effect, are included in Appendix "B". Draft amendments to the City's Zoning By-law (270-2004) are included in Appendix "C".

The following sections identify areas where amendments to the Official Plan and Zoning By-law have been proposed.

Planning Principles

The planning principles as discussed in Section 3.1 have been implemented in the existing Official Plan through amendments to the Solid and Liquid Waste Management Section (4.6.5); and the Hydro-Electric Power, Telephone, and Other Cabled Services Section (4.6.4) of the Official Plan.

The planning principles will be similarly implemented in the adopted Official Plan through amendments to the Waste Management Section (4.7.5). The Waste Management section of the adopted Official Plan references the Incineration, and Waste Processing, Transfer and Disposal Study, and it is recognized that the study will evaluate the appropriateness of the City's land use designations and policies to recommend appropriate Official Plan and Zoning By-law amendments as required. It is recommended that these certain policies be deleted in favour of the new planning framework.

Policy Directions

The policy directions, as discussed in Section 3.2, have been implemented through amendments to the waste management policies of the existing and adopted Official Plan.

Where an Official Plan Amendment is required subject to justification, the Official Plan policies outline the appropriate criteria to be addressed. The existing industrial zones (M3 and M3A) have also been amended to accommodate the uses which are permitted, subject to enhanced performance criteria, which have been clearly identified.

Definitions

The definitions sections of the Official Plan and the Zoning By-law have been amended to

reflect the use classifications and Hazardous Waste classifications discussed in Section 2.1.

Certificates of Approval and Planning Applications in Other Jurisdictions

Official Plan policies have also be developed to address the City's role in the review of Provincial Certificate of Approval applications and the circulation of planning applications from neighbouring jurisdictions. The polices may provide for the City to review an Operational Plan including specific provisions for an Impact Management or Air Quality Study (e.g., dust and odour control) and Emergency Response (e.g., in event of fire or spill) submitted as part of the Certificate of Approval, without duplicating efforts.

5.0 SUMMARY

There are numerous municipal responsibilities associated with the consideration of waste and energy infrastructure including establishment of an overall land use structure, appropriate site design, land use compatibility and the consideration for public health and safety as identified in the *Planning Act*, Provincial Policy Statement and the *Municipal Act*.

While the control of on-site operations with a view to mitigating potential off-site effects is generally the responsibility of the Provincial or Federal regulatory agencies, municipalities can include policies that relate to land use approvals, on-site activity management, through the site plan control, and the direction provided in relation to municipal input to other regulatory approvals.

Measures to address potential land use compatibility issues can be implemented under the City's jurisdiction. Based on our review of the regulatory requirements for facility siting and facility inspection and compliance enforcement responsibilities, this report recommends a preferred planning approach to manage and direct incineration and waste processing, transfer and disposal uses. This Report forms the basis for amendments to the City's planning documents to implement the preferred planning approach, as provided in the Appendices.

APPENDIX A

CONSULTATIONS



Meeting Report

Date: May 30, 2007
Date of meeting: May 2, 2007
Location: City of Brampton
Project: **Incineration and Waste
Processing, Transfer and
Disposal Study**
Project Number: 14.06202.01P01
Purpose: **Industry Stakeholders
Meeting Notes**

Item	Details	Action
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1.0 Presentation

- Steve Willis presented the draft Recommended Planning Policy Approach for the Incineration and Waste Processing, Transfer and Disposal Study.
- A copy of the presentation is attached.

2.0 Discussion

The following summarizes some of the key points from the Industry Stakeholder discussion.

- The Study may not encompass medical waste processing and all thermal degradations uses (i.e., animal and human crematoriums). Concern was expressed that the City may impose a 'double standard'. It was discussed that cremation is not specifically treated as waste by the province or the federal government but are regulated through Certificate of Approvals (CofA's). On-site incinerators related to Hospitals would be considered an accessory use.
- There may be opportunity to regulate uses depending on the extent of the operation (i.e., amount of waste processed, transferred, etc.).
- Concern that the proposed Policy Directions may 'sterilize' waste facilities.
- How to capture facilities that fall 'under the radar' (i.e., operate without CofA's). It was discussed that is the intent of the policies to regulate new uses.
- There may be opportunity to distinguish between waste and recycling operations, to promote and encourage recycling operations.
- The definition of Hazardous Waste may be revisited to address wastes which have inherently different risks associated with them. It was suggested that CEPA Schedule 8 be reviewed with respect to an exemption list. It was suggested that there may be some US examples to consider dealing with hazardous waste.
- It was suggested that there is a fine line between processes involving manufacturing and waste processing.

Any omissions or errors in these notes should be forwarded to the author immediately.

Meeting Report

Date: May 15, 2007
 Date of meeting: May 8, 2007
 Location: City of Brampton
 Project: **Incineration and Waste Processing, Transfer and Disposal Study**
 Project Number: 14.06202.01P01
 Purpose: **PARC Meeting Notes**

Item	Details	Action
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1.0 Presentation

- Chris Tyrrell (Marshall Macklin Monaghan Ltd) presented the draft Recommended Planning Policy Approach for the Incineration and Waste Processing, Transfer and Disposal Study.
- A copy of the presentation is attached.

2.0 Discussion

The following summarizes some of the key points from the PARC meeting discussion.

- The City's jurisdiction/role in the regulation of nuclear waste was discussed. Opportunities for the City to imbed policies in the Official Plan to require supporting studies and involvement in consultation processes should be explored. While the regulation of nuclear waste is primarily a matter of Federal jurisdiction Nuclear Safety and Control Act (NSCA).
- The Hudson pesticide case was discussed as a possible precedent for municipal involvement in the regulation/ban of nuclear wastes. It was discussed that the Hudson case was a unique application in that there was a gap in the legislation regarding the matters of municipal and provincial/federal jurisdiction. The NSCA is more definitive regarding the regulation of nuclear waste.
- It was discussed that the policy framework must be defensible before the OMB.
- MMM/City legal department will further investigate the opportunities for City involvement in the federal approval process with respect to nuclear waste.
- The Official Plan provides a planning framework for a 20 year planning horizon. The Study will attempt to define and regulate uses and evolving technologies over the lifetime of the Official Plan.
- The ability of the City to regulate the geographical extent of material recovery operations was discussed (i.e., limiting where waste can come from). The City can not regulate business marketing areas, as this typically relates to provincial and federal regulations regarding importing and exporting of certain substances.

Any omissions or errors in these notes should be forwarded to the author immediately.



Item Details Action

- It was discussed that hazard waste is captured under the most onerous policy direction being proposed.
- The capacity of the Province to monitor hazardous businesses for Certificate of Approval (C of A) compliance is limited. The ability of the City to regulate such uses is limited to areas where it is not trumped by other levels of government. Such measures typically include property standards enforcement, zoning by-law compliance, Site Plan control and health powers.
- PARC asked when would the City require component studies such as a Fire Safety Report. City staff replied that these reports would be required depending on the nature of the development application.
- PARC asked whether the above noted Official Plan and Zoning By-Law amendment process would apply to MM&A's proposed resumption of operations since the interruption of processing was required by the CNSC? In other words, since operations were halted does this negate the "grandfathering" of MM&A's rights to process radioactive material at 75 Sun Pac blvd in Brampton? It was discussed that resumed or new uses not legally existing at the time the new policy framework comes into place, would have to comply with the new policy framework.
- Such uses would be, provided that they do not lawfully exist at the time the new policy framework comes into effect.

3.0 Next Steps

- Public Information Meeting – May 22, 2007. Paul indicated that a Meeting Notice will be provided in the Brampton Guardian.
- Finalize Planning Policy Approach (Phase 2) Report
- Prepare Official Plan and Zoning By-law Amendments
- Statutory Public Meeting

Meeting minutes taken by:

Randall Roth
Senior Planner

RBR/CAT

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Any omissions or errors in these notes should be forwarded to the author immediately.

Meeting Report

Date: May 25, 2007
 Date of meeting: May 22, 2007
 Location: City of Brampton
 Project: **Incineration and Waste
Processing, Transfer and
Disposal Study**
 Project Number: 14.06202.01P01
 Purpose: **Public Meeting Notes**

Item	Details	Action
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1.0 Presentation

- Steve Willis (Marshall Macklin Monaghan Limited) presented the draft Recommended Planning Policy Approach for the Incineration and Waste Processing, Transfer and Disposal Study.
- The Public Information meeting was attended by roughly 15 residents in addition to City and Regional staff and the consulting team.
- A copy of the presentation is attached.

2.0 Discussion

The following summarizes some of the key points from the Public Information meeting discussion.

- It was questioned whether new and expanding uses would be subject to the new policy framework. Such uses would be, provided that they do not lawfully exist at the time the new policy framework comes into effect.
- The proliferation of existing non-compatible uses was discussed. It was indicated that such uses existing prior to the new policy framework coming into effect would be permitted to continue.
- It was suggested that the City needs such facilities to manage the City's own waste; however, higher standards should be established to regulate these uses (i.e., uses permitted in the M2 zone).
- The ability to regulate new and evolving technologies may be difficult given the uncertainties associated with such technologies (i.e., various forms of incineration). It was discussed that such uses should be subject to a transparent review process and the burden should be placed on the proponent to demonstrate that no negative health impacts will result. The proposed policy framework does require such uses to be subject to a Zoning By-law Amendment (and potentially an Official Plan Amendment), technical review, and consultative review process.
- The ability of the City to regulate the transporting of waste was questioned. It was discussed that the municipality does not have jurisdiction over transportation, but



Item	Details	Action
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rather the Certificate of Approval (CofA) would identify where waste can come from.

- The Hudson pesticide case was discussed as a possible precedent for municipal involvement in the regulation or ban of nuclear wastes. It was discussed that the Hudson case was a unique application in that there was a gap in the legislation regarding the matters of municipal and provincial/federal jurisdiction. The Nuclear Safety and Control Act (NSCA) is more definitive regarding the regulation of nuclear waste. MMM and the City's legal department are to investigate.
- Opportunities for the City to comment on CofA applications should be explored.
- It was recommended that the City take a proactive role in regulating such uses, and put in place measures to ensure an open and transparent process and provide a mechanism to comment on matters outside of City jurisdiction.
- It was suggested that the City review best practices of other municipalities. Steve indicated that other comparable municipalities have been reviewed and the planning framework for the City will be state-of-the-art.

3.0 Next Steps

- Finalize Planning Policy Approach (Phase 2) Report
- Prepare Official Plan and Zoning By-law Amendments
- Statutory Public Meeting

Meeting minutes taken by:

Randall Roth
Senior Planner

RBR/CAT

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City of Brampton Incineration and Waste Processing, Transfer and Disposal Study



COMMENT FORM

What do you feel are the key planning issues that should be addressed through the Incineration and Waste Processing, Transfer and Disposal Study?

SETTING REASONABLE STANDARDS WITHIN ECONOMIC
AND PRACTICAL BOUNDARIES

Are there other things the City (as opposed to the Provincial and/or Federal governments) could be doing to regulate incineration and waste processing, transfer and disposal uses?

NO COMMENT.

Additional Comments:

PLEASE EMAIL COPY OR PRESENTATION TO FOLLOWING;

DAVE.WILLISON@ALGONQUINPOWER.COM

DAVE IS THE PLANT MANAGER FOR ALGONQUIN POWER ENERGY
FROM WASTE FACILITY

Please provide your contact information if you wish to be notified of upcoming events:

Name: FORD SCISSONS
Address: 160 CASKING AVE PH11
Postal Code: M4P 1Z3
E-Mail: FORD - SCISSONS@ALGONQUINPOWER.COM

Please complete the questionnaire and place in the box provided, or send to:

Paul Aldunate M.Pl., Policy Planner
Planning & Building Department
2 Wellington Street West,
Brampton ON L6Y 4R2
Tel: (905) 874-2435
Fax: (905) 874-2099
E-Mail: paul.aldunate@city.brampton.on.ca

How did you hear about this Information Meeting?

INVITATION FROM CITY

Do you have any suggestions for future Information Meetings?

The comments we receive today will be reviewed and used to provide input into the Study.

Please return your comments by June 5, 2007



City of Brampton Incineration and Waste Processing, Transfer and Disposal Study



COMMENT FORM

What do you feel are the key planning issues that should be addressed through the Incineration and Waste Processing, Transfer and Disposal Study?

Are there other things the City (as opposed to the Provincial and/or Federal governments) could be doing to regulate incineration and waste processing, transfer and disposal uses?

Additional Comments:

22 May 07

Please E-mail resumé of the evening - Thank you.

hughes kc2@rogers.com

Please provide your contact information if you wish to be notified of upcoming events:

Name: KENNETH HUGHES
Address: 8 DRUM OAK CRE, BRAMBLEA
Postal Code: L6T 1M4
E-Mail: hughes kc2@rogers.com

Please complete the questionnaire and place in the box provided, or send to:

Paul Aldunate M.Pl., Policy Planner
Planning & Building Department
2 Wellington Street West,
Brampton ON L6Y 4R2
Tel: (905) 874-2435
Fax: (905) 874-2099
E-Mail: paul.aldunate@city.brampton.on.ca

How did you hear about this Information Meeting?

I am a member of PARC.

Do you have any suggestions for future Information Meetings?

The comments we receive today will be reviewed and used to provide input into the Study.

Please return your comments by June 5, 2007



City of Brampton Incineration and Waste Processing, Transfer and Disposal Study



COMMENT FORM

What do you feel are the key planning issues that should be addressed through the Incineration and Waste Processing, Transfer and Disposal Study?

- MONITOR STACKS & develop a lab to support
- determine where "smoke" goes to

Are there other things the City (as opposed to the Provincial and/or Federal governments) could be doing to regulate incineration and waste processing, transfer and disposal uses?

- City should diversify from Waste Management as this Texas based company has a different mandate than the "greening" of our community

Additional Comments:

- Control of stack smoke and monitoring is critical to the future

Please provide your contact information if you wish to be notified of upcoming events:

Name: _____
Address: _____
Postal Code: _____
E-Mail: edstrohak@yahoo.ca

Please complete the questionnaire and place in the box provided, or send to:

Paul Aldunate M.P.I., Policy Planner
Planning & Building Department
2 Wellington Street West,
Brampton ON L6Y 4R2
Tel: (905) 874-2435
Fax: (905) 874-2099
E-Mail: paul.aldunate@city.brampton.on.ca

How did you hear about this Information Meeting?
paper

Do you have any suggestions for future Information Meetings?

The comments we receive today will be reviewed and used to provide input into the Study.

Please return your comments by June 5, 2007

Randall Roth

From: "Aldunate, Paul" <paul.aldunate@city.brampton.on.ca>
To: "Randall Roth (E-mail)" <RothR@mmm.ca>
Subject: FW: Brampton Official Plan updates re MMM waste transfer and processing report
Date sent: Fri, 1 Jun 2007 16:59:01 -0400

Hi Randal,

I have responded to Ed's questions related to the next steps. Please note his specific question regarding "grandfathering" as input to the study.

I will talk to you upon my return from vacation on June 11, 2007

Thanks,

Paul Aldunate M.Pl., MCIP, RPP
Development Planner
Planning and Land Development Services
Tel: (905) 874-2435

-----Original Message-----

From: Ed Schmeler [mailto:eschmeler@sympatico.ca]
Sent: 2007/05/28 9:27 AM
To: Aldunate, Paul
Cc: Dora Jeffries; jaipaul massey-singh; Anna Przycho
Subject: Brampton Official Plan updates re MMM waste transfer and processing report

Hello Paul:

Now that the May 22 public meeting was held on the MMM waste transfer and processing study, do you know what the next steps in the process will be and what the time line will be leading up to an Official Plan amendment or a new Official Plan for the City of Brampton?

I would think that the timing would be a critical item in respect to Mississauga Metals & Alloys future plans to apply for a Waste Nuclear materials Licence from the CNSC to resume processing of radioactive materials at 75 Sun Pac Blvd.

At the May 22 meeting, MMM vice president in reply to:

Question: Would the above noted Official plan and zoning By-Law amendment apply to MM&A's proposed resumption of operations since the interruption of processing was required by the CNSC?
In other words, since operations were halted does this negate the "grandfathering" of MM&A's rights to process radioactive material at 75 Sun Pac blvd in Brampton?

indicated that the requirement for an amendment would depend on the timing of the adoption of the new official plan in relation to MM&A's application.

Ed Schmeler
on behalf of People Against Radioactive Contamination (PARC)
Phone: (905) 451-0243
Email: eschmeler@sympatico.ca <<mailto:eschmeler@sympatico.ca>>

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APPENDIX B

OFFICIAL PLAN AMENDMENTS



AMENDMENT NUMBER OP __ - ____
 TO THE OFFICIAL PLAN OF THE
 CITY OF BRAMPTON PLANNING AREA
 (AS ADOPTED BY CITY COUNCIL)

1.0 Purpose:

The purpose of this amendment is to revise the City of Brampton Official Plan to include policies to direct the development of thermal degradation, waste processing, transfer and disposal uses in the City of Brampton.

2.0 Basis:

This Amendment implements the recommendations of the Incineration, Waste Processing, Transfer and Disposal Study that was prepared in response to the City's Interim Control By-law 312-2005 (ICB) on October 12, 2005, to prohibit new and expanded incinerators and waste processing, transfer and disposal facilities (except as is necessarily incidental to any permitted industrial or manufacturing use).

The purpose of the Study was to develop appropriate land use policies to regulate the development of incineration as well as waste transfer, processing and disposal uses.

While there are established Provincial and Federal regulatory processes for the approval of waste management and energy facilities, there is a parallel municipal responsibility arising from the *Planning Act* and the Provincial Policy Statement to plan for the orderly distribution of land uses, and address matters of land use compatibility. The City addresses these matters through its Official Plan and Zoning By-law.

The *Planning Act* identifies matters of provincial interest that municipalities shall have regard for in carrying out their responsibilities, such that Section 2.0 provides for:

- (f) the adequate provision and efficient use of waste management systems;
- (h) the orderly development of safe and healthy communities; and
- (o) the protection of public health and safety.

Furthermore, the Provincial Policy Statement (Section 1.6.8) provides guidance with respect to municipal waste management systems and requires that waste management systems be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems are to be located and designed in accordance with provincial legislation and standards. The Provincial Policy Statement (Section 1.8.2) also promotes increased energy supply by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible.

Consequently, there is a municipal interest in providing direction for the appropriate location of waste and power generation facilities within the City. This includes:

- Waste management infrastructure and energy supply need to be considered as part of the broader municipal planning framework as essential infrastructure to be included in municipal plans;
- The City has a responsibility for orderly distribution of land uses;
- The City has to ensure compatibility with adjacent land uses;

- The City has a responsibility to ensure the orderly development of individual sites; and
- The City has a responsibility for public health and safety (e.g., fire prevention and emergency response).

The Amendment recognizes the different attributes, characteristics and land use impacts of different forms of waste management and power generation uses.

3.0 Location:

This amendment applies to all lands within the City of Brampton, but specifically affects lands designated Industrial.

4.0 Amendments and Policies Relative Thereto:

4.1 The document known as the City of Brampton Official Plan is hereby amended, by adding a new Section 4.7.4.10 as follows:

Power Generation (Fuel Combustion) Use

- “(i) A Power Generation (Fuel Combustion) Use may only be permitted as a primary use on lands designated Industrial by way of a Site-Specific Zoning By-law Amendment, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide appropriate urban design measures including visual screening of the operation;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.
- (ii) Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the *Ontario Environmental Protection Act*, the applicant shall provide the following information to the City:
- Air Quality Impact Report; and
 - Noise Study.
- (iii) Where the City requires a technical report from an applicant, as described in the foregoing, the City may, at its sole discretion, require a Peer Review of that technical report and may require the costs of such Peer Review to be borne by the applicant.
- (iv) Where a proposed use requires a Zoning By-law Amendment as provided for in the foregoing policies, the City may place a holding symbol on the zone that prevents the development from occurring until the City is satisfied that appropriate environmental approvals from the Province of Ontario or the Government of Canada have been granted. Specific actions or requirements for the lifting of the holding provision shall be set out in the City’s Zoning By-law or the amendment thereto. Once the required conditions are satisfied, a by-law removing the holding symbol will be passed.

- (v) Through the Zoning By-law and Site Plan Control process, the City will manage outside storage associated with a Power Generation (Fuel Combustion) Use to address the visual and aesthetic mitigation, which may include the use of enclosed bins, containers, screening walls and/or landscaping, as well as pest and vermin control.
- (vi) Nothing in this section shall affect the continuance of any legally existing Power Generation (Fuel Combustion) Use that existed legally on or before [INSERT DATE OF PASSING OF THE ZONING BY-LAW]. The City may recognize the existing use in the Zoning By-law. However, the City, in co-operation with the affected businesses, shall attempt to reduce the number of non-conforming uses wherever possible according to the policies of this Plan.
- (vii) An application for the enlargement or extension of an existing legal non-conforming Power Generation (Fuel Combustion) Use shall be considered by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment permission, depending upon the nature of the proposal. Consideration of such applications shall be given based on the following:
 - a) the proposed expansion does not significantly increase the size of the existing use;
 - b) the proposed expansion does not further deteriorate the non-compliance with the minimum separation distances required in this Section of the Plan;
 - c) the proposed expansion does not significantly increase its incompatibility with the surrounding area; and
 - d) conditions that may minimize any potential nuisances can be imposed, including but not limited to: landscaping, screening, and setbacks.
- (viii) Sensitive Land Uses shall only be permitted in proximity to a Power Generation (Fuel Combustion) Use provided that they comply with policy 4.5.15.3 and they do not intrude into established separation distances described in policy 4.7.4.10 i).

4.2 The document known as the City of Brampton Official Plan is hereby amended, by deleting Section 4.7.5.1, and replacing it with the following:

“The direction of waste management uses including thermal degradation, waste processing, transfer and disposal shall be guided by the policies of this Plan and the provisions of the Zoning By-law. In particular, the City shall ensure:

- i) the compatibility between existing and proposed land uses (may vary by extent/intensity of the potential hazard);
- ii) the adequate provision and efficient use of waste management systems;
- iii) the protection of public health and safety;
- iv) the protection of the natural heritage system;
- v) the provision of adequate transportation system, which directs truck traffic away from residential neighbourhoods; and
- vi) appropriate site design, through such matters as access, aesthetics, safety, fire protection, protection of various natural heritage features.

In this regard, the City shall:

- i) encourage and promote efforts to reduce, reuse, recycle and recover energy;
 - ii) promote sustainable local energy production and alternative energy sources that adhere to the foregoing; and
 - iii) promote extended producer responsibilities such as material recovery operations.”
- 4.3 The document known as the City of Brampton Official Plan is hereby amended, by deleting Section 4.7.5.7, and replacing it with the following:

Waste Disposal Uses

Waste Disposal Uses may only be permitted on lands designated Industrial on Schedule “A”, subject to the specific policies for the following types of Waste Disposal Uses as outlined in Section 4.7.5.8 of this Plan.

Through the Zoning By-law and Site Plan Control process, the City will manage outside storage associated with Waste Disposal Uses to address the visual and aesthetic mitigation, which may include the use of enclosed bins, containers, screening walls and/or landscaping, as well as pest and vermin control.

Sensitive Land Uses shall only be permitted in proximity to a Waste Disposal Use provided that they comply with policy 4.5.15.3 and they do not intrude into established minimum separation distances described in policy 4.7.5.8.

- 4.4 The document known as the City of Brampton Official Plan is hereby amended, by deleting Section 4.7.5.8, and replacing it with the following:

Non-Hazardous Solid Waste Transfer Use or Non-Hazardous Solid Waste Processing Use

- (i) Non-Hazardous Solid Waste Transfer Use or Non-Hazardous Solid Waste Processing Use, may only be permitted on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (ii) Notwithstanding Section 4.7.5.8 i), Non-Hazardous Solid Waste Transfer Use or Non-Hazardous Solid Waste Processing Use may only be permitted by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment Permission, subject to meeting the four tests of the Planning

Act, on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Thermal Degradation (Non-Energy Producing) Use or Thermal Degradation (Energy from Waste) Use

(iii) Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use may only be permitted as a primary use on lands designated Industrial, provided the use is located a minimum of 1,000 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (iv) Notwithstanding Section 4.7.5.8 iii), Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use may only be permitted as a primary use by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
 - the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide appropriate visual screening of the operation
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and;
 - the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (v) Thermal Degradation (Energy from Waste) Use may only be permitted as an accessory use in the Industrial designation, provided that the source of waste input to the energy generation is a by-product of the principal use of the site.

Hazardous Waste Transfer Use or Mechanical Sterilization

- (vi) Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide sufficient development setbacks and/or

- buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (vii) Notwithstanding Section 4.7.5.8 vi), Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
 - the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide appropriate visual screening of the operation;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Hazardous Waste Processing Use or Thermal Degradation (Hazardous Waste) Use

- (viii) Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste may only be permitted on lands designated Industrial, provided the use is located a minimum of 1,000 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

- (ix) Notwithstanding Section 4.7.5.8 viii), Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Hazardous Waste Transfer Use or Hazardous Waste Processing Use

- (x) To address the protection of public health and safety, Hazardous Waste Transfer Use or Hazardous Waste Processing Use for Severely Toxic Waste; Radioactive Waste; and PCB Waste may only be permitted on

lands designated Industrial by way of Site-Specific Official Plan and Zoning By-law Amendments, wherein the City will review the characteristics of the proposed land use. At a minimum, the following matters shall be demonstrated to the satisfaction of the City:

- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the natural heritage system, can be avoided or mitigated;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan.

Thermal Degradation (Hazardous Waste) Use

(xi) To address the protection of public health and safety, Thermal Degradation (Hazardous Waste) Use of Severely Toxic Waste; Hazardous Waste Chemicals or Manufacturing Intermediaries; Radioactive Waste, and PCB Waste may only be permitted on lands designated Industrial by way of Site-Specific Official Plan and Zoning By-law Amendments, wherein the City will review the characteristics of the proposed land use. At a minimum, the following matters shall be demonstrated to the satisfaction of the City:

- the appropriate separation distance to ensure that a Sensitive Land Use, and the general public health and safety, are protected against adverse impacts from odour or emissions, which shall in no instance be less than 1,000 metres from a Sensitive Land Use;
- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the natural heritage system, can be avoided or mitigated;
- an analysis of the potential public health and safety risks in an accident or malfunction scenario and a description of the measures to prevent such accidents or malfunctions, contingency measures, and proposed means to protect public health and safety in the event of an accident or malfunction;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan and the relevant Secondary Plan.

Mechanical Sterilization as an Accessory Use

(xii) Notwithstanding Sections 4.7.5.8 vi) and 4.7.5.8 vii), Mechanical Sterilization shall be permitted as an accessory use to hospitals, clinics, veterinary clinics and laboratories, wherever those uses are permitted by this Plan.

New Sanitary Landfill Site

(xiii) New Sanitary Landfill Sites are not contemplated in the City of Brampton.

Peer Review

- (xiv) Where the City requires a technical report from an applicant, the City may, at its sole discretion, require a Peer Review of that technical report and may require the costs of such Peer Review to be borne by the applicant.

Holding Symbol

- (xv) Where a proposed use requires a Zoning By-law Amendment as provided for in the foregoing policies, the City may place a holding symbol on the zone that prevents the development from occurring until the City is satisfied that appropriate environmental approvals from the Province of Ontario or the Government of Canada have been granted. Specific actions or requirements for the lifting of the holding provision shall be set out in the City's Zoning By-law or the amendment thereto. Once the required conditions are satisfied, a by-law removing the holding symbol will be passed.

Legally Existing Waste Disposal Use

- (xvi) Nothing in this section shall affect the continuance of any legally existing Waste Disposal Use that existed legally on or before [INSERT DATE OF PASSING OF THE ZONING BY-LAW]. The City may recognize the existing use in the Zoning By-law. However, the City, in co-operation with the affected businesses, shall attempt to reduce the number of non-conforming uses wherever possible according to the policies of this Plan.

Legally Existing Non-Conforming Waste Disposal Use

- (xvii) An application for the enlargement or extension of an existing legal non-conforming Waste Disposal Use shall be considered by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment permission, depending upon the nature of the proposal. Consideration of such applications shall be given based on the following:
- a) the proposed expansion does not significantly increase the size of the existing use;
 - b) the proposed expansion does not further deteriorate the non-compliance with the minimum separation distances required in this Section of the Plan;
 - c) the proposed expansion does not significantly increase its incompatibility with the surrounding area; and
 - d) conditions that may minimize any potential nuisances can be imposed, including but not limited to: landscaping, screening, and setbacks.

Municipally Administered Waste Disposal Uses

- (xviii) Waste Disposal Uses, including those involving hazardous waste, owned, operated or managed by or used for the purposes of a waste program administered by the City of Brampton or the Regional Municipality of Peel are permitted on lands designated Industrial, in accordance with the provisions of the Zoning By-law."

Certificates of Approval and Approvals from Other Jurisdictions

- 4.5 The document known as the City of Brampton Official Plan is hereby amended, by adding a new Section 4.7.5.10, as follows:

"The City will provide comments to the Ministry of the Environment on

applications for Certificates of Approval, as required under the Ontario *Environmental Protection Act* or the *Ontario Water Resources Act*, for waste management uses in the City of Brampton. In addition, the City is circulated by adjacent municipalities when there are applications for planning approval in the vicinity of the City boundary. The City will encourage the applicable approval authority to request appropriate technical studies to support the applications. The City may request that it be provided those studies to assist the City's review and commenting process."

- 4.6 The document known as the City of Brampton Official Plan is hereby amended by deleting the definitions of "Waste Processing Plant", "Transfer Station" and "Sensitive Land Use" in Section 5.2, and by adding the following definitions to Section 5.2:

"Fire Safety Consultant Report" means a report that provides a fire safety analysis of a facility and intended uses within the facility and on-site, including building construction and facility operations, among other matters, in order to address fire safety concerns and make recommendations as to how the fire safety concerns may be minimized or mitigated."

"Hazardous Waste" means wastes that include:

- i) "Severely Toxic Waste" means commercial chemical products or manufacturing intermediates defined as Severely Toxic Waste under O.Reg. 347 of the *Environmental Protection Act*, however, it shall not include Pharmaceutical Waste.
- ii) "Hazardous Waste Chemicals or Manufacturing Intermediaries" means hazardous wastes that include: Hazardous Industrial Waste, Acute Hazardous Waste Chemicals, Hazardous Waste Chemicals, Ignitable Waste, Corrosive Waste, Reactive Waste and Leachate Toxic Waste; but does not include: Medical, Veterinary or Pathological Waste, Severely Toxic Waste, Radioactive Waste, and PCB Waste as defined by O.Reg. 347 of the *Environmental Protection Act*.
- iii) "Medical, Veterinary or Pathological Waste" means any waste items generated through medical treatment, such as parts of the human body, including tissues and bodily fluids, or any part of the carcass of an animal and includes Pharmaceutical Waste.
- iv) "PCB Waste" means PCB Waste as defined by O.Reg. 362 of the *Environmental Protection Act*, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations."
- v) "Radioactive Waste" means waste that is required to be licensed to permit handling under the federal *Nuclear Safety and Control Act*."

"Mechanical Sterilization" means the destruction of microbes in medical, veterinary and pathological waste through the use of high pressure steam."

"Pharmaceutical Waste" means a waste that is derived from medicines, pharmaceuticals and instruments used to administer medicines or pharmaceuticals."

"Operational Management Plan" means a report that describes the features and measures that will be incorporated at the facility to mitigate nuisance effects of its operations. At a minimum, the Operational Management Plan shall describe: i) the facility and its operations; ii) design features to mitigate nuisance effects associated with airborne particulate, noise, odours, litter, vermin and vectors, fire, and site-related traffic; iii) operational procedures to further mitigate the

aforementioned effects; iv) contingency measures available in the event that residual effects (after mitigation) remain unacceptable; and v) the protocol for receiving, documenting, and responding to complaints from the public.”

“Peer Review” means an independent assessment of a technical support study undertaken by (an) expert(s) in the same field as the author(s) of the technical support study received by the City of other jurisdiction.”

“Power Generation (Fuel Combustion) Use” means a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators. This excludes centralized heating plants and localized district energy facilities that do not sell power to the provincial electrical distribution system.”

“Sensitive Land Use” means a use which may be subject to adverse impacts (such as odours, contamination, noise, and vibration), generated by a nearby facility or feature and typically includes residential, institutional or outdoor recreational uses, which may include, but shall not be limited to a residence, nursing home, hospital, trailer park, camping ground, school and/or community centre.”

“Non-hazardous Solid Waste Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous Solid Waste Processing Use typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a Non-hazardous Solid Waste Processing Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Non-hazardous Solid Waste Transfer Use” means a Waste Disposal Use used for the purpose of transferring waste from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Non-hazardous Solid Waste Transfer Use. The waste handled at a Non-hazardous Solid Waste Transfer Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Thermal Degradation” shall mean a Waste Disposal Use that treats non-hazardous waste and Hazardous Waste by thermal means, including incineration, gasification, pyrolysis or plasma arc treatment, and includes:

- i) “Thermal Degradation (Energy from Waste) Use” shall mean a Waste Disposal Use that treats non-hazardous waste by Thermal Degradation and is accompanied by the generation of electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. It shall not include the thermal degradation of hazardous wastes.
- ii) “Thermal Degradation (Non-Energy Producing) Use” shall mean a Waste Disposal Use designed and operated for the degradation or destruction of non-hazardous waste by Thermal Degradation. For the purposes of this category, Thermal Degradation of waste shall not include the generation of electricity. It shall not include the Thermal Degradation of Hazardous Wastes.
- iii) “Thermal Degradation (Hazardous Waste) Use” shall mean a Waste Disposal Use that treats hazardous waste by Thermal Degradation. Thermal Degradation shall not include mechanical sterilization.”

“Waste Disposal Use” means:

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed;
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a); and
- (c) notwithstanding clause (a) and (b), it does not include any product, returned to a manufacturer or supplier of the product for reprocessing, repackaging or resale for any reason, including that the product, substance or organism is:
 - (i) defective or otherwise not usable for its original purpose, or
 - (ii) in surplus quantities but still usable for its original purpose.
- (d) notwithstanding clause (c), it does not apply to Severely Toxic Waste, Hazardous Waste Chemicals or Manufacturing Intermediaries, Radioactive Waste, or PCB Waste.
- (e) notwithstanding clause (a) and (b), it does not include the temporary storage of spent or surplus material inputs or by-products of a manufacturing use that are temporarily stored at a manufacturing facility until such time as they are removed from the facility for disposal.”

“Hazardous Waste Transfer Use” means a Waste Disposal Use used for the purpose of transferring hazardous waste as defined by O.Reg. 347 of the *Environmental Protection Act*, from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Hazardous Waste Transfer Use.”

“Hazardous Waste Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal, that handles waste, either solid or liquid, that is defined as “hazardous waste” by O.Reg. 347 of the *Environmental Protection Act*, but shall not include the thermal degradation of hazardous waste, nor shall it include mechanical sterilization.”

4.7 The document known as the City of Brampton Official Plan is hereby amended, by adding the following to Section 5.9.1:

- “(v) Where regulatory approvals are required from another level of government, as provided for in the policies of this Official Plan.”

Approved as to Content:

Adrian Smith, MCIP, RPP
 Director, Planning & Land
 Development Services

AMENDMENT NUMBER OP93 - ____
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA
(IN FORCE AND EFFECT)

1.0 Purpose:

The purpose of this amendment is to revise the City of Brampton Official Plan to include policies to direct the development of thermal degradation, waste processing, transfer and disposal uses in the City of Brampton.

2.0 Basis:

This Amendment implements the recommendations of the Incineration, Waste Processing, Transfer and Disposal Study that was prepared in response to the City's Interim Control By-law 312-2005 (ICB) on October 12, 2005, to prohibit new and expanded incinerators and waste processing, transfer and disposal facilities (except as is necessarily incidental to any permitted industrial or manufacturing use).

The purpose of the Study was to develop appropriate land use policies to regulate the development of incineration as well as waste transfer, processing and disposal uses.

While there are established Provincial and Federal regulatory processes for the approval of waste management and energy facilities, there is a parallel municipal responsibility arising from the *Planning Act* and the Provincial Policy Statement to plan for the orderly distribution of land uses, and address matters of land use compatibility. The City addresses these matters through its Official Plan and Zoning By-law.

The *Planning Act* identifies matters of provincial interest that municipalities shall have regard for in carrying out their responsibilities, such that Section 2.0 provides for:

- (f) the adequate provision and efficient use of waste management systems;
- (h) the orderly development of safe and healthy communities; and
- (o) the protection of public health and safety.

Furthermore, the Provincial Policy Statement (Section 1.6.8) provides guidance with respect to municipal waste management systems and requires that waste management systems be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems are to be located and designed in accordance with provincial legislation and standards. The Provincial Policy Statement (Section 1.8.2) also promotes increased energy supply by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible.

Consequently, there is a municipal interest in providing direction for the appropriate location of waste and power generation facilities within the City. This includes:

- Waste management infrastructure and energy supply need to be considered as part of the broader municipal planning framework as essential infrastructure to be included in municipal plans;
- The City has a responsibility for orderly distribution of land uses;
- The City has to ensure compatibility with adjacent land uses;

- The City has a responsibility to ensure the orderly development of individual sites; and
- The City has a responsibility for public health and safety (e.g., fire prevention and emergency response).

The Amendment recognizes the different attributes, characteristics and land use impacts of different forms of waste management and power generation uses.

3.0 Location:

This amendment applies to all lands within the City of Brampton, but specifically affects lands designated Industrial.

4.0 Amendments and Policies Relative Thereto:

- 4.1 The document known as the Official Plan for the City of Brampton Planning Area is hereby amended, by adding new Section 4.6.4.7 through to 4.6.4.13 inclusive, as follows:

Power Generation (Fuel Combustion) Use

4.6.4.7 A Power Generation (Fuel Combustion) Use may only be permitted as a primary use on lands designated Industrial by way of a Site-Specific Zoning By-law Amendments, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been addressed to the satisfaction of the City:

- (i) the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- (ii) the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- (iii) the applicant shall provide appropriate urban design measures including visual screening of the operation;
- (iv) the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- (v) the applicant shall provide a Fire Safety Consultant Report.

4.6.4.8 Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City, which the City may, at its sole discretion, seek an independent qualified Peer Review opinion:

- (i) Air Quality Impact Report; and
- (ii) Noise Study.

4.6.4.9 Where the City requires a technical report from an applicant, the City may, at its sole discretion, require a Peer Review of that technical report and may require the costs of such Peer Review to be borne by the applicant.

4.6.4.10 Where a proposed use requires a Zoning By-law Amendment as provided for in the foregoing policies, the City may place a holding symbol on the zone that prevents the development from occurring until the City is satisfied that appropriate environmental approvals from the Province of Ontario or the Government of Canada have been granted. Specific actions or requirements for the lifting of the holding provision shall be set out in the City's Zoning By-law or the amendment thereto. Once the required conditions are satisfied, a by-law removing the holding symbol will be passed.

- 4.6.4.11 Through the Zoning By-law and Site Plan Control process, the City will manage outside storage associated with a Power Generation (Fuel Combustion) Use to address the visual and aesthetic mitigation, which may include the use of enclosed bins, containers, screening walls and/or landscaping, as well as pest and vermin control.
- 4.6.4.12 Nothing in this section shall affect the continuance of any legally existing Power Generation (Fuel Combustion) Use that existed legally on or before [INSERT DATE OF PASSING OF THE ZONING BY-LAW]. The City may recognize the existing use in the Zoning By-law. However, the City, in co-operation with the affected businesses, shall attempt to reduce the number of non-conforming uses wherever possible according to the policies of this Plan.
- 4.6.4.13 An application for the enlargement or extension of an existing legal non-conforming Power Generation (Fuel Combustion) Use shall be considered by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment permission, depending upon the nature of the proposal. Consideration of such applications shall be given based on the following:
- a) the proposed expansion does not significantly increase the size of the existing use;
 - b) the proposed expansion does not further deteriorate the non-compliance with the minimum separation distances required in this Section of the Plan;
 - c) the proposed expansion does not significantly increase its incompatibility with the surrounding area; and
 - d) conditions that may minimize any potential nuisances can be imposed, including but not limited to: landscaping, screening, and setbacks.”
- 4.6.4.14 Sensitive land uses shall only be permitted in proximity to a Power Generation (Fuel Combustion) Use provided that they do not intrude into established separation distances described in policy 4.6.4.7
- 4.2 The document known as the Official Plan for the City of Brampton Planning Area is hereby amended, by deleting Sections 4.6.5.6 through to 4.6.5.11 inclusive and renumbering Sections 4.6.5.12 through to 4.6.5.17 inclusive as 4.6.5.6 through 4.6.5.11, respectively.
- 4.3 The document known as the Official Plan for the City of Brampton Planning Area is hereby amended, by adding Section 4.6.5.12 through to 4.6.5.14, inclusive, as follows:

“Waste Management Uses

- 4.6.5.12 The direction of waste management uses including thermal degradation, waste processing, transfer and disposal shall be guided by the policies of this Plan and the provision of the Zoning By-law. In particular, the City shall ensure:
- i) the compatibility between existing and proposed land uses (may vary by extent/intensity of the potential hazard);
 - ii) the adequate provision and efficient use of waste management systems;
 - iii) the protection of public health and safety;

- iv) the protection of the natural environment;
- v) the provision of adequate transportation system, which directs truck traffic away from residential neighbourhoods; and
- vi) appropriate site design, through such matters as access, aesthetics, safety, fire protection, protection of natural features/watercourses.

In this regard, the City shall:

- i) encourage and promote efforts to reduce, reuse, recycle and recover energy;
- ii) promote sustainable local energy production and alternative energy sources that adhere to the foregoing; and
- iii) promote extended producer responsibilities such as material recovery operations.

Waste Disposal Uses

- 4.6.5.13 “Waste Disposal Uses may only be permitted on lands designated Industrial, subject to the specific policies for the following types of Waste Disposal Uses as outlined in Section 4.6.5.13 of this Plan.

Through the Zoning By-law and Site Plan Control process, the City will manage outside storage associated with Waste Disposal Uses to address the visual and aesthetic mitigation, which may include the use of enclosed bins, containers, screening walls and/or landscaping, as well as pest and vermin control.

Sensitive Land Uses shall only be permitted in proximity to a Waste Disposal Use provided that they do not intrude into established minimum separation distances described in policy 4.6.5.13

Non-hazardous Solid Waste Transfer Use or Non-hazardous Solid Waste Processing Use

- (i) Non-hazardous Solid Waste Transfer Use or Non-hazardous Solid Waste Processing Use, may only be permitted on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant

shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (ii) Notwithstanding Section 4.6.5.13 i), Non-hazardous Solid Waste Transfer Use or Non-hazardous Solid Waste Processing Use, may be permitted by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment Permission, subject to meeting the four tests of the Planning Act, on lands designated Industrial, provided the site is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
 - the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide appropriate visual screening of the operation;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Thermal Degradation (Non-Energy Producing) Use or Thermal Degradation (Energy from Waste) Use

- (iii) Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use may only be permitted on lands designated Industrial, provided the use is located a minimum of 1,000 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;

- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

(iv) Notwithstanding Section 4.6.5.13 iii), Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use may only be permitted as a primary use by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

(v) Thermal Degradation (Energy from Waste) Use may only be permitted as an accessory use in the Industrial designation, provided that the source of waste input to the energy generation is a by-product of the principal use of the site.

Hazardous Waste Transfer Use or Mechanical Sterilization

(vi) Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

(vii) Notwithstanding Section 4.6.5.13 vi), Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and

- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Hazardous Waste Processing Use or Thermal Degradation (Hazardous Waste) Use

(viii) Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste may only be permitted on lands designated Industrial, provided the use is located a minimum of 1,000 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

(ix) Notwithstanding Section 4.6.5.13 viii), Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

Where it is required to provide the following information to support an application for a Certificate of Approval, as required under the Ontario *Environmental Protection Act*, the applicant shall provide the following information to the City:

- Air Quality (including odour) Impact Report; and
- Noise Study.

Hazardous Waste Transfer Use or Hazardous Waste Processing Use

(x) To address the protection of public health and safety, Hazardous Waste Transfer Use or Hazardous Waste Processing Use for Severely Toxic Waste; Radioactive Waste; and PCB Waste may only be permitted on lands designated Industrial by way of Site-Specific Official Plan and Zoning By-law Amendments, wherein the City will review the characteristics of the proposed land use. At a minimum, the following matters shall be demonstrated to the satisfaction of the City:

- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the natural heritage system, can be avoided or mitigated;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan and the relevant Secondary Plan.

Thermal Degradation (Hazardous Waste) Use

(xi) To address the protection of public health and safety, Thermal Degradation (Hazardous Waste) Use of Severely Toxic Waste; Hazardous Waste Chemicals or Manufacturing Intermediaries; Radioactive Waste; and PCB Waste may only be permitted on lands designated Industrial by way of Site-Specific Official Plan and Zoning By-law Amendments, wherein the City will review the characteristics of the proposed land use. At a minimum, the following matters shall be demonstrated to the satisfaction of the City:

- the appropriate separation distance to ensure that a Sensitive Land Use, and the general public health and safety, are protected against adverse impacts from odour or emissions, which shall in no instance be less than 1,000 metres from a Sensitive Land Use;
- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the natural heritage system, can be avoided or mitigated;
- an analysis of the potential public health and safety risks in an accident or malfunction scenario and a description of the measures to prevent such accidents or malfunctions, contingency measures, and proposed means to protect public health and safety in the event of an accident or malfunction;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan and the relevant Secondary Plan.

Mechanical Sterilization as an Accessory Use

- (xii) Notwithstanding Sections 4.6.5.13 vi) and 4.6.5.13 vii), Mechanical Sterilization shall be permitted as an accessory use to hospitals, clinics, veterinary clinics and laboratories, wherever those uses are permitted by this Plan.

New Sanitary Landfill Site

- (xiii) New Sanitary Landfill Sites are not contemplated in the City of Brampton.

Peer Review

- (xiv) Where the City requires a technical report from an applicant, the City may, at its sole discretion, require a Peer Review of that technical report and may require the costs of such Peer Review to be borne by the applicant.

Holding Symbol

- (xv) Where a proposed use requires a Zoning By-law Amendment as provided for in the foregoing policies, the City may place a holding symbol on the zone that prevents the development from occurring until the City is satisfied that appropriate environmental approvals from the Province of Ontario or the Government of Canada have been granted. Specific actions or requirements for the lifting of the holding provision shall be set out in the City's Zoning By-law or the amendment thereto. Once the required conditions are satisfied, a by-law removing the holding symbol shall be passed.

Legally Existing Waste Disposal Use

- (xvi) Nothing in this section shall affect the continuance of any legally existing Waste Disposal Use that existed legally on or before [INSERT DATE OF PASSING OF THE ZONING BY-

LAW]. The City may recognize the existing use in the Zoning By-law. However, the City, in co-operation with the affected businesses, shall attempt to reduce the number of non-conforming uses wherever possible according to the policies of this Plan.

Legally Existing Non-Conforming Waste Disposal Use

- (xvii) An application for the enlargement or extension of an existing legal non-conforming Waste Disposal Use shall be considered by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment permission, depending upon the nature of the proposal. Consideration of such applications shall be given based on the following:
- a) the proposed expansion does not significantly increase the size of the existing use;
 - b) the proposed expansion does not further deteriorate the non-compliance with the minimum separation distances required in this Section of the Plan;
 - c) the proposed expansion does not significantly increase its incompatibility with the surrounding area; and
 - d) conditions that may minimize any potential nuisances can be imposed, including but not limited to: landscaping, screening, and setbacks.

Municipally Administered Waste Disposal Uses

- (xviii) Waste Disposal Uses, including those involving hazardous waste, owned, operated or managed by or used for the purposes of a waste program administered by the City of Brampton or the Regional Municipality of Peel are permitted on lands designated Industrial, in accordance with the provisions of the Zoning By-law.

Certificates of Approval and Approvals from Other Jurisdictions

- 4.6.5.14 The City will provide comments to the Ministry of the Environment on applications for Certificates of Approval, as required under the *Ontario Environmental Protection Act* or the *Ontario Water Resources Act*, for waste management uses in the City of Brampton. In addition, when the City is circulated by adjacent municipalities with applications for planning approval in the vicinity of the City boundary, the City will encourage the applicable approval authority to request appropriate technical studies to support the applications. The City may request that it be provided those studies to assist the City's review and commenting process."
- 4.4 The document known as the Official Plan for the City of Brampton Planning Area is hereby amended by deleting the definitions of "Waste Processing Plant", "Transfer Station" and "Sensitive Land Use" in Section 5.2, and by adding the following definitions to Section 5.2:
- "Fire Safety Consultant Report" means a report that provides a fire safety analysis of a facility and intended uses within the facility and on-site, including building construction and facility operations, among other matters, in order to address fire safety concerns and make recommendations as to how the fire safety concerns may be minimized or mitigated."

“Hazardous Waste” means wastes that include:

- i) “Severely Toxic Waste” means commercial chemical products or manufacturing intermediates defined as Severely Toxic Waste under O.Reg. 347 of the *Environmental Protection Act*, however, it shall not include Pharmaceutical Waste.
- ii) “Hazardous Waste Chemicals or Manufacturing Intermediaries” means hazardous wastes that include: Hazardous Industrial Waste, Acute Hazardous Waste Chemicals, Hazardous Waste Chemicals, Ignitable Waste, Corrosive Waste, Reactive Waste and Leachate Toxic Waste; but does not include: Medical, Veterinary or Pathological Waste, Severely Toxic Waste, Radioactive Waste and PCB Waste as defined by O.Reg. 347 of the *Environmental Protection Act*.
- iii) “Medical, Veterinary or Pathological Waste” means any waste items generated through medical treatment, such as parts of the human body, including tissues and bodily fluids, or any part of the carcass of an animal, and includes Pharmaceutical Waste.
- iv) “PCB Waste” means PCB Waste as defined by O.Reg. 362 of the *Environmental Protection Act*, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations.”
- v) “Radioactive Waste” means waste that is required to be licensed to permit handling under the federal *Nuclear Safety and Control Act*.”

“Mechanical Sterilization” means the destruction of microbes in medical, veterinary and pathological waste through the use of high pressure steam.”

“Pharmaceutical Waste” means a waste that is derived from medicines, pharmaceuticals and instruments used to administer medicines or pharmaceuticals.”

“Operational Management Plan” means a report that describes the features and measures that will be incorporated at the facility to mitigate nuisance effects of its operations. At a minimum, the Operational Management Plan shall describe: i) the facility and its operations; ii) design features to mitigate nuisance effects associated with airborne particulate, noise, odours, litter, vermin and vectors, fire, and site-related traffic; iii) operational procedures to further mitigate the aforementioned effects; iv) contingency measures available in the event that residual effects (after mitigation) remain unacceptable; and v) the protocol for receiving, documenting, and responding to complaints from the public.”

“Peer Review” means an independent assessment of a technical support study undertaken by (an) expert(s) in the same field as the author(s) of the technical support study received by the City of other jurisdiction.”

“Power Generation (Fuel Combustion) Use” means a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators. This excludes centralized heating plants and localized district energy facilities that do not sell power to the provincial electrical distribution system.”

“Sensitive Land Use” means a use which may be subject to adverse impacts (such as odours, contamination, noise, and vibration), generated by a nearby facility or feature and typically includes residential, institutional or outdoor recreational uses, which may include, but shall not be limited to a residence, nursing home, hospital, trailer park, camping ground, school and/or community centre.”

“Non-hazardous Solid Waste Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous Solid Waste Processing Use typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a Non-hazardous Solid Waste Processing Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Non-hazardous Solid Waste Transfer Use” means a Waste Disposal Use used for the purpose of transferring waste from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Non-hazardous Solid Waste Transfer Use. The waste handled at a Non-hazardous Solid Waste Transfer Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Thermal Degradation” shall mean a Waste Disposal Use that treats non-hazardous waste and Hazardous Waste by thermal means, including incineration, gasification, pyrolysis or plasma arc treatment, and includes:

- i) “Thermal Degradation (Energy from Waste) Use” shall mean a Waste Disposal Use that treats non-hazardous waste by Thermal Degradation and is accompanied by the generation of electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. It shall not include the thermal degradation of hazardous wastes.
- ii) “Thermal Degradation (Non-Energy Producing) Use” shall mean a Waste Disposal Use designed and operated for the degradation or destruction of non-hazardous waste by Thermal Degradation. For the purposes of this category, Thermal Degradation of waste shall not include the generation of electricity. It shall not include the Thermal Degradation of Hazardous Wastes.
- iii) “Thermal Degradation (Hazardous Waste) Use” shall mean a Waste Disposal Use that treats hazardous waste by Thermal Degradation. Thermal Degradation shall not include mechanical sterilization.”

“Waste Disposal Use” means:

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed;
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a); and
- (c) notwithstanding clause (a) and (b), it does not include any product, returned to a manufacturer or supplier of the product for reprocessing, repackaging or resale for any reason, including that the product, substance or organism is:
 - (i) defective or otherwise not usable for its original purpose, or
 - (ii) in surplus quantities but still usable for its original purpose.
- (d) notwithstanding clause (c), it does not apply to Severely Toxic Waste, Hazardous Waste Chemicals or Manufacturing Intermediaries, Radioactive Waste, or PCB Waste.
- (e) notwithstanding clause (a) and (b), it does not include the temporary storage of spent or surplus material inputs or by-products of a manufacturing use that are temporarily stored at a manufacturing facility until such time as they are removed from the facility for disposal.”

“Hazardous Waste Transfer Use” means a Waste Disposal Use used for the purpose of transferring hazardous waste as defined by O.Reg. 347 of the *Environmental Protection Act*, from one vehicle to another for transport to

another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Hazardous Waste Transfer Use.”

“Waste (Hazardous Waste) Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. that handles waste, either solid or liquid, that is defined as “hazardous waste” by O.Reg. 347 of the *Environmental Protection Act*, but shall not include the thermal degradation of hazardous waste, nor shall it include mechanical sterilization.”

4.5 The document known as the City of Brampton Official Plan is hereby amended, by adding the following to Section 5.9.1:

“(v) Where regulatory approvals are required from another level of government, as provided for in the policies of this Official Plan.”

Approved as to Content:

Adrian Smith, MCIP, RPP
Director, Planning & Land
Development Services

APPENDIX C

ZONING BY-LAW AMENDMENT



To Amend Zoning By-law 270-2004, as amended.

The Council of the Corporation of the City of Brampton ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:
 - 1) Section 5.0 Definitions is amended by adding the following definitions:

“Hazardous Waste” shall mean wastes that include:

 - i) “Severely Toxic Waste” shall mean commercial chemical products or manufacturing intermediates defined as Severely Toxic Waste under O.Reg. 347 of the *Environmental Protection Act*, however it shall not include Pharmaceutical Waste.
 - ii) “Hazardous Waste Chemicals or Manufacturing Intermediaries” shall mean hazardous wastes that include: Hazardous Industrial Waste, Acute Hazardous Waste Chemicals, Hazardous Waste Chemicals, Ignitable Waste, Corrosive Waste, Reactive Waste and Leachate Toxic Waste; but does not include: Medical, Veterinary or Pathological Waste, Severely Toxic Waste, Radioactive Waste and PCB Waste as defined by O.Reg. 347 of the *Environmental Protection Act*.
 - iii) “Medical, Veterinary or Pathological Waste” shall mean any waste items generated through medical treatment, such as parts of the human body, including tissues and bodily fluids, or any part of the carcass of an animal, and includes Pharmaceutical Waste.
 - iv) “PCB Waste” shall mean PCB Waste as defined by O.Reg. 362 of the *Environmental Protection Act*, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations.
 - v) “Radioactive Waste” shall mean waste is required to be licensed to permit handling under the federal *Nuclear Safety and Control Act*.

“Mechanical Sterilization” shall mean the destruction of microbes in medical, veterinary and pathological waste through the use of high pressure steam.”

“Pharmaceutical Waste” shall mean a waste that is derived from medicines, pharmaceuticals and instruments used to administer medicines or pharmaceuticals.”

“Power Generation (Fuel Combustion) Use” shall mean a facility that, by means of combustion of a fuel, converts thermal energy to electricity through a series of turbines and generators. This excludes centralized heating plants and localized district energy facilities that do not sell power to the provincial electrical distribution system.”

“Sanitary Landfill Site” shall mean a waste disposal use used for the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, including compaction of waste into a cell and covering the waste with cover materials at regular intervals.”

“Non-hazardous Solid Waste Processing Use” shall mean a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous Solid Waste Processing Use typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a Non-hazardous Waste Solid Processing Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Non-hazardous Solid Waste Transfer Use” shall mean a Waste Disposal Use used for the purpose of transferring waste from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Non-hazardous Solid Waste Transfer Use. The waste handled at a Non-hazardous Solid Waste Transfer Use is not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

“Thermal Degradation” shall mean a Waste Disposal Use that treats non-hazardous waste and Hazardous Waste by thermal means, including incineration, gasification, pyrolysis or plasma arc treatment, and includes:

- i) “Thermal Degradation (Energy from Waste) Use” shall mean a Waste Disposal Use that treats non-hazardous waste by Thermal Degradation and is accompanied by the generation of electricity, in which case the waste is used as a fuel source for the production of energy and/or heat. It shall not include the thermal degradation of hazardous wastes.
- ii) “Thermal Degradation (Non-Energy Producing) Use” shall mean a Waste Disposal Use designed and operated for the degradation or destruction of non-hazardous waste by Thermal Degradation. For the purposes of this category, Thermal Degradation of waste shall not include the generation of electricity. It shall not include the Thermal Degradation of Hazardous Wastes.
- iii) “Thermal Degradation (Hazardous Waste) Use” shall mean a Waste Disposal Use that treats hazardous waste by Thermal Degradation. Thermal Degradation shall not include mechanical sterilization.”

“Waste Disposal Use” shall mean:

- (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a); and
- (c) notwithstanding clause (a) and (b), it does not include any product, returned to a manufacturer or supplier of the product for reprocessing, repackaging or resale for any reason, including that the product, substance or organism is:
 - (i) defective or otherwise not usable for its original purpose, or
 - (ii) in surplus quantities but still usable for its original purpose.

- (d) notwithstanding clause (c), it does not apply to Severely Toxic Waste, Hazardous Waste Chemicals or Manufacturing Intermediaries, Radioactive Waste, or PCB Waste.
- (e) notwithstanding clause (a) and (b), it does not include the temporary storage of spent or surplus material inputs or by-products of a manufacturing use that are temporarily stored at a manufacturing facility until such time as they are removed from the facility for disposal.”

“Hazardous Waste Transfer Use” shall mean a Waste Disposal Use used for the purpose of transferring hazardous waste as defined by O.Reg. 347 of the *Environmental Protection Act*, from one vehicle to another for transport to another Waste Disposal Use. Some limited degree of processing (e.g., compaction) of the waste may take place at a Hazardous Waste Transfer Use.”

“Hazardous Waste Processing Use” shall mean a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal that handles waste, either solid or liquid, that is defined as hazardous waste by O.Reg. 347 of the *Environmental Protection Act*, but shall not include the thermal degradation of hazardous waste, nor shall it include mechanical sterilization.”

- 2) Section 5.0 Definitions is amended by adding the following to the definition of “Waste Processing Station”, between the words “shall mean” and “a facility”:

“for the purposes of Sections 948, 1228, 1794, 1795 and 2719,”

- 3) Section 5.0 Definitions is amended by adding the following to the definition of “Waste Transfer Station”, between the words “shall mean” and “a facility”:

“for the purposes of Sections 948, 1228, 1794, 1795 and 2719,”

- 4) Section 5.0 Definitions is amended by adding the following to the definition of “Public Use”, between the words “health care, protection,” and “utility”:

“waste disposal,”

- 2. By-law 270-2004, as amended, is hereby further amended by deleting Section 30.9 and replacing it with the following:

“(30.9) Waste Disposal Use

A Waste Disposal Use shall only be permitted in Industrial Two – M2, Industrial Three – M3 and Industrial Three A – M3A zones in accordance with Sections 32.1, 33.1 and 33.2 respectively. Notwithstanding the Industrial Two – M2, Industrial Three – M3 and Industrial Three A – M3A zone provisions to the contrary, no outside storage associated with a Waste Disposal Use shall be permitted, unless such storage is located within enclosed bins or containers and conforms to all the provisions of the zone respecting outside storage.

Waste Disposal Uses, including those involving hazardous waste, owned, operated or managed by or used for the purposes of a waste program administered by the City of Brampton or the Regional Municipality of Peel are permitted in Industrial Two – M2, Industrial Three – M3 and Industrial Three A – M3A zones,

provided that yard, outside storage, parking, and coverage regulations required for the zone where the lands are located are complied with.”

3. By-law 270-2004, as amended, is hereby further amended by adding the following uses as permitted uses in Section 32.1 Industrial Two – M2 as Section 32.1.1 (a) (7), (8), (9) and (10):
 - “(7) Non-hazardous Solid Waste Processing Use, Non-hazardous Solid Waste Transfer Use, Power Generation (Fuel Combustion) Use, or Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, or Mechanical Sterilization, provided such uses are located a minimum of 300 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
 - (8) Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, provided such uses are located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
 - (9) Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”
 - (10) Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”
4. By-law 270-2004, as amended, is hereby further amended by adding the following uses as a permitted accessory use in Section 32.1 Industrial Two – M2 as Section 32.1.1 (c) (5):
 - “(5) Thermal Degradation (Energy from Waste) Use provided that the source of waste input into the energy generation is a by-product of the primary use of the site and is not a Hazardous Waste.”
5. By-law 270-2004, as amended, is hereby further amended by adding the following uses as permitted uses in Section 33.1 Industrial Three - M3 as Section 33.1.1 (a) (6), (7) (8) and (9):
 - “(6) Non-hazardous Solid Waste Processing Use, Non-hazardous Solid Waste Transfer Use, Power Generation (Fuel Combustion) Use, or Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, or Mechanical Sterilization, provided such uses are located a minimum of 300 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
 - (7) Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, provided such uses are located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
 - (8) Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”

- (9) Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”
6. By-law 270-2004, as amended, is hereby further amended by adding the following uses as a permitted accessory use in Section 33.1 Industrial Three - M3 as Section 33.1.1 (c) (5):
- “(5) Thermal Degradation (Energy from Waste) Use provided that the source of waste input into the energy generation is a by-product of the primary use of the site and is not a Hazardous Waste.”
7. By-law 270-2004, as amended, is hereby further amended by adding the following uses as permitted uses in Section 33.2 Industrial Three A - M3A as Section 33.2.1 (a) (6), (7), (8) and (9):
- “(6) Non-hazardous Solid Waste Processing Use, Non-hazardous Solid Waste Transfer Use, Power Generation (Fuel Combustion) Use, or Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, or Mechanical Sterilization, provided such uses are located a minimum of 300 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
- (7) Hazardous Waste Processing Use for Hazardous Waste Chemicals or Manufacturing Intermediaries or Medical, Veterinary or Pathological Waste, provided such uses are located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.
- (8) Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”
- (9) Thermal Degradation (Hazardous Waste) Use for Medical, Veterinary or Pathological Waste, provided such use is located a minimum of 1,000 metres from all Residential Zones, Open Space Zone - OS, Institutional One Zone – I1 and Institutional Two Zone – I2.”
8. By-law 270-2004, as amended, is hereby further amended by adding the following uses as a permitted accessory use in Section 33.2 Industrial Three A - M3A as Section 33.2.1 (c) (5):
- “(5) Thermal Degradation (Energy from Waste) Use, provided that the source of waste input into the energy generation is a by-product of the primary use of the site and is not a Hazardous Waste.”
9. By-law 270-2004, as amended, is hereby further amended by adding the following to Section 30.0 General Provisions for Industrial Zones, as Section 30.16:
- “30.16 Mechanical Sterilization
- Mechanical Sterilization shall be permitted as an accessory use to Animal Hospitals, Private or Public Hospitals, Institutional Uses, Nursing Homes, and Public Uses wherever those uses are permitted in this By-law.”
10. By-law 270-2004, as amended, is hereby further amended by adding the following to M3-Section 1678, Section 1678.2, before the word “shall”:

“notwithstanding the provisions of Section 33.1.1 (a) (6), the lands”

- 11. By-law 270-2004, as amended, is hereby further amended by adding the following to M1-Section 2554, Section 2554.2, before the word “shall”:

“notwithstanding the provisions of Section 30.9, the lands”

- 12. By-law 270-2004, as amended, is hereby further amended by amending Schedule “A” of By-law 270-2004 to zone the lands known municipally as 8 Bramwin Court, and described as Part of Lot 2, Concession 6, E.H.S, as M3A-Section 1396 as shown on Schedule “A” attached to this By-law.

- 13. By-law 270-2004, as amended, is hereby further amended by adding the following as M3A-Section 1396:

“1396 The lands designated M3A-Section 1396 on Schedule A to this by-law:

1396.1 notwithstanding the provisions of 33.2.1 (a) (6), in addition to the uses permitted in the M3A Zone, the lands may be used for a Non-Hazardous Waste Solid Waste Processing Use with no outdoor storage.”

- 14. This By-law shall not come into effect until Official Plan Amendment OP____ – _____comes into force and effect.

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL, this day of _____, 2007.

SUSAN FENNELL - MAYOR

KATHY ZAMMIT - CITY CLERK

Approved as to Content

Adrian Smith, MCIP, RPP
Director, Planning &
Land Development Services