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Report

Planning, Design & Development Committee

Standing Committee of the Council
of the Corporation of the City of Brampton

Date: August 14, 2007

File: N05

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

DATE: September 5, 2007

Subject: **INFORMATION REPORT**

**Incineration and Waste Processing Transfer and Disposal Study
City of Brampton Proposed Official Plan Amendment and Zoning By- Law
Amendment**

Contact: David Waters, Manager, Land Use Policy (905-874-2074)

Overview:

- The City retained the MMM Group to undertake an Incineration and Waste Processing Transfer and Disposal Study. This study represents a major City initiative that evaluates the appropriateness of the City's land use designations, applicable land use policies, and transportation modes and routes.
- The review is necessary to recommend implementation policies and zoning measures to guide development of incineration and waste processing, transfer and disposal sites in the City.
- Pending completion of the study, the City of Brampton passed an Interim Control By-law, which prohibits the expansion or development of any waste transfer or recycling stations along with combustion-based power generation facilities within specific areas of Brampton. Interim Control By-Law 325-2006 expires on October 10, 2007.
- The City is proposing to implement the study's recommendations in the form of an Official Plan amendment and Zoning By-Law amendment, prior to the expiration of the Interim Control By-Law.
- The proposed planning amendments to the City's Official Plan and Zoning By-Law would implement planning principles and a policy direction, including the determination of permitted locations for uses, imposition of minimum separation distances from sensitive land uses and addition of new definitions to help clarify new terminology and processes. The official plan amendment will also provide a framework to assist the City in reviewing Certificate of Approval applications.

RECOMMENDATIONS:

1. THAT this report entitled "Information Report – Incineration and Waste Processing Transfer and Disposal Study, City of Brampton Proposed Official Plan Amendment and Zoning By-Law Amendment" and attachments (File: N05) be received; and,
2. THAT staff be directed to report back to Planning, Design and Development Committee with the results of the public meeting and a staff recommendation prior to the expiry of Interim Control By-Law 325-2006.

BACKGROUND

Incineration, waste processing, and energy generation have become prominent land use issues in the city of Brampton and the GTA. Recent growth forecasts for the Greater Golden Horseshoe show that an additional 3.7 million people will be living in this region by 2031. This growth poses implications and presents challenges for energy generation, waste management and the associated policy framework. There are numerous municipal responsibilities associated with the consideration of waste and energy infrastructure including land use compatibility and consideration for public health and safety as identified through the Planning Act and the Provincial Policy Statement (PPS).

Waste processing, transfer and disposal issues are combined with the issues of an emerging energy supply shortage. Additional supply of fossil fuels and electricity is needed in the Province and prices have risen sharply. It is expected that incinerators will be used for waste disposal and power generation. It is recognized that the current policy and land use regulation framework in Brampton planning documents requires refinement in order to deal with the challenges associated with the pressures that are anticipated.

City Council approved Interim Control By-Law 312-2005 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. The Interim Control By-Law covers specific areas of the municipality, which generally includes all employment lands in the City.

On September 23, 2006, Council endorsed the extension of the Interim Control By-Law for another year, expiring on October 10, 2007. The purpose of the Interim Control By-Law is to prohibit new or expanded incineration or waste processing, transfer or disposal uses while the City carries out a planning study.

The purpose of the Incineration and Waste Processing Transfer and Disposal Study is to:

- evaluate the appropriateness of the City's land use designations, applicable land use policies, as well as transportation modes and routes; and
- recommend implementation policies and zoning measures to guide development of

incineration and waste processing, transfer and disposal sites.

In early in 2006 the city retained the MMM Group to undertake the study. A technical working group was assembled consisting of City and Regional staff to work with the consultants in completing the study and assessing the City's current and future policy framework.

The following sections summarize the findings of the consultant's report. The Planning Policy Approach and recommended amendments are attached as Appendix A.

Phase 1: Background Research

Phase 1 summarizes the existing policy framework of the various levels of government and public agencies, provides a regulatory overview and discusses the potential land use effects from existing and emerging technologies. This included a review of the approach and policy framework of the other municipalities faced with similar issues, to identify general requirements, patterns and anomalies.

According to Phase 1, the City's planning policy and approvals process will need to:

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

The study identifies 5 key areas of municipal responsibility in matters of waste management:

- 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 orderly distribution of land uses;
- to ensure compatibility with adjacent land uses;
- to ensure the orderly development of individual sites;
- public health and safety (e.g., fire prevention and emergency response)

Phase 1 describes the emerging types of technology that are being used to process and recycle waste, which include physical, biological, thermal and chemical processes. It is important to recognize that the Region of Peel is using some of the latest technology emerging in the field of waste management. The background research identified different categories of facilities, which exist in the City and/or may be anticipated through emerging technologies.

Phase 2: Evaluation and Analysis

The planning policy approach component of the study involved the identification of possible strategies to manage waste and energy uses. The City's consultants undertook research and worked with staff to formulate strategies for dealing with types of incineration, waste

processing, and combustion-based power generation uses. The City's current policy framework was reviewed for any deficiencies and improvements. This included considering the potential risk for the City of Brampton associated with land use development adjacent to waste management and combustion-based power generation facilities.

A draft Planning Policy Approach report was submitted to the City by the consultant that recommended a planning policy framework for the regulation of incineration and waste processing, transfer and disposal uses. The report formed the basis for amendments to the City's Official Plan and Zoning By-Law.

The draft planning policy approach consists of a set of planning principles that the City intends to implement through the regulation of such uses, and preferred policy directions that may include:

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

Appendix B identifies the types of operations/uses and corresponding draft policy direction provided by MMM Group based on their understanding of the potential impacts and required extent of municipal regulation through the planning approvals process.

CURRENT SITUATION

Phase 3 of the study represents the implementation phase, in which the consultants have drafted a proposed Official Plan Amendment and Zoning By-Law to implement the findings and recommendations of the study.

The preferred policy framework is to be implemented through amendments to the existing Official Plan (1993), the Council adopted Official Plan (2006) and to the City's Zoning By-Law.

The draft planning amendments aim to achieve the preferred policy direction, listed on page four of this report. The draft amendments to the City's Official Plan and Zoning By-Law are meant to implement the planning principles and policy direction described above, including the determination of permitted locations for uses, imposition of minimum separation distances

from sensitive land uses, addition of new definitions to help clarify new terminology and processes, and provision of a formalized framework to guide the City's role in reviewing Certificate of Approval applications made to the Ministry of the Environment.
Proposed Hazardous Waste Policies

Of particular interest to residents, industry representation and the general public has been the policy framework respecting the transfer and processing of hazardous waste. The proposed Official Plan amendment requires the processing of Hazardous Waste Chemicals or Manufacturing Intermediaries (i.e. pharmaceutical, detergents and soaps, photo processing wastes, etc.) or Medical, Veterinary or Pathological Wastes to be permitted a minimum of 1,000 metres from a sensitive land use in Industrial designations and subject to criteria to be addressed through the site plan review process. The uses may be permitted a minimum of 300 metres from a sensitive land use subject to a site specific zoning by-law amendment with specific issues to be considered through the rezoning process. Thermal degradation of hazardous waste (Medical, Veterinary or Pathological Wastes) is subject to these same conditions. These minimum separation distances are based on the Ministry of Environment Guidelines (D-6) on "Compatibility Between Industry Facilities and Sensitive Land Uses."

However, the transfer or processing of Severely Toxic Hazardous Waste, Radioactive Wastes and PCB Waste would not be permitted except by full site-specific official plan amendment and rezoning. Thermal degradation of severely toxic hazardous waste, hazardous waste chemicals or manufacturing intermediaries, other hazardous wastes, radioactive waste and PCB waste is also subject to a full official Plan amendment and rezoning. New Sanitary Landfill Sites are not contemplated in the City of Brampton given the predominantly urban nature of the City.

City staff and MMM Group have continued to meet with industries to address questions and concerns, and the information exchange has proven extremely beneficial in formulating the amendments to the planning documents. The City proposed Official Plan amendment (to both the existing 1993 Official Plan and the 2006 Council adopted Official Plan) and Zoning By-Law are hereto attached as Appendices C, D and E, and the highlights of these amendments are described below.

Draft Official Plan Amendment

The draft Official Plan Amendment proposes to revise the Official Plan to add new policies to direct the development of thermal degradation, waste processing, transfer and disposal uses in the City of Brampton.

Key elements of the draft Official Plan Amendment include:

- introduce Hazardous Waste policies;
- amend the waste management policies to reflect use classifications and add new definitions;
- outline the appropriate criteria to be addressed by an applicant where an Official Plan Amendment is required;
- add policies to deal with legally existing waste disposal uses and legally existing non-conforming waste disposal uses;
- amend the definitions section to reflect use classifications;
- provide a formalized framework to guide the City's role in reviewing Certificate of Approval applications made to the Ministry of the Environment;
- amend the existing industrial designations to identify which uses are permitted;
- impose minimum separation distances from sensitive land uses; and,
- amend the holding by-law section.

Draft Zoning By-Law

The City's draft amendment proposes to:

- amend certain existing industrial zones to identify uses that are permitted in each zone; and,
- amend the definition section to reflect new definitions and to clarify new terminology and processes.

Respectfully submitted,



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for John Corbett, MCIP, RPP
Commissioner, Planning, Design and
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Attachments:

Appendix A: Planning Policy Approach

Appendix B: Summary Table of Policy Direction by Operation/Use

Appendix C: Draft Official Plan Amendment (existing 1993)

Appendix D: Draft Official Plan Amendment (Council adopted 2006)

Appendix E: Draft Zoning By-Law Amendment

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Appendix A
Planning Policy Approach
(Available upon request from the Planning, Design & Development Department)

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Appendix B
Summary of Policy Direction by Operation/Use

Table 1 - 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	Primary Use / Accessory Use	<input checked="" type="checkbox"/> require minimum 300 metres from a sensitive land use	<input checked="" type="checkbox"/> if less than 300 metres from a sensitive land use, but no less than 70 metres	
2. Solid Waste (Non-Hazardous Waste) Processing Site	Primary Use / Accessory Use	<input checked="" type="checkbox"/> require minimum 300 metres from a sensitive land use	<input checked="" type="checkbox"/> if less than 300 metres from a sensitive land use, but no less than 70 metres	
3. Waste Transfer or Processing or Thermal Degradation (Hazardous Waste) Site	Severely Toxic Hazardous Waste			<input checked="" type="checkbox"/> waste transfer or processing <input checked="" type="checkbox"/> thermal degradation 1000m
	Hazardous Waste Chemicals or Manufacturing Intermediaries	<input checked="" type="checkbox"/> waste transfer 300m <input checked="" type="checkbox"/> waste processing 1000m	<input checked="" type="checkbox"/> waste transfer 70m <input checked="" type="checkbox"/> waste processing 300m	<input checked="" type="checkbox"/> thermal degradation 1000m
	Medical, Veterinary or Pathological Waste	<input checked="" type="checkbox"/> waste transfer 300m <input checked="" type="checkbox"/> waste processing 1000m <input checked="" type="checkbox"/> thermal degradation 1000m	<input checked="" type="checkbox"/> waste transfer 70m <input checked="" type="checkbox"/> waste processing 300m <input checked="" type="checkbox"/> thermal degradation 300m	
	PCB Waste			<input checked="" type="checkbox"/> waste transfer or processing <input checked="" type="checkbox"/> thermal degradation 1000m
	Radioactive Waste			<input checked="" type="checkbox"/> waste transfer or processing <input checked="" type="checkbox"/> thermal degradation 1000m
4. Thermal Degradation Non-Hazardous (Energy from Waste) Site, or Non-Energy Producing	Primary Use	<input checked="" type="checkbox"/> 1000m	<input checked="" type="checkbox"/> 300m	
	Accessory Use	<input checked="" type="checkbox"/> thermal degradation, (only if the source of waste input to energy production is a by-product of the principle use of the site)		
5. Power Generation (Fuel Combustion) Site	Primary Use only		<input checked="" type="checkbox"/> if greater than 300 metres from a sensitive land use	
6. Landfill Site		Landfill Sites are not contemplated in the City		

Source: MMM Group Limited

- Indicates the policy direction recommended for each type of operation/use
- * 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.

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Appendix C
Draft Official Plan Amendment (1993)

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 4.6.4.10 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:

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall demonstrate appropriate wastewater and runoff management measures;
- the applicant shall provide appropriate urban design measures including visual screening of the operation; and
- 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:

- Air Quality Impact Report; and
- Noise Study.

4.6.4.9 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.

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."

- 4.2 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.

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 through the Site Plan Control process:

- 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 runoff management measures; 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, which 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 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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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, which the City:

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

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

~~(iv)~~(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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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, which 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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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.

~~(vi)~~(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, Hazardous Waste Processing Use or Thermal Degradation (Hazardous Waste) Use

~~(vii)~~(vi) Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological 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 through the Site Plan Control process:

- 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 runoff management measures; 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, which the City:

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

~~(viii)~~(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 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 runoff management measures;
- the applicant shall provide appropriate visual screening of

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- the operation; 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, which the City:

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

~~(ix)~~(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 through the Site Plan Control process:

- 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 runoff management measures; 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, which the City:

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

~~(ix)~~(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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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, which the City:

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

~~(xii)~~(x) To address the protection of public health and safety, Hazardous Waste Transfer Use or Hazardous Waste Processing Use for Severely Toxic Hazardous 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 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.

~~(xii)~~(xi) To address the protection of public health and safety, Thermal Degradation (Hazardous Waste) Use of Severely Toxic Hazardous 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;
- 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.

New Sanitary Landfill Site

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

Peer Review

- (xiii) 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.

Holding Symbol

- (xiv) 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

- (xv) Nothing in this section shall affect the continuance of any legally existing Waste Disposal Use that existed 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

- (xvi) 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.

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, 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."

4.4 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 Hazardous Waste" means commercial chemical products or manufacturing intermediates defined as Severely Toxic Hazardous Waste under O.Reg. 347, however, it shall not include pharmaceuticals.
- 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.
- 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, 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."

“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 Waste Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous 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 Processing Use 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.”

“Non-hazardous 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 Waste Transfer Use. The waste handled at a Non-hazardous Waste Transfer Use is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347.”

“Thermal Degradation (Energy from Waste) Use” means a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Non-Energy Producing) Use” means a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Hazardous Waste) Use” means a Waste Disposal Use that treats hazardous waste by thermal means. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment, but does 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, excluding Severely Toxic Hazardous Waste, Radioactive Waste, or PCB Waste, 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 (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 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, 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

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Appendix D
Draft Official Plan Amendment (Council Adopted 2006)

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 runoff management measures;
 - the applicant shall provide appropriate urban design measures including visual screening of the operation; 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.”
- 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 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."

- 4.3 The document known as the City of Brampton Official Plan is hereby amended, by deleting Section 4.5.5.7, 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.

- 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 through the Site Plan Control process:
 - 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 runoff management measures; 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 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 runoff management measures;
 - the applicant shall provide appropriate visual screening of the operation; 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 runoff management measures;
 - the applicant shall provide appropriate visual screening of the operation; 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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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, Hazardous Waste Processing Use or Thermal Degradation (Hazardous Waste) Use

- (vi) Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological 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 through the Site Plan Control process:
- 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 runoff management measures; 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 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 runoff management measures;
 - the applicant shall provide appropriate visual screening of the operation; 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.
- (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 through the Site Plan Control process:
- 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 runoff

- management measures; 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 runoff management measures;
- the applicant shall provide appropriate visual screening of the operation; 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.
- (x) To address the protection of public health and safety, Hazardous Waste Transfer Use or Hazardous Waste Processing Use for Severely Toxic Hazardous 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 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.
- (xi) To address the protection of public health and safety, Thermal Degradation (Hazardous Waste) Use of Severely Toxic Hazardous 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;
 - 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.

New Sanitary Landfill Site

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

Peer Review

- (xiii) 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.

Holding Symbol

- (xiv) 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

- (xv) 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]. However, the City, in cooperation with the affected businesses, shall attempt to reduce the number of non-conforming uses wherever possible according to the policies of this

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Plan.

Legally Existing Non-Conforming Waste Disposal Use

- (xvi) 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.”
- 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 circled 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 Hazardous Waste” means commercial chemical products or manufacturing intermediates defined as Severely Toxic under O.Reg. 347, however, it shall not include pharmaceuticals.
- 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.

- 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, 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*.”

“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 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.”

“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 waste and is not hazardous waste, both as defined by O.Reg. 347.”

“Thermal Degradation (Energy from Waste) Use” means a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Non-Energy Producing) Use” means a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Hazardous Waste) Use” means a Waste Disposal Use that treats hazardous waste by thermal means. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment, but it does 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, excluding Severely Toxic, Radioactive Waste, or PCB Waste, 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 (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 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, 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

D1-70

Appendix E
Draft 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 Hazardous Waste" shall mean commercial chemical products or manufacturing intermediates defined as Severely Toxic Hazardous Waste under O.Reg. 347, however it shall not include pharmaceuticals.

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.

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, 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*.

"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."

"Public Use" shall mean uses that are owned or leased by a public authority for community, recreational, administrative, educational, health care, protection, waste disposal, utility or other governmental purposes, and includes accessory uses to a public uses."

"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 Waste Processing Use" shall mean a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous 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 Processing Use 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.”

“Non-hazardous 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 Waste Transfer Use. The waste handled at a Non-hazardous Waste Transfer Use is not liquid waste and is not hazardous waste, both as defined by O.Reg. 347.”

“Thermal Degradation (Energy from Waste) Use” shall mean a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Non-Energy Producing) Use” shall mean a Waste Disposal Use 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. It shall not include the thermal degradation of hazardous wastes.”

“Thermal Degradation (Hazardous Waste) Use” shall mean a Waste Disposal Use that treats hazardous waste by thermal means. Thermal degradation includes incineration, gasification, pyrolysis or plasma arc treatment, but it does 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, excluding Severely Toxic or Acute Hazardous Waste Chemicals, Radioactive Waste, or PCB Waste, 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 (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 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, 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 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 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 adding Section 6.35 with the following:

“(6.35) Regional Municipality of Peel Waste Disposal Uses Permitted

Waste Disposal Uses owned or leased by 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 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.”

- 4. 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) and (9):

- “(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, 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.”
5. 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.”
6. 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) and (8):
- “(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, 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.”
7. 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.”

- 8. 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) and (8):

“(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 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.”

- 9. 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.”

- 10. 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

LEONARD J. MIKULICH - CITY CLERK

Approved as to Content

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

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