



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

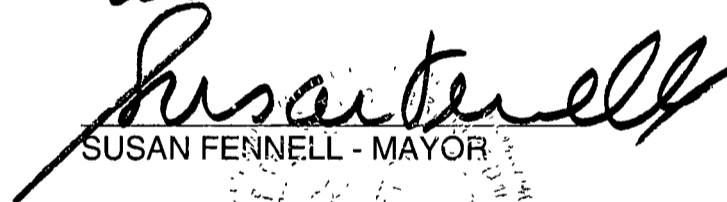
Number 326-2007

To adopt Amendment Number OP93-288 and OP2006-009
to the Official Plan of the
City of Brampton Planning Area

The Council of the Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13, hereby ENACTS as follows:

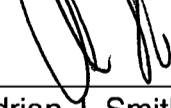
1. Amendment Number OP93 - 288 to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.
2. Amendment Number OP2006 - 009 to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL, this 10 day of, October 2007.


SUSAN FENNELL - MAYOR


K. ZAMMIT - CLERK

Approved as to Content:



Adrian J. Smith, MCIP, RPP
Director, Planning and Land
Development Services.

APPROVED AS TO FORM LAW DEPT. BRAMPTON
<u>CG</u>
DATE <u>04/00/07</u>

AMENDMENT NUMBER OP93 - 288
 TO THE OFFICIAL PLAN OF THE
 CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

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

2.0 Basis:

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

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

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

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

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

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

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

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

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

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

3.0 Location:

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

4.0 Amendments and Policies Relative Thereto:

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

Power Generation (Fuel Combustion) Use

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

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

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

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

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

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

the required conditions are satisfied, a by-law removing the holding symbol will be passed.

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

“Waste Management Uses

- 4.6.5.12 The direction of waste management uses including thermal degradation, waste processing, transfer and disposal shall be guided by the policies of this Plan and the 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 heritage.

In this regard, the City shall:

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

Waste Disposal Uses

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

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

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

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

- (i) Non-hazardous Solid Waste Transfer Use or Non-hazardous Solid Waste Processing Use, may only be permitted on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact

Study;

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

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

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

(ii) Notwithstanding Section 4.6.5.13 (i), Non-hazardous Solid Waste Transfer Use or Non-hazardous Solid Waste Processing Use, may be permitted by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment Permission, subject to meeting the four tests of the Planning Act, on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

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

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

City:

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

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

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

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

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

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

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

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

Study;

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

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

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

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

Hazardous Waste Transfer Use or Mechanical Sterilization

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

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

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

- Air Quality (including odour) Impact Report; and
 - Noise Study.
- (vii) Notwithstanding Section 4.6.5.13 (vi), Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:
- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
 - the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
 - the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
 - the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
 - the applicant shall demonstrate appropriate wastewater and stormwater management measures;
 - the applicant shall provide appropriate visual screening of the operation;
 - the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
 - the applicant shall provide a Fire Safety Consultant Report.

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

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

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

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

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

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

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

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

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

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

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

Hazardous Waste Transfer Use or Hazardous Waste Processing Use

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

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

Thermal Degradation (Hazardous Waste) Use

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

- the appropriate separation distance to ensure that a Sensitive Land Use, and the general public health and safety, are protected against adverse impacts from odour or emissions, which shall in no instance be less than 1,000 metres from a Sensitive Land Use;
- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the natural heritage system, can be avoided or mitigated;

- an analysis of the potential public health and safety risks in an accident or malfunction scenario and a description of the measures to prevent such accidents or malfunctions, contingency measures, and proposed means to protect public health and safety in the event of an accident or malfunction;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan and the relevant Secondary Plan.

Mechanical Sterilization as an Accessory Use

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

New Sanitary Landfill Site

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

Peer Review

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

Holding Symbol

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

Legally Existing Waste Disposal Use

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

Legally Existing Non-Conforming Waste Disposal Use

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

Municipally Administered Waste Disposal Uses

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

Certificates of Approval and Approvals from Other Jurisdictions

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

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

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

"Hazardous Waste" means wastes that include:

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

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

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

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

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

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

“Sensitive Land Use” means a use which may be subject to adverse impacts (such as odours, contamination, noise, and vibration), generated by a nearby facility or feature and typically includes residential, institutional or outdoor recreational uses, which may include, but shall not be limited to

a residence, nursing home, hospital, trailer park, camping ground, school and/or community centre.”

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

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

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

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

“Waste Disposal Use” means:

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

manufacturing facility until such time as they are removed from the facility for disposal.”

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

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

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

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

Approved as to Content:



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

AMENDMENT NUMBER OP2006 - 009
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

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

2.0 Basis:

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

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

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

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

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

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

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

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

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

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

3.0 Location:

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

4.0 Amendments and Policies Relative Thereto:

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

Power Generation (Fuel Combustion) Use

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

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

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

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

- i) the compatibility between existing and proposed land uses (may vary by extent/intensity of the potential hazard);
- ii) the adequate provision and efficient use of waste management systems;
- iii) the protection of public health and safety;
- iv) the protection of the natural heritage system;

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

In this regard, the City shall:

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

- 4.3 The document known as the City of Brampton Official Plan is hereby amended, by deleting Section 4.7.5.7, and replacing it with the following:

Waste Disposal Uses

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

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

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

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

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

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

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

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

(ii) Notwithstanding Section 4.7.5.8 (i), Non-Hazardous Solid Waste Transfer Use or Non-Hazardous Solid Waste Processing Use may only be permitted by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment Permission, subject to meeting the four tests of the Planning Act, on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

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

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

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

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

- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and

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

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

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

- (iv) Notwithstanding Section 4.7.5.8 (iii), Thermal Degradation (Non-Energy Producing) Use and Thermal Degradation (Energy from Waste) Use may only be permitted as a primary use by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 300 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and,
- the applicant shall provide a Fire Safety Consultant Report.

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

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

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

Hazardous Waste Transfer Use or Mechanical Sterilization

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

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

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

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

(vii) Notwithstanding Section 4.7.5.8 (vi), Hazardous Waste Transfer Use for Hazardous Waste Chemicals or Manufacturing Intermediaries, or Medical, Veterinary or Pathological Waste, and Mechanical Sterilization of Waste may only be permitted by way of a Site-Specific Zoning By-law Amendment on lands designated Industrial, provided the use is located a minimum of 70 metres from a Sensitive Land Use, and where the following matters have been demonstrated to the satisfaction of the City:

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;
- the applicant shall demonstrate appropriate wastewater and stormwater management measures;
- the applicant shall provide appropriate visual screening of the operation;
- the applicant shall provide sufficient development setbacks and/or buffers to protect, preserve and enhance the natural heritage system; and
- the applicant shall provide a Fire Safety Consultant Report.

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

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

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

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

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

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

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

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

- the applicant shall conduct a review of surrounding land uses to demonstrate the compatibility of the proposed facility with land uses in the potential influence area of the application;
- the applicant shall demonstrate that appropriate mitigation and/or buffering measures can be implemented to address any potential adverse impacts from the operation including, but not limited to noise, odour, vibration, dust, traffic and the impacts of an operational upset or accident;
- the applicant shall demonstrate the appropriate traffic management measures through a Traffic Impact Study;
- the applicant shall provide an Operational Management Plan to demonstrate how they will manage litter, vermin and odour;

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

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

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

Hazardous Waste Transfer Use or Hazardous Waste Processing Use

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

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

Thermal Degradation (Hazardous Waste) Use

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

- the appropriate separation distance to ensure that a Sensitive Land Use, and the general public health and safety, are protected against adverse impacts from odour or emissions, which shall in no instance be less than 1,000 metres from a Sensitive Land Use;
- the appropriateness of the land use in the context of surrounding land uses;
- that adverse impacts to the natural environment, including the

- natural heritage system, can be avoided or mitigated;
- an analysis of the potential public health and safety risks in an accident or malfunction scenario and a description of the measures to prevent such accidents or malfunctions, contingency measures, and proposed means to protect public health and safety in the event of an accident or malfunction;
- that appropriate mitigation and public safety measures can be implemented and secured through Site Plan approvals and/or Certificates of Approval, as required under the Ontario *Environmental Protection Act*;
- the appropriate environmental approvals from the Province of Ontario or the Government of Canada have been or will be granted; and
- that the application conforms to the intent and policies of the City of Brampton Official Plan and the relevant Secondary Plan.

Mechanical Sterilization as an Accessory Use

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

New Sanitary Landfill Site

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

Peer Review

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

Holding Symbol

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

Legally Existing Waste Disposal Use

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

Legally Existing Non-Conforming Waste Disposal Use

- (xvii) An application for the enlargement or extension of an existing legal non-conforming Waste Disposal Use shall be considered by way of a Site-Specific Zoning By-law Amendment or Committee of Adjustment permission, depending upon the nature of the proposal.

Consideration of such applications shall be given based on the following:

- a) the proposed expansion does not significantly increase the size of the existing use;
- b) the proposed expansion does not further deteriorate the non-compliance with the minimum separation distances required in this Section of the Plan;
- c) the proposed expansion does not significantly increase its incompatibility with the surrounding area; and
- d) conditions that may minimize any potential nuisances can be imposed, including but not limited to: landscaping, screening, and setbacks.

Municipally Administered Waste Disposal Uses

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

Certificates of Approval and Approvals from Other Jurisdictions

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

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

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

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

“Hazardous Waste” means wastes that include:

- i) “Severely Toxic Waste” means commercial chemical products or manufacturing intermediates defined as Severely Toxic Waste under O.Reg. 347 of the *Environmental Protection Act*, however, it shall not include Pharmaceutical Waste.
- ii) “Hazardous Waste Chemicals or Manufacturing Intermediaries” means hazardous wastes that include: Hazardous Industrial Waste, Acute Hazardous Waste Chemicals, Hazardous Waste

Chemicals, Ignitable Waste, Corrosive Waste, Reactive Waste and Leachate Toxic Waste; but does not include: Medical, Veterinary or Pathological Waste, Severely Toxic Waste, Radioactive Waste, and PCB Waste as defined by O.Reg. 347 of the *Environmental Protection Act*.

- iii) “Medical, Veterinary or Pathological Waste” means any waste items generated through medical treatment, such as parts of the human body, including tissues and bodily fluids, or any part of the carcass of an animal and includes Pharmaceutical Waste.
- iv) “PCB Waste” means PCB Waste as defined by O.Reg. 362 of the *Environmental Protection Act*, such as PCB equipment, PCB liquid or PCB material but excluding decontaminated PCB material or equipment, or equipment with PCB at levels below the definition of PCB waste in Provincial regulations.”
- v) “Radioactive Waste” means waste that is required to be licensed to permit handling under the federal *Nuclear Safety and Control Act*.”

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

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

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

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

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

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

“Non-hazardous Solid Waste Processing Use” means a Waste Disposal Use that manages or prepares waste for subsequent reuse or disposal. Non-hazardous Solid Waste Processing Use typically include material recovery facilities (MRFs) and compost facilities (i.e., for municipal waste). The waste handled at a Non-hazardous Solid Waste Processing Use is

not liquid industrial waste and is not hazardous waste, both as defined by O.Reg. 347 of the *Environmental Protection Act*.”

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

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

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

“Waste Disposal Use” means:

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

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

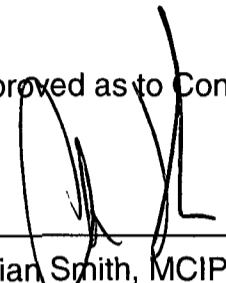
compaction) of the waste may take place at a Hazardous Waste Transfer Use.”

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

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

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

Approved as to Content:



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

In the matter of the *Planning Act, R.S.O. 1990*, as amended, sections 17 and 34:

And in the matter of the City of Brampton By-law 326-2007 being a by-law to adopt Official Plan Amendment OP93-288 and By-law 327-2007 to amend Zoning By-law 270-2004, as amended - City's Incineration and Waste Processing Transfer and Disposal Study - File N20

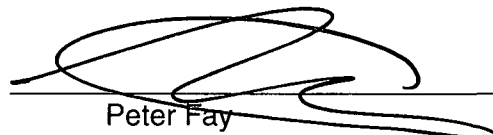
DECLARATION

I, Peter Fay, of the City of Mississauga, in the Region of Peel, hereby make oath and say as follows:

1. I am the Deputy Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters herein declared:
2. By-law 326-2007 was passed by the Council of the Corporation of the City of Brampton at its meeting on the 10th day of October, 2007, to adopt Amendment Number OP93-288 to the 1993 Official Plan;
3. By-law 327-2007 was passed by the Council of the Corporation of the City of Brampton at its meeting held on the 10th day of October, 2007, to amend Zoning By-law 270-2004, as amended.
4. Written notice of By-law 326-2007 as required by section 17(23) and By-law 327-2007 as required by section 34(18) of the *Planning Act* was given on the 119th day of October, 2007, in the manner and in the form and to the persons and agencies prescribed by the *Planning Act, R.S.O. 1990* as amended.
5. No notice of appeal was filed under section 17(24) and section 34(19) of the *Planning Act* on or before the final date for filing objections.
6. In all other respect the Official Plan Amendment and Zoning By-law have been processed in accordance with all of the *Planning Act* requirements including regulations for notice.
7. OP93-288 is deemed to have come into effect on the 9th day of November, 2007, in accordance with Section 17(27) of the *Planning Act, R.S.O. 1990*, as amended.
8. Zoning By-law 327-2007 is deemed to have come into effect on the 10th day of October, 2007, in accordance with Section 34(19) of the *Planning Act, R.S.O. 1990*, as amended.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the)
City of Brampton in the)
Region of Peel this)
14th day of November, 2007)


Peter Fay


A Commissioner, etc.

EILEEN MARGARET COLLIE, A Commissioner
etc., Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires February 2, 2008