

## **Regulatory Framework Permit with introductory note**

Industrial Emissions (Framework) Regulations, S.L.549.76; Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, S.L. 549.77; Industrial Emissions (Large Combustion Plants) Regulations, S.L. 549.78

Installation: **Delimara Power Station**

Operators: **Enemalta plc (C65836)**  
**Triq Belt il-Hazna**  
**Marsa MRS 1571**  
**MRS 1571**

**ElectroGas Malta Ltd. (C60775)**  
**Block D,**  
**Ta' Monita Residence**  
**Piazza off St. Joseph Street,**  
**Marsascala, MSK 1050**

**D3 Power Generation Ltd. (C66510)**  
**Enemalta Building**  
**Triq Belt il-Hazna**  
**Marsa MRS 1571**

Approved Documents:

Permit number  
IP 0002/07/F – framework document

Sub-permit numbers

IP 0002/07/Fi – ElectroGas Malta Ltd.  
IP 0002/07/Fii – D3 Power Generation Ltd.  
IP 0002/07/Fiii – Enemalta plc.

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## Introductory note

### ***This introductory note does not form part of the Permit***

The following Permit is issued under Regulation 7 of the Industrial Emissions (Framework) Regulations, (SL 549.76) ("the Industrial Emissions (Framework) Regulations") to operate an installation carrying out activities covered by the description in Section 1.1 in Schedule 1 of the Industrial Emissions (IPPC) Regulations (SL 549.77), to the extent authorised by the Permit, i.e.

**"Combustion of fuels in installations with a total rated thermal input of 50 MW or more".**

Aspects of the operation of the installation which are not specifically regulated by conditions in the Permit may also be subject to the condition implied by Regulation 8 of the Industrial Emissions (IPPC) Regulations, which require the Operator to use the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation.

Techniques include both the technology used and the way in which the installation is designed, built, maintained, managed, operated and decommissioned.

In some sections, the Permit conditions require the Operator to use Best Available Techniques (BAT), in each of the aspects of the management of the installation, to prevent and where that is not practicable to reduce emissions. These conditions do not explain what is BAT.

A non-technical description of the installation is given in the application, but the main activity of the installation is as follows:

- **Generation of electrical energy through the combustion of natural gas, heavy fuel oil (HFO) and gasoil.**

Note that the Permit requires the submission of certain information to the Competent Authority as per subsequent specific conditions. In addition, the Competent Authority has the power to seek further information at any time under Regulation 11 of the Industrial Emissions (Framework) Regulations, provided that it acts reasonably.

#### **Other IPPC Permits relating to this installation**

Permit holder	Permit Number	Date of Issue
<i>Not applicable</i>		

#### **Superseded Licences/Authorisations/Consents relating to this installation**

Holder	Reference Number	Date of Issue
<i>Enemalta Corporation</i>	IP 0002/07/A	29 March 2010
<i>Enemalta Corporation</i>	IP 0002/07/B	6 December 2011
<i>Enemalta Corporation</i>	IP 0002/07/C	23 July 2012
<i>Enemalta Corporation</i>	IP 0002/07/D	17 September 2013
<i>Enemalta plc</i>	IP 0002/07/E	01 April 2014

## Multiple Operator installations

As indicated in Regulation 6(3) of S.L. 549.76<sup>1</sup>, a permit may regulate several parts of an installation operated by different operators. The importance of integrating the operations of each technical unit stems from the definition of "installation" in the provisions of S.L. 549.76, where this is defined as "a stationary technical unit within

<sup>1</sup> L.N. 9 of 2013 – Industrial Emissions (Framework) Regulations, 2013

which one or more activities listed in the regulations concerning integrated prevention and control or in the regulations concerning organic solvents are carried out, and any other directly associated activities on the same site which have a technical connection with these activities and which could have an effect on emissions and pollution”.

In accordance to guidance provided by the Commission, an activity is considered to be a directly associated activity with a Schedule 1 activity if it shares common features, for example: it is part of the same industrial complex; it operates in the same or a related sector; or operates with some collective aspects such as site security.

This installation is therefore being regarded as a multi operator installation.

## Functions of the permit

This Permit consists of four main parts which have been structured so as to include:

- **the regulatory framework permit** addressing the obligation of all operators and coordinating these obligations due to the nature of the facility as a multi-operator installation (IP 00002/07/Fi).
- **Subsidiary permit 1** addressing the operation carried out by ElectroGas Malta Ltd (IP 00002/07/Fi).;
- **Subsidiary permit 2** addressing the operations carried out by D3 Power Generation Ltd.(IP 00002/07/Fii).
- **Subsidiary permit 3** addressing the operations carried out by Enemalta plc.(IP 00002/07/Fiii)

## Variations to the Permit

This Permit may be varied at any time in the future (by the Authority serving a Variation Notice on the Operator). If any of the Operators wants any of the Conditions of either the regulatory framework or to the operator specific subsidiary permit to be changed, a formal application must be submitted to the Competent Authority. When such an application is submitted to the Authority for its consideration, the decision shall be carried out in consultation with the other operators within this multi operator installation

The **Status Log** within the Introductory Note to any such Variation Notice will include summary details of this Permit, variations issued up to that point in time and state whether a consolidated version of the Permit has been issued.

## Surrender of the Permit

Before this Permit can be wholly or partially surrendered, an Application for the surrender of the Permit has to be made to the Competent Authority by any of the Operators. For the application to be successful, the Operator(s) requesting this surrender must be able to demonstrate to the Competent Authority that there is no pollution and/or public health risk and that no further steps are required to return the site to a satisfactory state.

## Transfer of the Permit or part of the Permit

Before the Permit can be wholly or partially transferred to another person, an application to transfer the Permit has to be made to the Competent Authority, by the existing and proposed holders jointly. A transfer will be allowed unless the Authority considers that the proposed holder(s) will not be the person who will have control over the operation of the installation or will not comply with the conditions of the transferred Permit. If, however, the Permit authorises the carrying out of a specified waste management activity, the transfer will only be allowed if the proposed holder is also considered to be a technically competent person.

## Public Registers

This IPPC Permit and application are available to the public through the Competent Authority in accordance with the requirements of the Industrial Emissions (IPPC) Regulations. The applicant has made a request for certain information of a commercial nature to be withheld from the public. ERA has been supplied with all this information and has accepted the request of the applicant, because it was deemed to be commercially confidential. Alternative text which provides relevant information but does not include the confidential information has however been included in the application.

## Status Log

Detail	Date	Comment
<i>Application IP 0002/07</i>	<i>Received 05 February 2007</i>	<i>Not 'duly made'</i>
<i>Response to request for information</i>	<i>Request dated 16 June 2007</i>	<i>Response dated July 2007</i>
<i>Report on boiler conversion for emission reduction</i>	<i>PDS submitted 24 April 2008</i>	<i>Request for further information dated 14 July 2008. Further information submitted 24 September 2008</i>
<i>Noise survey</i>	<i>Report submitted 25 July 2008</i>	
<i>Application 'duly made'</i>	<i>27 April 2009</i>	
<i>Response to request for information</i>	<i>Request dated 27 April 2009</i>	<i>Response received 18 May 2009 Consolidated version received 18 May 2009</i>
<i>Public consultation</i>	<i>Commenced on 21 May 2009</i>	<i>Concluded on 20 June 2009</i>
<i>Re-classification of the phase 1 boilers (from 380 to 332 MW<sub>TH</sub>)</i>	<i>Official letter dated 28 September 2009 plus supporting documents.</i>	
<i>Permit determined</i>	<i>01 October 2009</i>	
<i>Permit issued</i>	<i>29 March 2010</i>	
<i>Application for variation of permit to include diesel engines</i>	<i>Application received on 11 February 2010</i>	
<i>Response to request for information</i>	<i>Request dated 19 April 2010</i>	<i>Response received 31 May 2010, 17 June 2010 and 26 July 2010</i>
<i>Response to request for information</i>	<i>Request dated 17 September 2010</i>	<i>Response received 12 May and 2 June 2011</i>
<i>Response to request for information regarding Nox emissions</i>	<i>Request dated 24 June 2011</i>	<i>Response received 4 July 2011</i>
<i>Response to request for information regarding socio-economic assessment</i>	<i>Requests dated 24 June, 4 July and 18 July 2011</i>	<i>Response received on 4 August 2011</i>
<i>Response to request for information</i>	<i>Request dated 5 July 2011</i>	<i>Response received on 22 July, 27 July 2011.</i>

Detail	Date	Comment
<i>Correspondence regarding flue gas volume calculations</i>	Information submitted by Enemalta on 30 June, 8 and 29 July 2011 and 29 August 2011	Request accepted on 4 August 2011
<i>Request for variations to existing permit</i>	Received on 29 July 2011	
<i>Request for consolidated application</i>	Request made on 26 July 2011	Consolidated application received on 17 August (draft) and 23 August 2011 (final)
<i>Air dispersion model</i>	Report submitted on 24 August 2011	
<i>Updated cooling water dispersion modelling study</i>	Received on 7 September 2011	
<i>Public consultation</i>	Started on 24 August 2011	Concluded on 7 October 2011
<i>Renewal and variation determined</i>	5 December 2011	
<i>Permit issued</i>	6 December 2011	Permit expires on 6 December 2015 A consolidated permit is being issued
<i>Public consultation on proposed extension to condition 2.2.1.7.9 from September 2012 to June 2013</i>	Started on 17 May 2012	Concluded on 18 June 2012
<i>Variation determined</i>	12 July 2012	
<i>Permit issued</i>	23 July 2012	Permit expires on 6 December 2015 A consolidated permit is being issued
<i>Public consultation on proposed extension for HFO use from June 2013 to March 2013</i>	Started on 28 June 2013	Concluded on 28 July 2013
<i>Variation determined</i>	5 September 2013	
<i>Permit Issued</i>	17 September 2013	Permit expires on 6 December 2015 A consolidated permit is being issued
<i>Public consultation on the determination of the choice of fuel for DPS6</i>	Started on 11 February 2014	Concluded on 12 March 2014
<i>Variation determined</i>	27 March 2014	
<i>Permit issued</i>	1 April 2104	Permit expires on 6 December 2015. A consolidated permit is being issued.

Detail	Date	Comment
<i>Permit extended</i>	1 December 2015	From 06 December 2015 to 06 June 2016
	30 May 2016	From 06 June 2016 to 6 December 2016
	02 December 2016	From 06 December 2016 to 06 June 2017
<i>Request for variations to existing permit by Electrogas Malta Ltd.</i>	13 November 2014	
<i>Request for variations to existing permit by D3 Power Generation Ltd.</i>	20 February 2015	
<i>Request for renewal and variations to existing permit by Enemalta plc.</i>	4 June 2015	
<i>Responses to request for information</i>	Electrogas Malta Ltd	From 13 November 2014 to 17 October 2016
	D3 Power Generation Ltd	From 20 February 2015 to 17 October 2016
	Enemalta plc	From 4 June 2015 to 17 October 2016
<i>Application Duly made</i>	Electrogas Malta Ltd	18 October 2016
	D3 Power Generation Ltd	18 October 2016
	Enemalta plc	18 October 2016
<i>Public Consultation</i>	Between 19 October 2016 and 27 November 2016	Public consultation extended by 10 days from the original end date of 17 November 2016.
<i>Permit Determined</i>	19 December 2016	
<i>Permit Issued</i>	11 January 2017	Permit Expires:  19 December 2020

#### End of Introductory Note

## Permit

Industrial Emissions (Framework) Regulations, S.L.549.76; Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, S.L. 549.77; Industrial Emissions (Large Combustion Plants) Regulations, S.L. 549.78

Permit number

**IP 0002/07/F**

The Environment and Resources Authority (hereinafter the Authority; the Competent Authority or ERA) in exercise of its powers under Regulation 7 of the Industrial Emissions (Framework) Regulations, 2013 (S.L.549.76) ("the Industrial Emissions (Framework) Regulations"), hereby authorises:

**Enemalta plc.(C65836)** (hereinafter "the Operator" and/or "the Permit Coordinator" unless specifically mentioned)  
Of / Whose Registered Office (or principal place of business) is at  
**Triq Belt il-Hazna, Marsa, MRS1571, Malta**

**ElectroGas Malta Ltd. (C60775)** (hereinafter "the Operator" unless specifically mentioned)  
Of / Whose Registered Office (or principal place of business) is at  
**Block D, Ta' Monita Residence, Piazza off St. Joseph Street, Marsascala, MSK 1050**

**D3 Power Generation Ltd (C66510)** (hereinafter "the Operator" unless specifically mentioned)  
Of / Whose Registered Office (or principal place of business) is at  
**Enemalta Building, Triq Belt il-Hazna, Marsa MRS 1571, Malta**

to operate specified plant described in the framework permit and subsidiary permits 1, 2 and 3 of this permit at the installation at:

**Delimara Power Station, Delimara, Marsaxlokk, MXK 1320**

to the extent authorised by and subject to the conditions of this regulatory framework permit and in the operator specific subsidiary permits included in this Permit.

<p>Environment and Resources Authority</p> <p style="text-align: center;"><b>APPROVAL</b></p> <p>Board No. _____ Held on _____</p> <p>Chairman _____ Secretary _____</p>	<p>Date Issued:</p>
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## Conditions

### 1 General

These permit conditions shall be read in conjunction with the IPPC Applications received on 02 February 2007, as subsequently clarified varied and recorded in the status log listed in the introductory note,.

These permit conditions shall also be read in conjunction with the IPPC applications submitted by all three operators as also recorded in the status log above listed in the introductory note

All Operators shall undertake all necessary measures and precautions to prevent adverse health risks as identified by the Environmental Health Directorate. If requested, the Operator has to provide evidence of mitigating measures or removal of any possible public health risks.

In the case of ElectroGas Malta Ltd and D3 Power Generation Ltd., this framework permit and subsidiary permits 1 and 2 shall address both the commissioning phase and the operational phases of the plant. The extent of these two phases is addressed in the relevant sections of both subsidiary permit 1 and subsidiary permit 2.

Any Authorisation or permit issued by the Authority or Transport Malta is granted saving third party rights, does not exempt the operator from any provisions Laws and Regulations in force and without prejudice to any other permits, licenses or authorizations which may be required from any other Entity or Department.

#### 1.1 Permitted Activities

1.1.1 The Operators are authorised to carry out the activities and the associated activities specified in Table 1.1.1. This table covers the extent of permitted activities for each operator and any directly associated activities sharing common infrastructure between the operators.

1.1.2 Permitted activities specific to each operator are included in each Operator's subsidiary permit.

Table 1.1.1			
Activity listed in Schedule 1 of the Industrial Emissions (IPPC) Regulations / Associated Activity	Description of specified activity	Limits of specified activity	Extent of responsibility
Section 1.1: Combustion installations with a rated thermal input exceeding 50 MW	Generation of electrical energy through the combustion of heavy fuel oil and gasoil.	From receipt of fuel to delivery of utility.	Enemalta plc.

	<p>Installation consists of two boilers making up DPS1 (phase 1A and phase 1B), two open cycle gas turbines (DPS2 and DPS3), two combined cycle gas turbines (DPS4 and DPS5) and four medium-speed combined cycle diesel engines (DPS6 – diesel engines 1 to 4)<sup>2</sup>.</p>		
	<p>Generation of electrical energy through the combustion of Natural Gas</p> <p>Installation consists of three Combined cycle gas turbines (DPS 7),</p>	From receipt of fuel to delivery of utility.	Electrogas Malta Ltd.(EGM)
	<p>Generation of electrical energy through the combustion of Natural Gas and gasoil</p> <p>Installation consists of four medium-speed combined cycle dual fuel (natural gas and gasoil) diesel engines (DPS6 – diesel engines 5 to 8).</p> <p>Installation consists of four medium-speed combined cycle single fuel (natural gas)</p>	From receipt of fuel to delivery of utility.	D3 Power Generation Ltd. (D3PG)

<sup>2</sup> Regarding diesel engines 1 to 4, operations shall be retained by Enemalta until such time that that these are fully converted to run on natural gas and operations transferred to D3PG as per conditions 1.7 in IP0002/07/Fii and conditions 1.8 in IP0002/07/Fiii.

	diesel engines (DPS6 – diesel engines 1 to 4) <sup>3</sup> .		
Associated activity of fuel handling and storage	Handling and storage of Natural Gas	From receipt of fuel and storage within the Floating Storage Unit to delivery to the Regasification Plant.	ElectroGas Malta Ltd.
	Handling and storage of heavy fuel oil	From receipt of the fuel and storage in tank farm to combustion in DPS1 and diesel engines 1 to 4 <sup>4</sup>	Enemalta plc.
	Handling and storage of gasoil	From receipt of the fuel and storage in tank farm from Enemalta plc at tie-in point TP4.D3 to combustion in the diesel engines 5 to 8 and the 3.85MW <sub>th</sub> auxiliary boiler	D3 Power Generation Ltd.
		From receipt of fuel and storage in tank farm to combustion in the diesel engines 1 to 4 <sup>5</sup> and DPS 2 to 5.	Enemalta plc
Associated activity of	Operation of a regasification	From receipt of liquified	ElectroGas Malta Ltd.

<sup>3</sup> Regarding diesel engines 1 to 4, operations shall be retained by Enemalta until such time that that these are fully converted to run on natural gas and operations transferred to D3PG as per conditions 1.7 in IP 0002/07/Fii and conditions 1.8 in IP 0002/07/Fiii.

<sup>4</sup> Regarding diesel engines 1 to 4, operations shall be retained by Enemalta until such time that that these are fully converted to run on natural gas and operations transferred to D3PG as per conditions 1.7 in IP0002/07/Fii and conditions 1.8 in IP0002/07/Fiii.

<sup>5</sup> Regarding diesel engines 1 to 4, operations shall be retained by Enemalta until such time that that these are fully converted to run on natural gas and operations transferred to D3PG as per conditions 1.7 in IP0002/07/Fii and conditions 1.8 in IP0002/07/Fiii.

regasification and gas pressure reduction	plant and a gas reducing station	natural gas from the floating storage unit to delivery to D3PG (DPS6) and DPS 7	
Associated activity of utilities	Sea water pre-treatment plant.	From intake of sea water at Marsaxlokk Bay to dosing and delivery of utility.	Enemalta plc
	Sea water discharge into Hofra Iz-Zghira	From receipt of waste water from own operations, D3PG and Electrogas operated plant to the discharge of the water .	Enemalta plc
	Provision of evaporated and demineralised water	From the generation of utility to distribution through metered tie-in point to D3PG, EGM and own use.	Enemalta plc.
	Provision of fire-fighting water	<p>External system: From intake of seawater from Marsaxlokk Bay to delivery and distribution through metered tie-in point to D3PG, EGM and own use.</p> <p>Internal system: From water reservoirs to delivery and distribution through metered tie-in point to D3PG, EGM and own use</p>	Enemalta plc.

	Provision of potable water	From receipt of potable water from mains system to distribution through metered tie-in point to D3PG, EGM and own use.	Enemalta plc.
	Foul water management	From receipt of own foul water and from D3PG's cesspits to on-site storage and connection to main sewerage network.	Enemalta plc.
	Oily-water management	From receipt of own oily-water and treated oily water from D3PG to further polishing and discharge.	Enemalta plc.
	Rainwater management	From receipt of rainwater from own operational area, EGM and D3PG to final discharge points to sea.	Enemalta plc. <sup>6</sup>
	Auxiliary steam	From generation of additional steam by D3PG to delivery to Enemalta.	D3 Power Generation Ltd.

## 1.2 Site

- 1.2.1 The activities authorised under condition 1.1.1 shall not extend beyond the installation site boundary, as outlined in purple on the Site Plan in Schedule 1A to this Permit.

<sup>6</sup> Management of catchment zones remain the responsibility of each operator.

- 1.2.2 The activities authorised under condition 1.1.1 addressing specific operators shall not extend beyond the operational boundaries as outlined in the Site Plan in Schedule 1B to this Permit.

### **1.3 Information to the public**

- 1.3.1 The operators shall make emission data (most recent hourly, daily, diurnal and monthly average values and results of the most recent discontinuous measurement) publicly available via the Internet not later than 24 hours after the production of such data.
- 1.3.2 The Local Councils most affected by emissions from the installation including Birżebbuġa, Marsaxlokk and Żejtun may jointly and in agreement with both the Authority and the operator, establish independent ambient air monitoring systems to monitor for levels of particulate matter, nitrogen oxides, sulphur dioxide, carbon monoxide, as well as any other parameters that may be agreed with the Authority at the expense of the Operator.
- 1.3.3 The Local Councils most affected by emissions from the Delimara Power Station including Birżebbuġa, Marsaxlokk and Żejtun may jointly and in agreement with the Authority, jointly appoint an independent expert to assist in the interpretation of the emission data made publicly available pursuant to condition 1.3.1.

### **1.4 Overarching Management Conditions**

- 1.4.1 Without prejudice to the other conditions of this Permit, the Operators shall implement and maintain an Environmental Management System (EMS), and an organisational structure, and allocate resources that are sufficient to achieve compliance with the limits and conditions of this Permit. The EMS shall take the form of the standardised system EN ISO 14001:2015. The EMS shall give information on the person responsible for environmental management on site, and standard operating procedures on environmentally relevant matters including contingency plan.
- 1.4.2 Until such time that the standardised EMS EN ISO 14001:2015 is implemented by D3 Power Generation Ltd. And ElectroGas Malta Ltd within one year of issue of the permit, the interim Environment Management Systems submitted by these operators as part of the IPPC application shall be fully implemented and adhered to.
- 1.4.3 Each operator shall ensure that the EMS applicable to plant regulated through each subsidiary permit is coordinated with those established by the other operators within the installation.
- 1.4.4 As part of the EMS, each Operator shall submit the following reports annually as part of the AER of the site:
- 1.4.4.1 Environmental Policy containing the installation's environmental objectives and targets;
  - 1.4.4.2 Environmental Management Programme report (for the reporting year);
  - 1.4.4.3 Environmental Management Programme proposal (for the following year);

- 1.4.5 As part of the EMS, each operator shall ensure that auditing procedures are inclusive of all other operators within the installation. Any corrective actions arising from such audits shall be discussed with other operators and the Authority, especially where these have an effect on any other operator at the installation
- 1.4.6 The Permitted Installation shall, subject to the conditions of this Permit, be managed, controlled and operated as described in the application and subsequent responses to requests for information submitted as per the Status Log above, or as otherwise agreed in writing by the Authority.
- 1.4.7 All plant, equipment and technical means used in operating the Permitted Installation shall be maintained in good operating condition.
- 1.4.8 The Permitted Installation shall be managed, controlled and operated by staff suitably trained and fully conversant with the requirements of this Permit.
- 1.4.9 Each Operator shall ensure that no development and/or consequent operation of the plant would impede further development for use of natural gas, both supplied through pipeline or in liquid form, as major fuel for use in electricity generation.
- 1.4.10 Within 6 months of the issue of the permit, the operators ( acting through the Permit Coordinator), shall submit a proposal for review by the Authority detailing how all operators within the installation shall carry out mutual audits on the other operators on standard operating procedures together and on methodologies adopted by each of the operators which are emplaced to ensure adherence with the conditions of this Permit and each of the subsidiary permits applicable .Such mutual audits shall be aimed at:
  - 1.4.10.1 ensuring that the operations of any other operator within the installation are either compatible with those of the auditing operator
  - 1.4.10.2 identifying any amendments to such procedures which are required in order to ensure that procedures adopted by one operator do not impede the operations of the other operators within the installation
- 1.4.11 Further to condition 1.4.10, the mutual audits shall be carried out in line with procedures and environment management systems as per ISO 140001.
- 1.4.12 So as to fulfil the obligations stipulated in condition 1.4.10, all operators within the installation shall provide all the necessary information requested by the permit coordinator as may be required.
  - 1.4.12.1 Once approved by the Authority, such a mutual audits shall be carried out within 6 months of the Authority's approval of the proposal and every year thereafter until the expiry of this permit.
  - 1.4.12.2 Any follow up actions as agreed between all operators and the Authority following such Audits shall be disclosed to the Authority by the Permit Coordinator and followed up by the Operators within the timeframe approved by the Authority.
- 1.4.13 Following the commissioning period and within a timeframe decided upon by the Authority, the Competent Authority shall carry out an audit at the expense of

the all the operators so as to assess compliance with the Conditions of this Framework Permit and the conditions stipulated in the Subsidiary Permits.

1.4.14 The operator is liable to the following penalties for breaches related any condition:

- A daily fine of €200 for every breach notified, for the first seven days following notification.
- After the lapse of the first seven days the fine will be increased to €500 daily for every breach notified.

penalties or fines given by the Authority to any Operator shall be the sole responsibility of that same Operator, and any other Operators shall not be liable for any such penalty or fine.

## 1.5 Improvement Programme

1.5.1 The Operators, acting through the Permit Coordinator, shall complete the improvements specified in Table 1.5.1 by the date specified in that table, and the permit coordinator shall send written notification of the date of completion of each requirement to the Authority within 10 working days of the completion of each such requirement.

Table 1.5.1: Improvement programme		
Reference*	Requirement	Date
1	For discharge point to sea one (1) in table 2.3.2, permit coordinator to re-confirm the coordinates and submit the shape file in ED-50 projection when submitting their first annual report.	Within 1 month of issue of the permit
2	Further to condition 2.3.2.6 details of the composition of the micro biocides shall be submitted in the first Annual Report	End of June 2017
3	Proposal for mutual audits between the 3 operators	By end of June 2017
4 <sup>7</sup>	Submission of proposals regarding methodology for marine ecological surveys.	By end March 2017
5 <sup>8</sup>	Submission of a coordinated baseline report and monitoring strategy	By end of December 2017
6	Submission of a coordinated outline decommissioning plan.	By end of June 2018

## 1.6 Operational Changes

1.6.1 The Operators shall seek the Authority's written agreement to any operational change as defined by SL 549.77 and its amendments, by sending to the Authority: written notice of the details of the proposed change, including an

<sup>7</sup> Item 17 in regulatory framework

<sup>8</sup> Item 12 in regulatory framework



assessment of its possible effects (including changes in emissions and waste production) on risks to the environment and public health from the Permitted Installation; any relevant supporting assessments and drawings; and the proposed implementation date.

- 1.6.2 Any such change shall not be implemented until agreed to in writing by the Authority. As from the agreed implementation date, the Operator(s) shall operate the Permitted Installation in accordance with that change, and relevant provisions in the Application shall be deemed to be amended.
- 1.6.3 In reviewing the request and taking its decision, the Authority may discuss any such operational changes with the other operators of the facility if it deems that any of these changes may impact on the operations of any of the other operators
- 1.6.4 The Director of Environment Protection and any officials to whom this role is delegated are hereby authorised to make decisions on variations to this permit, with the exception of the following cases:
  - (a) variations which could lead to significant impact on human health or the environment;
  - (b) any change in the nature or functioning or an extension of an installation where the change or extension in itself reaches the capacity thresholds set out in Schedule 1 of the Industrial Emissions (IPPC) Regulations;
  - (c) variations covered by the Environmental Impact Assessment Regulations;
  - (d) aspects of the operations specifically prohibited by this permit;
  - (e) changes to emission limit values;
  - (f) changes to fees;
  - (g) renewal of the validity of this permit.

## **1.7 Pre-Operational Conditions**

- 1.7.1 This section addresses any pre operational conditions applicable to the whole installation. More operator specific pre-operational conditions are included in the relevant sections of the subsidiary permits.
- 1.7.2 Further to section 2.3.8 of this permit, the operational phase of the plant as described in the relevant sections of subsidiary permits 1 and 2 shall not commence until such time that the COMAH competent Authority, Transport Malta and the ERA determines that any actions required prior to commissioning and operations are concluded.

## **2 Role of Co-ordinator**

### **2.1 General Provisions**

- 2.1.1 This Clause 2 regulates the role of the Permit Coordinator. For the avoidance of doubt the provisions of this Clause 2, and the role of the Permit Coordinator,

shall apply only in relation to any infrastructure which is held in common between the Operators unless specifically stated otherwise.

- 2.1.2 The Permit Coordinator shall be responsible for the maintenance, monitoring, record keeping and reporting on issues related to any common infrastructure with the other operators up to the tie-in points detailed in Schedules 2A, 2B and 2C and obligations detailed in sections 2.2.1. and this, as may be required by the Authority from time to time and as required in terms of this Framework Permit.
- 2.1.3 The Permit Coordinator shall adopt the notification record keeping procedures detailed in each of the subsequent sections of this framework permit and as detailed in the AER in Schedule 4 of this framework permit.
- 2.1.4 The Operators shall be jointly responsible to ensure that the Permit Coordinator provides its functions as detailed herein, and:
- (a) any lack of adherence by the Permit Coordinator to the terms and provisions of this Permit, shall be considered to be a lack of adherence to this Permit by each of the Operators and **not** by the Permit Coordinator;
- 2.1.5 Each Operator shall undertake to provide any information, data, and satisfy any request reasonably put forward by the Permit Coordinator, insofar as this may be required in order for the Permit Coordinator to satisfy the Operators' and the Permit Coordinator's obligations (as detailed in this Clause 2 of this Framework Permit) towards the Authority.

In the event that any Operator does not satisfy any request put forward to it by the Permit Coordinator, the Permit Coordinator is to bring this to attention of the Authority (in writing),

- 2.1.6 Any incidents or exceedances taking place in the common infrastructure shall be at the responsibility of the Operator giving rise to such incident or exceedance.
- 2.1.7 In the event of there being any incident or exceedance in the common infrastructure, the Authority shall be entitled to require any further information, data, or any other items from the Operators and/ or from the Permit Coordinator in order to determine which Operator may be responsible for any such matters, and this as may be required or determined by the Authority. In such event the procedure established in Schedule 6 shall be adopted.

## 2.2 Coordination of monitoring

- 2.2.1 As detailed in the subsequent sections the Permit Coordinator shall be responsible for the coordination and monitoring of specific activities at the installation related to any common infrastructure with the other Operators as listed in table 2.2.1 below

Table 2.2.1 – Monitoring activities assigned responsibility to the Permit Coordinator		
Monitoring activity	Relevant condition in this Framework Permit	Associated condition in Subsidiary Permits
National Emissions Ceilings	2.3.1	IP0002/07/Fi – 2.2.4
		IP0002/07/Fii – 2.2.4
		IP0002/07/Fiii – 2.2.6

<b>Table 2.2.1 – Monitoring activities assigned responsibility to the Permit Coordinator</b>		
<b>Monitoring activity</b>	<b>Relevant condition in this Framework Permit</b>	<b>Associated condition in Subsidiary Permits</b>
Emissions to Marine Water	2.3.2	IP0002/07/Fi – 2.5.1 IP0002/07/Fii – 2.5.1 IP0002/07/Fiii – 2.5.1
Ecological monitoring at Hofra z-Zghira	2.3.2.20	IP0002/07/Fi – 2.5.1.20 IP0002/07/Fii – 2.5.1.21 IP0002/07/Fiii – 2.5.1.21
Noise monitoring	2.3.3	IP0002/07/Fi – 2.11 IP0002/07/Fii – 2.11 IP0002/07/Fiii – 2.11
Emissions to Sewer	2.3.4	IP0002/07/Fi – No common tie-in point IP0002/07/Fii -2.3 IP0002/07/Fiii – 2.3
Air Dispersion Modelling	2.3.5	IP0002/07/Fi – 2.2.1.22 IP0002/07/Fii – 2.2.1.22 IP0002/07/Fiii – 2.2.5
Real time air emissions data	2.3.6	IP0002/07/Fi – 1.3.1 IP0002/07/Fii – 1.3.1 IP0002/07/Fiii – 1.3.1
Odour	2.3.7	IP0002/07/Fi – 2.9 IP0002/07/Fii – 2.9 IP0002/07/Fiii – 2.9
Safety	2.3.8	IP0002/07/Fi – 2.14.8 IP0002/07/Fii – 2.14.8 IP0002/07/Fiii – 2.14.8
Accident prevention and Control	2.3.9	IP0002/07/Fi – 2.14 IP0002/07/Fii – 2.14 IP0002/07/Fiii – 2.14
Fire-fighting system	2.3.10	IP0002/07/Fi – 2.14.6 IP0002/07/Fii – 2.14.10 IP0002/07/Fiii – 2.14.15
Incidents and Complaints	2.3.11	IP0002/07/Fi – 2.12.21 IP0002/07/Fii – 2.12.7 IP0002/07/Fiii – 2.12.7
General records, reporting and notifications	2.3.12	IP0002/07/Fi – 3.0 IP0002/07/Fii – 3.0 IP0002/07/Fiii – 3.0
Greenhouse Gas Emissions	2.3.13	IP0002/07/Fi – 6.0 IP0002/07/Fii – 6.0 IP0002/07/Fiii – 6.0

<b>Table 2.2.1 – Monitoring activities assigned responsibility to the Permit Coordinator</b>		
<b>Monitoring activity</b>	<b>Relevant condition in this Framework Permit</b>	<b>Associated condition in Subsidiary Permits</b>
Port Security	2.3.14	IP0002/07/Fi – 2.14.9
		IP0002/07/Fii – 2.14.24
		IP0002/07/Fiii – 2.14.19
Land and Groundwater investigations, closure and decommissioning	2.3.15	IP0002/07/Fi – 2.16
		IP0002/07/Fii - 2.16
		IP0002/07/Fiii – 2.16

2.2.2 All operators making use of the common infrastructure operated and monitored by the Permit Coordinator as listed in tables 1.1.1 and 2.2.1 shall provide all the necessary information to the Permit Coordinator as may be required and requested in order to ensure full compliance with the permit conditions.

2.2.3 Prior to connection to any common discharge point to the environment which is monitored and coordinated by the Permit Coordinator, all operators shall carry out independent monitoring of any parameters stipulated in the relevant part of this permit or of the subsidiary permits issued to the specific operators.

2.2.4 Any independent monitoring data collected as per the requirements of condition 2.2.3 shall be reported to the Authority on an annual basis or within the timeframe stipulated by the Authority as part of the Annual Environment Report of each subsidiary permit.

## **2.3 Monitoring activities assigned responsibility to the Permit Coordinator**

### **2.3.1 Compliance with Total Emission Ceilings**

2.3.1.1 Enemalta plc., as the permit coordinator and the entity responsible for dispatch of operations of the different plants within this installation and as Operator of another power plant located on a separate site, shall ensure that from the 1<sup>st</sup> January 2020 the total annual loads of sulphur dioxide (SO<sub>2</sub>), Carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub> as NO<sub>2</sub>), dust (PM<sub>2.5</sub>) and ammonia (NH<sub>3</sub>) from both the Marsa Power Station and Delimara Power Station shall not exceed the ceilings specified in Table 1.4.2 or any other annual ceilings as may be amended by the Authority from time to time.

<b>Table 2.3.1 - Emission Ceiling for Delimara Power Station and Marsa Power Station together.</b>	
<b>Pollutant</b>	<b>Total Annual Load in kilo tonnes</b>
Sulphur Dioxide (SO <sub>2</sub> )	1.23
Nitrogen Oxides (NO <sub>x</sub> )	1.85
Dust (PM <sub>2.5</sub> )	0.2
Ammonia ( NH <sub>3</sub> )	0.33

2.3.1.2 Enemalta plc. is to forward to the Authority:

2.3.1.2.1 By not later than end of September of each year, a detailed plan indicating how the installation will be operated in the following year in order to comply with the ceilings in table 2.3.1. The measures

communicated in this plan shall be to the satisfaction of the Authority.

2.3.1.2.2 By not later than end of September of each year (starting September 2017), the projected quarterly loads (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec) of SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> and NH<sub>3</sub> from Delimara Power Station covering the following calendar year.

2.3.1.2.3 By not later than 2 weeks after the end of each quarter, a report in the format specified in Schedule 3 on the actual loads of SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> and NH<sub>3</sub> emitted from Delimara Power Station during the previous quarter, and shall additionally submit revised projections of SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> and NH<sub>3</sub> from Delimara Power Station for the remaining quarters of that calendar year.

2.3.1.3 The measures to be included in the plan as per Condition 2.3.1.2 shall also take into account that Enemalta plc, in its dual role as Operator of specified plants within this installation and as the entity responsible for dispatch of operations of the different plants within this installation, currently also operates another power plant which is located on a separate site and which is also covered by the requirements of the Industrial Emissions (IPPC) Regulations.

2.3.1.4 The Competent Authority reserves the right to reduce these ceilings further particularly but not solely:

2.3.1.4.1 in the event of there being a new entrant on the power production market in Malta;

2.3.1.4.2 if it transpires that due to unforeseen circumstances the contributions of other sectors to the National Ceilings as per LN 291 of 2002 as amended by LN 232 of 2004 have been underestimated or if it transpires that sectors which also contribute to the total annual loads of these pollutants have been ignored;

2.3.1.4.3 if it is decided that such a decision is in the national interest

2.3.1.4.4 in the event of further reductions to Malta's National Ceilings.

2.3.1.5 The ceilings listed in table 2.3.1 shall expire on the 31 December 2029.

## **2.3.2 Coordination of emissions to Marine Water**

2.3.2.1 This Part 2.3.2 shall not apply to discharges to groundwater or sewers.

2.3.2.2 This Part 2.3.2 of this Permit shall only apply to discharges of waste waters from the sources specified in table 2.3.2 and only from the sources for those release points specified by the table in question.

<b>Table 2.3.2 - Emissions to Marine Water from common tie-in points.</b>				
<b><u>Outlet Number (as per Schedule 5)</u></b>	<b><u>External tie-in point reference</u></b>	<b><u>Details</u></b>	<b><u>UTM Co-ordinates<sup>9</sup></u></b>	
			<b><u>x-coordinate</u></b>	<b><u>y-coordinate</u></b>
<u>Point 1</u>	<u>TP21.D4</u>	<u>Existing storm water overflow from Enemalta EGM treated interceptor discharge receiving floor washings and rainwater from CCGT area and runoff from waste management area.</u>	<u>459,647</u>	<u>3,965,869</u>
<u>Point 2</u>	<u>TP13.D3</u>	<u>Existing storm water overflow from Enemalta D3PG storm water from FOT area</u>	<u>459, 903</u>	<u>3,965,595</u>
<u>Point 3</u>	<u>TP14.D3</u>	<u>Enemalta oil interceptor (from HFO and gasoil tank area), water from fuel centrifugation and run-off from access road (near gasoil tank farm)</u>  <u>D3PG oil interceptor from fuel tank area and other plant run-off.</u>	<u>459,860</u>	<u>3,965,516</u>
<u>Point 4</u>	<u>TP 18 D4</u> <u>TP 18 D3</u>	<u>Main outfall including water treatment, cooling systems, waste water from steam generation, waste water from boiler wash down/ blow down from Enemalta, D3PG and ElectroGas.</u>	<u>460,154</u>	<u>3,965,839</u>

2.3.2.3 The Permit Coordinator shall be responsible for the monitoring of discharge points indicated in table 2.3.2. All the operators shall provide the necessary information to the permit coordinator as detailed in condition 2.2.2.

2.3.2.4 In accordance with condition 2.2.3, all operators covered by the relevant subsidiary permit shall ensure that monitoring for discharges to the marine environment prior to connection to the tie-in points specified in table 2.2.3 shall be carried out in the locations agreed upon with the Authority and on the dates and times specified by the Permit Coordinator.

2.3.2.5 Dry outlets and release points whose sources are unidentified should be securely and permanently disconnected from the discharge pipe-work. Furthermore the operator shall not discharge any waste waters through these outlets.

<sup>9</sup> Zone 33s, datum ED 50, ellipsoid – Hayford International.

- 2.3.2.6 Waste waters may contain microbiocidal agents only after having undergone shock treatment with microbiocides. This shall not apply to the use of hydrogen peroxide or ozone.
- 2.3.2.7 No specified emission to water shall exceed the emission limit values set out in Table 2.3.3, without prejudice to condition 2.3.2.9. The emission limits shall apply to the waste water at the point of discharge into the sea. There shall be no other emissions to water of environmental significance.
- 2.3.2.8 Monitoring and analyses of each substance shall be carried out according to the frequencies specified in Table 2.3.3 and according to the methodologies specified in the same table or equivalent methods as approved by the Authority.
- 2.3.2.8.1 Where a method with a detection limit appropriate for the emission limit value in Table 2.3.3 is not available, the Authority may allow a method with a higher detection limit to be used instead. Samples taken shall be representative. This shall be communicated by the permit coordinator to the Authority and approved by ERA prior to application of the method.
- 2.3.2.8.2 The Operator should use standard methodologies which would achieve the required LoQs, subject to agreement on such methodologies with ERA prior to their application. The Authority may also communicate alternative methodologies once these are available .
- 2.3.2.9 The Authority may change monitoring parameters and frequencies as it considers appropriate, depending on the monitoring results submitted by the operator and on the information provided by the operators on the type of chemicals which may be additionally used for the operation of the installation. Such a change shall be reflected in the monitoring requirements within each subsidiary permit. In such cases the provisions of condition 2.3.2.4 shall apply. The authority may require monitoring for adsorbable organic halogens (AOX) should the Operator start using organic halogenated compounds.

**Table 2.3.3 - Emission limits and monitoring for emissions to marine water**

No.	Parameter	Emission limit value (annual average)	Measurement methodology	Monitoring frequency	
				Point 4	Points 1-2-3
1	Flow	-	Flow meter	Continuous or calculated	Continuous or calculated
2	pH	6-10	pH meter	Continuous	-
3	Temperature	8 °C above marine water	Digital thermometer	Continuous	-
4	Biological oxygen demand (BOD5)	25 mg/L	EN 1899: 1998	Annual	Annual
5	Total Nitrogen	10 mg/L	EN 12260:2003	Quarterly	Annual

No.	Parameter	Emission limit value (annual average)	Measurement methodology	Monitoring frequency	
				Point 4	Points 1-2-3
6	Phosphorous compounds as total phosphorous, as per EN ISO 15681	1 mg/L	EN ISO 15681: 2004	Annual	Annual
8	Chlorine dioxide and oxidants (given as chlorine)	0.3 mg/L	DIN 38408-5	Quarterly	Annual
9	Arsenic	5 µg/L	ISO 17294-2:2004	Quarterly	Annual
10	Cadmium <sup>10</sup>	0.2 µg/L	ISO 17294-2:2004	Quarterly	Annual
11	Chromium (Total)	0.5 mg/L	ISO 17294-2:2004	Every six months	Annual
12	Copper	0.5 mg/L	ISO 17294-2:2004	Quarterly	Annual
13	Lead	1.3 µg/L	ISO 17294-2:2004	Quarterly	Annual
14	Mercury	0.05 µg/L	EN ISO 17852: 2008	Every six months	Annual
15	Nickel	8.6 µg/L	ISO 17294-2:2004	Quarterly	Annual
16	Tin	1.0 mg/L	ISO 17294-2:2004	Annual	Annual
17	Vanadium	4 mg/L	ISO 17294-2:2004	Annual	Annual
18	Zinc	4 mg/L	Method 3125B, AWWA/APHA, 20 <sup>th</sup> Ed, 1999	Every six months	Annual
19	Total petroleum hydrocarbons	5 mg/L	ISO 9377-2: 2000	Every six months	Annual
20	Tributyl tin compounds (tributyltin cation; CAS number 36643-28-4)	0.0002 µg/L	EN ISO 17353: 2005	Quarterly	Annual
21	Total Suspended Solids	35 mg/L	EN 872:2005	Annual	Annual
22	Benzene (CAS number 71-43-2)	8 µg/L	EN ISO 15680:2003	Quarterly	Annual
23	PAHs as follows:				
	Benzo(a)pyrene	1.7 X 10 <sup>-4</sup> µg/L	EN ISO 17993:2003	Annual	Annual
	Benzo(b)fluoranthene, Benzo(k)fluoranthene	Sum of 2 PAHs: 0.03 µg/L	EN ISO 17993:2003	Annual	Annual

<sup>10</sup> Tests from the cooling water outfall for cadmium, chromium, copper, nickel, lead and zinc shall be carried out on composite samples consisting of samples of equal size taken at monthly intervals and blended prior to analysis, in accordance with ISO 5667-3:2003 or equivalent.



No.	Parameter	Emission limit value (annual average)	Measurement methodology	Monitoring frequency	
				Point 4	Points 1-2-3
	Benzo(g,h,i)-perylene, Indeno(1,2,3-cd)-pyrene	Sum of 2 PAHs: 0.002 µg/L	EN ISO 17993:2003	Annual	Annual
24	C10-C13 chloroalkanes (CAS number 85535-84-8)	0.4 µg/L	EPA 8270D:2007	Annual	Annual
25	Polychlorinated biphenyls (CAS number 1336-36-3)	3 µg/L	USEPA method 8082, EA method 174 and 5109631	Annual	Annual

- 2.3.2.10 In case of any exceedances of the emission limit values in Table 2.3.3 during monitoring exercises or a request for investigation by the Authority, the Permit Coordinator shall apply the procedure outlined in Schedule 6.
- 2.3.2.11 The source of any exceedance reported in the template in schedule 4 and as per procedure outlined in Schedule 6 shall be substantiated by any investigations carried out to identify the source and any corrective action taken to mitigate such an exceedance. Upon implementation of the corrective action there shall be additional monitoring exercise so as to ensure that emissions are returned to the permitted ELVs
- 2.3.2.12 In case of any exceedances of the emission limit values in Table 2.3.3 and following the adoption of the procedure referred to in condition 2.3.2.10, the Permit Coordinator in collaboration with the operator(s) shall as part of the AER submit an action programme to the Authority aimed at achieving these emission limits. Such a submission shall also be replicated in the AER of the subsidiary permit holder(s) responsible for such an exceedance.
- 2.3.2.13 Further to condition 2.3.2.12, the Permit Coordinator in collaboration with the other Operators may be requested by the Authority to assess the possibility of designating a mixing zone in the vicinity of the discharge points in line with the procedures specified in Schedule IX(3)“Mixing Zones” in L.N. 345 of 2015..
- 2.3.2.14 For the discharge points listed in table 2.3.2, the Permit Coordinator in collaboration with all the Operators, is to maintain an operating journal in which the operating and auxiliary substances used by all Operators are listed. When compiling such a journal, the Permit Coordinator may request each operator to submit Material Safety Data Sheets of the operating and auxiliary substances.
- 2.3.2.15 An annual report summarising emissions to water from the discharge points listed in table 2.3.2 shall be submitted to the Authority as part of the AER. The information contained in this report shall be prepared in accordance with format specified in Schedule 4
- 2.3.2.16 Further to the requirement in condition 2.3.2.15, the subsidiary permit holders shall follow the procedure outline in condition 2.2.4

- 2.3.2.17 The Permit Coordinator shall make sure that any sampling and chemical analysis is carried out by a laboratory accredited, as confirmed by the National Accreditation Body (NAB-Malta) or equivalent) to at least EN ISO 17025: 2005/Cor 1: 2006 and preferably for each and every test listed in table 2.5.1.2. The operator shall include a copy of the laboratory's accreditation certification in the AER.
- 2.3.218 All sampling carried out by the Permit Coordinator with the scope of monitoring compliance with the conditions listed in this permit shall be carried out according to the standards listed in table 2.3.4 or equivalent.

Table 2.3.4 Sampling	
Standard	Description
ISO 5667-1: 2006	Water quality -- Sampling -- Part 1: Guidance on the design of sampling programmes and sampling techniques
ISO 5667-3: 2012	Water quality -- Sampling -- Part 3: Guidance on the preservation and handling of water samples
ISO 5667-7: 1993	Water quality -- Sampling -- Part 7: Guidance on sampling of water and steam in boiler plants
ISO 5667-10: 1992	Water quality -- Sampling -- Part 10: Guidance on sampling of waste waters
ISO 5667-14: 1998	Water quality -- Sampling -- Part 14: Guidance on quality assurance of environmental water sampling and handling

- 2.3.2.19 The operator shall carry out a monitoring survey of the sediments around the cooling water inlet and outlet by end December 2017, in order to determine the impact of the installation on the marine environment. The parameters to be analysed are included in Schedule 7.
- 2.3.2.20 The operators, acting through the permit coordinator shall carry out ecological surveys to assess the impact of the cooling water outfall on the habitat types and species listed in the Schedules to the Flora, Fauna and Natural Habitats Protection Regulations (LN 311/06), including *Pinna nobilis* ., and *Posidonia oceanic beds* and *Cymodocea nodosa* meadows, in the surrounding waters. The surveys shall be carried out annually in the same month each year, with the first survey being carried out by end December 2017. Methodologies employed by the ecological surveys should reflect the criteria and indicators used to assess habitat status and condition by relevant EU policy including the EU Habitats Directive and the EU Water Framework Directive. With reference to records of the non-indigenous species *Penicillus capitatus* and in view of the disturbance caused by the discharges which could promote the spread of this species, the ecological survey shall also monitor the extent of spread and abundance of this species, and its interaction with local species or communities, taking into consideration links with the relevant discharges. Any decline in the conservation status of the habitat types and species in the area, especially those listed in the Schedules to LN 311/06, shall be immediately reported to the Authority, and followed up with proposals for mitigation measures, which shall be reviewed and agreed to by the Authority prior to their implementation. This information shall be included with the Annual Environmental Reports, in the format indicated in Schedule 4. The operator shall submit to the Authority a proposed methodology for this study, which shall be to the Authority's satisfaction.

### 2.3.2.1 Discharges to Marine Water: Requirements for Waste Water arising from Non-process Water

- 2.3.2.1.1 These requirements apply to discharges from points 1, 2 and 3.
- 2.3.2.1.2 Monitoring of parameters 1 and 4-25 in Table 2.3.3 from points 1, 2 and 3 is required prior to discharge of waste water **only** in case of a spillage of fuel from any tank. Testing of total petroleum hydrocarbons shall however be carried out continuously whenever water from fuel centrifugation (or other forms of water removal) is being discharged.
- 2.3.2.1.3 Each operator shall ensure that upon detection of spillages of fuel which will affect the discharge of effluent from points 1, 2 and 3, the Permit Coordinator is immediately notified in order to carry out its obligations under 2.1.2, where applicable.
- 2.3.2.1.4 Each operator shall carry out a visual examination of the discharge prior to connection with the respective tie-in point as specified in table 2.3.2. The Permit coordinator shall also carry out daily visual examination of the final discharge to surface water discharge and shall maintain a log of such inspections. Each operator as well as the Permit Coordinator shall ensure that no visible oil layer is present in surface water prior to discharge. Surface water that appears contaminated shall be treated prior to discharge to seawater.
- 2.3.2.1.5 All oily water separator system shall have a continuous hydrocarbon detector with alarm. For points 1, 2, and 3, no discharge of wastewater is allowed if the emission limit value is exceeded. Detection of oily water from points 1, 2, and 3 above the emission limit value shall be followed by immediate investigation and appropriate mitigation measures as per the procedure outlined in Schedule 6.
- 2.3.2.1.6 All operators shall ensure that surface run-off (rainwater) that might be contaminated by any spillage of fuel from fuel storage and handling shall be collected and treated prior to discharge.
- 2.3.2.1.7 In the event that any analyses or observations made on the quality or appearance of waste water from surface runoff should indicate that a contamination has taken place, each operator shall:
- i. Carry out an immediate investigation to identify and isolate the source of the contamination;
  - ii. Put in place measures to prevent further contamination and to minimise the effects of any contamination on the environment;
  - iii. notify the Authority and the Permit Coordinator as soon as is possible as per Condition 2.3.12.3 of this permit.

### **2.3.3 Coordination of Noise monitoring**

2.3.3.1 This section shall apply to:

- 2.3.3.1.1 the assessment of complaints at noise sensitive receptors resulting from noise emissions generated by all the operators from the Delimara Power Station installation.
- 2.3.3.1.2 The annual noise monitoring exercise required by subsequent conditions in this permit

2.3.3.2 Following receipt of any complaints related to noise emissions or a request by the Competent Authority or a notification from any of the operators within the

installation, the Permit Coordinator shall ensure that such complaints are investigated and where necessary accompanied by the necessary noise monitoring in accordance with the approved co-ordinated noise method statement.

- 2.3.3.3 Further to condition 2.3.3.2, where initial investigations result in the requirement for noise monitoring, this shall be carried out in accordance with BS 4142:2014 or standard ISO8297: 1994 and any revision thereof, and ISO37XX series or specifically ISO 96142:1996.
- 2.3.3.4 In order to ensure compliance with condition 2.3.3.2, all operators within the installation shall provide the permit coordinator with any operational details which may be necessary for the Coordinator to conduct the required investigations.
- 2.3.3.5 Records of noise monitoring resulting from investigations carried out shall be submitted to the Competent Authority in the format specified in Schedule 4 of this permit. A detailed report shall also accompany such results. The report and accompanying results shall also be submitted as part of the AER.
- 2.3.3.6 The permit Coordinator shall coordinate annual noise monitoring to ensure that emission limit values stipulated in the subsidiary permits are not exceeded. The locations, measurements and assessment must be made according to BS 4142:2014, all the series of ISO 1996 and any other standard methodology stipulated by the Authority. This shall be subject to the submission of a method statement and subsequent approval by the Authority prior to the commencement of any monitoring.
- 2.3.3.6 As part of the AER, records of noise monitoring of the previous year shall be submitted to the Competent Authority by the Permit Coordinator by not later than end of March after the end of each reporting year, in the format specified in Schedule 4 of this permit. A detailed report shall also accompany such results.

## **2.3.4 Coordination of Discharge to Sewer**

- 2.3.4.1 This section shall apply to discharges into the sewer as a result of connections to the sewer accepting waste from Enemalta plc. and D3 Power Generation Ltd.
- 2.3.4.2 The Permit Coordinator shall ensure that all discharges to the sewer abide by the conditions of any Sewer Discharge Permit from the Water Services Corporation. The operator shall also abide by the provisions of the Sewer Discharge Control Regulations (LN139 of 2002 as amended by LN378 of 2005 and as may be amended from time to time).
- 2.3.4.3 In implementation of condition 2.3.4.2, the Permit Coordinator shall ensure that during monitoring exercises carried out by Enemalta plc, D3 Power Generation Ltd. shall also carry out a coordinated monitoring exercise at the tie in point TP 11 as per drawing in schedule 2B.
- 2.3.4.4 Where any of the parameters stipulated by the Water Services Corporation are exceeded, the Permit Coordinator shall ensure that any follow up actions requested by the WSC are implemented by both Enemalta plc. and D Power Generation Ltd..

- 2.3.4.5 With the exception of sanitary waters, Enemalta plc. and D3 Power Generation Limited shall ensure that no process wastewaters are discharged to the sewer through common discharge locations.

### **2.3.5 Air Dispersion Modelling**

- 2.3.5.1 The Permit Coordinator, in collaboration with the operators of the installation shall update the dispersion modelling study carried out by the Authority twice, using the data from the plant's air emissions monitoring systems, and ambient air monitoring data from Żejtun, Birżebbuġa and Marsaxlokk (including the data collected as required by 2.3.5.2). The updated studies shall assess the dispersion of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, arsenic, cadmium, nickel, lead and vanadium and shall estimate the likelihood of there being any exceedances of the relevant limits laid down by LN 478 of 2010 (as amended), especially but not limited to the most sensitive receptor(s) in the prevailing wind direction within a 15 km radius. The Permit Coordinator shall submit to the Authority a proposed methodology for this study, which shall be to the Authority's satisfaction.

2.3.5.1.1 The first updated study shall include an assessment of the impact from all operational combustion plants within the installation once these are in full operation and the closure of the boilers at Marsa Power Station.

2.3.5.1.2 The second updated study shall include an assessment of the impact of closure and decommissioning of the Delimara 1 plant.

- 2.3.5.2 Starting in the first half of January 2017, the Permit Coordinator shall coordinate the assessment of air quality in Marsaxlokk by coordinating the daily monitoring of PM<sub>10</sub> and PM<sub>2.5</sub> at a location in Marsaxlokk to be agreed with the Authority, in accordance with the standards specified in LN 478 of 2010 (as amended). Monitoring shall be carried out under representative conditions. Any meteorological data utilised by the consultant shall be generated in situ. The operator shall also monitor for arsenic, cadmium, nickel, lead and vanadium on a quarterly basis. The results of such monitoring shall be submitted as part of the Monthly and Annual Environmental Reports, in the formats specified in Schedule 4.

- 2.3.5.3 In order to ensure compliance with LN 478 of 2010 (as amended), the Authority reserves the right to impose any additional conditions it deems necessary on the Operator including the possibility of reducing the pollutants to be monitored following the permanent cessation of the operation of part or all of DPS1 (phase 1A and phase 1B)

- 2.3.5.4 The Authority shall be notified by the Permit Coordinator of substantial changes in the type of fuel used or in the mode of operation of the installation. The Authority shall then determine whether the monitoring requirements laid down in Section 2.2 of each subsidiary permit are still adequate or require adaptation.

### **2.3.6 Real time air emissions data**

- 2.3.6.1 So as to ensure compliance with condition 1.3.1, the Permit Coordinator shall collect all the necessary data and make the information publically available on Enemalta's plc website.

### **2.3.7 Odour**

- 2.3.7.1 In case of complaints from sensitive receptors regarding odours from the installation the Authority may require the Permit Coordinator to assist with the investigation being carried out by the Authority to assess the potential source of such a complaint. The Authority may require the permit coordinator or the individual operators (where these are identified as the source of the complaint), to submit an odour management plan, which would include recommendations for abatement of the odour and timeframes for implementation.
- 2.3.7.2 In order to ensure compliance with condition 2.3.7.1, all operators within the installation shall provide the permit coordinator with any operational details which may be necessary for the permit Coordinator to conduct the required investigations.

### **2.3.8 Coordination on safety**

- 2.3.8.1. During the commissioning phase of the D3PG Plant and EGM plant as defined in the relevant sections of subsidiary permits 1 and 2, the COMAH Competent Authority may carry out an inspection so as to ensure that the details provided by the operators in the safety studies submitted to the Authorities as part of the obligations arising from LN 179 of 2015 are implemented.
- 2.3.8.2 Such an inspection shall also address the review of the safety studies submitted by Enemalta especially in cases where amendments need to be carried out as a result of any changes identified during the commissioning phase of the D3PG Plant and EGM plant.
- 2.3.8.3 Further to the provisions of Regulation 14 of LN 179 of 2015 and without prejudice to the operator's responsibilities, the COMAH Competent Authority shall, if necessary, appoint individuals or set-up bodies to assist the competent authority at technical level at the expense of the operators.
- 2.3.8.4 Any actions required as a result of the COMAH Competent Authority's review specific to particular operators are included in the respective subsidiary permits. These address actions to be carried out and reviewed during the commissioning phase and action to be carried out during the operational phase to be followed up in subsequent COMAH inspections.
- 2.3.8.5 The permit coordinator shall carry out any necessary updates to the Coordinated safety studies following the inspection described in condition 2.3.8.1 within the timeframes agreed upon with the COMAH Competent Authority.

### **2.3.9 Coordination of accident prevention and control**

- 2.3.9.1 In the case of an accident, each Operator will be responsible for notifying the other operators and the Permit Coordinator of such an incident and each operator shall follow the procedures stipulated in the Internal Emergency Plan submitted by each operator as part of the IPPC application.
- 2.3.9.2 If the case of a controllable emergency situation (within an individual operator plant) or in a non-controllable emergency ( emergency escalated to a site level) (as defined in the Coordinated Emergency Plan (CERP)

submitted as part of the IPPC application, the procedures and coordinated actions stipulated within the Coordinated Emergency Plan (CERP) shall apply. All operators together with the Permit Coordinator shall ensure communication and coordination amongst themselves and between stakeholders together with the local area emergency response organisations and authorities.

- 2.3.9.3 The level of application of the CERP shall be at least the communication of the emergency situation, with a possible escalation of the full activation of the CERP as detailed in the documentation submitted as part of the IPPC application.
- 2.3.9.4 The CERP shall be reviewed at least every three years or as soon as practicable after an accident, whichever is the earlier, and the Authority notified of the results of the review within 2 months of its completion.
- 2.3.9.5 The Permit Coordinator together with the operators covered by the respective subsidiary permits shall maintain and implement all health and safety measures in compliance with Act XXVII of 2000; Occupational Health and Safety Authority Chapter 424 and all relevant subsidiary legislation, in particular but not limited to implemented a risk assessment which covers the operation of the whole installation.
- 2.3.9.6 The Permit Coordinator together with the operators covered by the respective subsidiary permits shall comply with the relevant provisions of the Control of Major Accident Hazards Regulations, 2015 (Legal Notice 179 of 2015).
- 2.3.9.7 The Permit Coordinator together with the operators covered by the respective subsidiary permits is to keep the Authority updated on any major changes in operations that may impact on the health and safety of the employees.
- 2.3.9.8 All Operators are to ensure that all Health and Safety documentation is freely available and provided upon request by either the Competent Authority or by the Occupational Health and Safety Authority.

### **2.3.10 Coordination of fire fighting systems**

- 2.3.10.1 This Part 2.3.10.1 of this Permit shall only apply to fire fighting infrastructure common to all operators as listed in table 2.3.5

<b>Table 2.3.5 – Infrastructure related to fire fighting system</b>		
<b>Tie in point</b>	<b>Name</b>	<b>Description</b>
TP7.D3 TP7A.D4 TP7B.D4	Internal fire-fighting system	Freshwater stored within Enemalta's 330m <sup>3</sup> tank which is supplied from evaporated water tanks and distributed through metered tie-in point for own use, D3PG and EGM.
TP8.D3 TP8.D4	External fire-fighting system	Seawater taken from the intake of seawater from Marsaxlokk Bay to delivery and distribution through metered tie-in point to D3PG, EGM and own use.

2.3.10.2 The pipes, pumps, valves and flanges forming part of the fire-fighting system which transfers fire-fighting water from point of generation to distribution to the respective Operator shall be certified by an approved auditor at least once every three years unless otherwise specified in the procedure to be adopted following the COMAH review carried out as part of this IPPC application. The inspection report and any ensuing certification must be included in the AER in the format specified in Schedule 4.

### **2.3.11 Incidents and Complaints**

2.3.11.1 The Permit Coordinator shall maintain and implement written procedures for:

2.3.11.1.1 Coordinating prompt remedial action, investigating as per the procedure detailed in Schedule 6, collating of the necessary data from all the Operators and reporting to the Competent Authority actual or potential non-compliance with operating procedures or emission limits resulting from the installation as a whole;

2.3.11.1.2 Coordinating the investigation of incidents, (including any malfunction, breakdown or failure of plant, equipment or techniques, down time, any short-term and long-term remedial measures and near-misses) and prompt implementation of appropriate actions where these are identified as resulting from the operations of the installation as a whole and ensuring that detailed records are made of all such actions and investigations.

2.3.11.2 The Permit Coordinator shall record and investigate complaints concerning the Permitted Installation's effects or alleged effects on the environment and public health. The record shall give the date and nature of complaint, time of complaint, name of complainant (if given), a summary of any investigation and the results of such investigation and any actions taken.

2.3.11.3 As part of the AER of the Permitted Installation, the Operator shall provide report on incidents and complaints in the format specified in Schedule 4.

2.3.11.4 In carrying out investigations as required by this permit, the Permit coordinator shall follow the investigation procedure as detailed in Schedule 6 of this framework permit.

2.3.11.5 All Operators shall jointly establish procedures for the collection of information and data necessary for investigations under 2.3.11 and ensure that, once established, fully comply and collaborate with requests from the Permit Coordinator for information and data necessary for the investigation.

### **2.3.12 Coordination of General records, reporting, notifications**

#### **2.3.12.1 Records**

All records required to be made by this framework permit and any other records made by the operator in relation to the operation of the Permitted Installation shall:-

2.3.12.1.1 be made available for inspection by the Authority at any reasonable time;



- 2.3.12.1.2 be supplied to the Authority on demand and without charge and in the format requested;
- 2.3.12.1.3 be legible;
- 2.3.12.1.4 be made as soon as reasonably practicable;
- 2.3.12.1.5 indicate any amendments which have been made and shall include the original record wherever possible; and
- 2.3.12.1.6 be retained at the Permitted Installation, or other location agreed by the Authority in writing, for a minimum period of 5 years from the date when the records were made, unless otherwise agreed in writing with the Authority.

### **2.3.12.2 Reporting**

- 2.3.12.2.1 All reports and written and/or oral notifications required by this framework permit and notifications required by Regulation 7 of the Industrial Emissions (IPPC) Regulations shall be made and sent to the Authority using the contact details notified in writing to the Operator by the Authority.
- 2.3.12.2.2 The Permit Coordinator shall submit to the Authority an AER of the previous year by not later than end of June of each year, providing the information listed in Schedule 4 of this Permit and in the format specified therein. The AER shall be forwarded to the Authority in electronic format.
- 2.3.12.2.3 The European Pollutant Release and Transfer Register (E-PRTR) report for the installation shall be submitted by end of March of each year, or as required by Legislation. All quantities shall be reported, even when these do not exceed the thresholds mentioned in EC Regulation 166/2006. The format used for reporting shall be that established by Legislation, notably Legal Notice 152 of 2007, as may be amended from time to time.

### **2.3.12.3 Notifications**

This section is without prejudice to any other notification requirement in this permit.

- 2.3.12.3.1 The Operators, acting through the Permit Coordinator, shall notify the Authority without delay of:-
  - 2.3.12.3.1.1 the detection of an emission of any substance which exceeds any limit or criterion in this Permit specified in relation to the substance;
  - 2.3.12.3.1.2 the detection of any fugitive emission which has caused, is causing or may cause significant pollution and/or a public health risk unless the quantity emitted is so trivial that it would be incapable of causing significant pollution and/or a public health risk or incapable of being detected;

- 2.3.12.3.1.3 the detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause significant pollution and /or a public health risk; and
  - 2.3.12.3.1.4 any accident which has caused, is causing or has the potential to cause significant pollution and /or a public health risk.
  - 2.3.12.3.1.5 the results of any investigation carried out in accordance with the procedure outlined in Schedule 6, so as to identify the source and/or the operator responsible for such exceedance.
- 2.3.12.3.2 The Operators acting through the Permit Coordinator shall submit written confirmation to the Authority of any notification under condition 2.3.12.3.1, by sending:-
- 2.3.12.3.2.1 the information listed in Part A of Schedule 3 to this Permit within 24 hours of such notification; and
  - 2.3.12.3.2.2 the more detailed information listed in Part B of Schedule 3 as soon as practicable thereafter;
  - 2.3.12.3.2.3 the information listed in Schedule 4 according to the timeframe specified in Condition 2.3.12.2.2;
- and such information shall be in accordance with that Schedule.
- 2.3.12.3.3 The Operators acting through the Permit Coordinator shall give written notification as soon as practicable prior to any of the following:-
- 2.3.12.3.3.1 permanent cessation of the operation of part or all of the Permitted Installation;
  - 2.3.12.3.3.2 cessation of operation of part or all of the Permitted Installation for a period likely to exceed 1 year; and
  - 2.3.12.3.3.3 resumption of the operation of part or all of the Permitted Installation after a cessation notified under 2.3.12.3.3.2.
- 2.3.12.3.4 The Operators acting through the Permit Coordinator shall notify the Authority, as soon as practicable, of any information concerning the state of the site which affects or updates that provided to the Authority as part of the Site Report submitted with the application for this Permit.
- 2.3.12.3.5 The Permit Coordinator shall notify the following matters to the Authority in writing within 10 working days of their occurrence. The holders of the respective subsidiary permits shall notify the Permit Coordinator immediately on the following:

2.3.12.3.5.1 the death of any of the named Operators (where the Operator consists of more than one named individual);

2.3.12.3.5.2 any change in the Operator's name(s) or address(es);

any steps taken with a view to the Operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

### **2.3.13 Greenhouse gas emissions permit**

2.3.13.1 The conditions in this framework permit and in each subsidiary permits are without prejudice to any condition in the Greenhouse gas Emissions Permit pursuant to LN 434 of 2013 – European Union Greenhouse Gas Emissions Trading Scheme for Stationary Installations, Regulations, 2013.

### **2.3.14 Site Security**

2.3.14.1 Where any updates to the port security documents of each of Enemalta plc. and ElectroGas Malta Ltd. requested by Transport Malta result in changes to standard operating procedures adopted, Enemalta plc and ElectroGas Malta Ltd. shall ensure that these are implemented within the timeframes requested by Transport Malta

2.3.14.2 Condition 2.3.14.1 is without prejudice to obligations on the Permit Coordinator in his dual role as Operator arising from the relevant subsidiary permit.

### **2.3.15 Land and groundwater investigations, Closure and Decommissioning**

2.3.15.1 As part of the improvement programme for the installation, the permit coordinator in collaboration with all the operators within the installation shall submit a baseline report and a monitoring strategy in line with European Commission Guidance concerning baseline reports under article 22(2) of Directive 2010/75/EU on industrial emissions (2014/C 136/03).

2.3.15.2 In the event that the baseline report carried out by Enemalta plc as part of IP 00002/07/E shall be regarded as partial fulfilment of Enemalta's obligations under condition 2.3.15.1, any new baseline reports submitted by the other operators within the installation shall be utilised in the compilation of the coordinated baseline report.

2.3.15.3 All operators within the installation shall provide the permit coordinator or his appointed consultant with all the necessary information including existing testing results, studies and investigations carried out to date to ensure a coherent assessment addressing the entire installation.

2.3.15.4 Prior to execution of the coordinated baseline report each operator shall submit for approval by the Authority a sampling strategy for its review. Each operator shall subsequently carry out any land and groundwater investigations as agreed with the Authority which will be utilised to produce a coordinated baseline report.

2.3.15.5 Such a coordinated baseline report shall be composed of:

- 2.3.15.5.1 The separate investigations and monitoring strategies carried out by the individual operators as per requirements of subsidiary permits 1, 2 and 3
- 2.3.15.5.2 An additional section consolidating and coordinating these three submissions together with an overall assessment of the installation as a whole.
- 2.3.15.6 The investigations and reports compiled in compliance with conditions 2.3.15.1 to 2.3.14.4 shall be utilised to formulate a coordinated outline decommissioning plan.
- 2.3.15.7 As part of the improvement programme of the installation, the Permit Coordinator shall submit to the Authority a coordinated outline Decommissioning Plan addressing the entire installation within the timeframe specified in Condition 1.5.1. This Decommissioning Plan shall address any new information submitted by all operators as part of the IPPC application for this renewal and variation and together with any follow up actions arising from the land and groundwater risk assessment, baseline reports and monitoring strategy.
- 2.3.15.8 Any Land and groundwater monitoring of the points identified in the monitoring strategy and agreed upon with the Authority shall be repeated at least every four years, prior to or together with the renewal application of this permit. Land monitoring shall be carried out individually by each operator on monitoring points within their responsibility but submitted to the Authority through the Permit Coordinator.
- 2.3.15.9 The outline decommissioning plan shall at least include the information detailed below:
- 2.3.15.9.1 The results of the monitoring strategy detailed in conditions 2.3.15.1 to 2.3.15.4
- 2.3.15.9.2 A waste management plan which shall include:
- (i) The identification and characterisation of sources, types and quantities of waste (including equipment, fuels, by-products such as ash, etc.);
  - (ii) Criteria for segregation of wastes;
  - (iii) Proposed treatment, conditioning, transport, storage and disposal/recovery methods;
  - (iv) Potential reuse/recycling of such wastes.
- 2.3.15.9.3 The identification of potential sources of emissions to the atmosphere, land and water (both seawater and groundwater) pollution which might arise from the decontamination process and corresponding mitigation measures to minimise the likelihood of such emissions.
- 2.3.15.10 Two years before the planned decommissioning of the whole installation the Permit Coordinator, in consultation with all the operators within the installation covered by the respective Subsidiary Permits shall submit to the Authority a full Decommissioning Plan which shall at least include all the following information:

- (i) The results of any land and groundwater monitoring carried out to date as per the baseline report submitted requested in conditions 2.3.15.1 to 2.3.15.4.
- (ii) A detailed monitoring programme which will illustrate how the Operators will measure the current levels of various pollutant in the land in line with the monitoring requirements of the baseline report submitted as per condition 2.3.15.1 as per European Commission Guidance concerning baseline reports under article 22(2) of Directive 2010/75/EU on industrial emissions (2014/C 136/03).
- (iii) The levels to which the installation and any affected land will have to be decontaminated.
- (iv) A waste management plan which shall include the information requested in condition 2.3.15.9.2.
- (v) The identification of potential sources of emissions to the atmosphere, land and water (both seawater and groundwater) pollution which might arise from the decontamination process and corresponding mitigation measures to minimise the likelihood of such emissions.

2.3.15.11 Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the installation in the permitted activity, the operators shall to the satisfaction of the Authority, decommission, render safe or remove for disposal/recovery, any land, subsoils, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution and that may pose a public health risk.

2.3.15.12 Notwithstanding condition 2.3.15.11 of this Permit, the Permit Coordinator together with the other Operators shall carry out a review of the Coordinated Outline Decommissioning Plan at least every 4 years.

2.3.15.13 The Permit Coordinator shall notify the Authority immediately upon a decision being taken to decommission the site of the installation.

2.3.15.14 The operators covered by the respective subsidiary permits shall inform the Permit Coordinator and the other operators of any decision being taken to decommission any plant falling within their responsibility in part or as a whole.

2.3.15.15 As part of the obligations arising from condition 2.3.15.11 a finalised version of the Site Closure Plan shall be submitted to the Authority for approval not later than 10 days after the Authority is notified of the intention to decommission the site.

2.3.15.16 The approved Decommissioning Plan shall be implemented within 18 months of final cessation or decommissioning of the Permitted activities or part thereof, or according to a timeframe as may be agreed with the Authority.

### **3 Audit & Inspection Fees**

3.1 As per provisions of Regulation 24 of SL 549.77, all inspection costs, whether for scheduled or additional inspections, shall be paid by the

operator to the Competent Authority at a standard rate as communicated to the operator by the Authority.

- 3.2 The Competent Authority may engage consultancy services to obtain specialised expertise to obtain assistance in carrying out compliance audits (including monitoring and, or analysis of samples) and to carry out enforcement action. The cost of the consultancy services will be communicated to the operator(s) prior to the consultancy services being engaged and will be borne by the operator(s).
- 3.3 The COMAH Competent Authority reserves the right to request a fee to the operators for any costs reasonably incurred in performing the functions referred to in sub-regulation (1) of regulation 14 of the COMAH regulations in relation to the establishment concerned.
- 3.4 When requiring payment, the COMAH Competent Authority shall send or give to the operator a detailed statement of the work done and costs incurred including the dates of any visits to the establishment and the period to which the statement relates; and the fee, which shall be recoverable only as a civil debt, shall become payable one month after the statement has been sent or given.
- 3.5 The COMAH Competent Authority may also charge the operator other fees as specified in sub-regulations (6) and (7) of Regulation 14 of the COMAH regulations, for performing any other functions under these regulations. This may include, but shall not be limited to, any costs reasonably incurred by the competent authority in arranging for any emergency services to participate in the testing of the off-site emergency plan.

## 4. Interpretation

4.1 In this Permit, the following expressions shall have the following meanings:-

4.1.1 “AER” means the Annual Environmental Report;

4.1.2 “*Application*” means the application for this Permit, together with any response to a notice served under Regulation 5 to the Industrial Emissions (IPPC) Regulations and any operational change agreed under the conditions of this Permit;

4.1.3 “*Authorised Officer*” means any officer of the Authority authorised in writing pursuant to the Environment Protection Act 2016 to exercise any of the powers specified therein;

4.1.4 “*Background concentration*” means such concentration of that substance as is present in:

4.1.4.1 water supplied to the site; or

4.1.4.2 where more than 50% of the water used at the site is directly abstracted from ground or surface water on site, the abstracted water; or

4.1.4.3 where the Permitted Installation uses no significant amount of supplied or abstracted water, the precipitation onto the site.

4.1.5 “*BAT*” means best available techniques, which means the most effective and advanced stage of development of activities and their methods of operation which indicates the practical suitability of particular techniques to prevent and where that is not practicable to reduce emissions and the impact on the environment as a whole. For these purposes: “available techniques” means “those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced in Malta, as long as they are reasonably accessible to the Operator”; “best” means “in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole” and “techniques” “includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.”;

4.1.6 “*BREF*” means the latest version of the BAT reference document published by the European Commission;

4.1.7 “*Conditions*” means the Conditions of the Framework Permit and the Subsidiary Permits.

4.1.8 “*Combustion plant*” or “*plant*” means any technical apparatus in which fuels are oxidised in order to use the heat thus generated. Where two or more separate plants are installed in such a way that their waste gases could be discharged through a common stack, the combination formed by such plants shall be regarded as a single unit;

4.1.9 “*COMAH Competent Authority*” means the Authorities and prescribed in the COMAH Regulations.

4.1.10 “*Competent Authority*” or “*The Authority*” or “*ERA*” means the Environment and Resources Authority or or such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe;

4.1.11 “*Composite sample*” shall refer to a sample which is taken continuously over a given period, or a sample consisting of several samples taken either continuously or discontinuously over a given period;

4.1.12 “*Direct discharge*” shall refer to the introduction into marine waters and internal coastal water of any Effluent;

4.1.13 “*Diesel engine*” shall mean an internal combustion engine which operates according to the diesel cycle and uses compression ignition to burn fuel;

4.1.14 “*Effluent*” shall refer to any discharge of water or waste water that can no longer be used as it is for the application it was originally intended;

4.1.15 “*Emission limit value*”

4.1.15.1 for discharges to air: means the permissible quantity of a substance contained in the waste gases from the combustion plant which may be discharged into the air during a given period; it shall be calculated in terms of mass per volume of the waste gases expressed in  $\text{mg/Nm}^3$ , assuming an oxygen content by volume in the waste gas of 3 % in the case of liquid fuels used in boilers and 15 % in the case of gas turbines and diesel engines;

4.1.15.2 for discharges to marine waters: shall refer to the limit value given in table 2.3.3 of this permit and corresponding tables in each subsidiary permit. ;

4.1.14 “*Fuel*” means any solid, liquid or gaseous combustible material used to fire the combustion plant with the exception of waste;

4.1.15 “*Fugitive emission*” means an emission to air or water (including sewer) from the Permitted Installation which is not controlled by an emission or background concentration limit

4.1.16 “*Gas oil*” or “*diesel*” means any petroleum-derived liquid fuel falling within CN code 2710 00 67 or 2710 00 68, or any petroleum-derived liquid fuel which, by reason of its distillation limits, falls within the category of middle distillates intended for use as fuel and of which at least 85 % by volume (including losses) distils at 350°C by the ASTM D86 method;

4.1.17 “*Gas turbine*” means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine;

4.1.18 “*Groundwater*” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

4.1.19 “*GJ . Mg<sup>-1</sup>*” means gigajoule per megagramme;

4.1.20 “*Heavy fuel oil*” means any petroleum-derived liquid fuel falling within CN code 2710 00 71 to 2710 00 78, or any petroleum-derived liquid fuel, other than gas oil which, by reason of its distillation limits, falls within the category of heavy oils intended for use as fuel and of which less than 65 % by volume (including losses) distils at 250°C by the ASTM D86 method. If the distillation cannot be determined by the ASTM D86 method, the petroleum product is likewise categorised as a heavy fuel oil;

4.1.21 “*Industrial Emissions (IPPC) Regulations*” means the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (LN 10 of 2013) (Subsidiary Legislation 549.77) and words and expressions defined in the Industrial Emissions (IPPC) Regulations shall have the same meanings when used in this Permit save to the extent they are specifically defined in this Permit. It shall include any future amendments or superseding legislation.;



4.1.22 “*Installation*” means the stationary technical unit (composed of one or more plants) where combustion of fuels (the main activity) is taking place, and any other directly associated activities on the same site which have a technical connection with the main activity and which could have an effect on emissions and pollution;

4.1.23 “*Land*” means the upper layer of the earth’s crust and shall include all the various components of the lithosphere to the rock-water and rock-air boundary, where the topmost 200 cm which is made up of inorganic and organic components and which serves as a habitat for micro- and macroorganisms is defined as soil;

4.1.24 “*Malta*” means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago, including the territorial waters thereof;

4.1.25 “*Marine waters*” shall refer to the waters which are outside the limit defined by coastal waters up to the limit delineated by the limit of territorial waters;

4.1.26 “*mg . Nm<sup>-3</sup>*” or “*mg/Nm<sup>3</sup>*” means milligramme per normal metre cubed;

4.1.27 “*Mg . month<sup>-1</sup>*” means megagramme per month;

4.1.28 “*Monitoring*” includes the taking and analysis of samples, instrumental measurements (periodic and continual), calibrations, examinations, tests and surveys;

4.1.29 “*Permit*” means this Framework Permit (IP0002/07/F) together with the Subsidiary Permits (IP0002/07/Fi, IP0002/07/Fii, IP0002/07/Fiii), and the terms “Framework Permit” and “Subsidiary Permit” shall be defined accordingly.

4.1.30 “*Permitted Installation*” means the activities and the limits to those activities described in Table 1.1.1 of this Permit;

4.1.31 “*Permit Coordinator*” means Enemalta plc. or any other Operator as may be determined jointly by the Operators and the Authority from time to time.

4.1.32 “*Qualified random sample*” shall refer to a composite sample of at least five random samples taken over a maximum period of twenty-four hours at intervals of no less than two minutes and blended;

4.1.33 “*Sewer*” or “*Public sewerage system*” means the sewerage system owned by the Water Services Corporation.

4.1.34 “*Staff*” includes employees, directors or other officers of the Operator, and any other person under the Operator’s direct or indirect control, including contractors;

4.1.35 “*Technically Competent Person*” means a person possessing the qualifications, experience and technical competence to abide by the conditions of the Permit;

4.1.36 “*Technically Competent Management*” means the Technically Competent Person or Persons in control of the day-to-day activities authorised by the Permit and carried on at the Site;

4.1.37 “*The Operator*” means:

- in relation to the Framework Permit each of Enemalta plc, Electrogas Malta Limited, and D3 Power Generation Limited acting jointly unless otherwise specified;
- in relation to any Subsidiary Permits as follows:

For IP 0002/07/Fi – ElectroGas Malta Ltd.

For IP 0002/07/Fii – D3 Power Generation Ltd.

For IP 0002/07/Fiii – Enemalta plc.

4.1.38 “*The Regulations*” means the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations 2013 (LN 10 of 2013), and any regulations amending or replacing them;

4.1.39 “*The Site*” means the land, structures, combustion plants and equipment situated at the Delimara Power Station and in relation to which this Permit relates and as further detailed in Condition 1.2 of this Framework Permit and the relevant section in the subsidiary permits to which the permit relates.

4.1.40 “*Total nitrogen*” shall refer to the sum of total Kjeldahl nitrogen (organic N + NH<sub>3</sub>), nitrate V (NO<sub>3</sub><sup>-</sup>) – nitrogen and nitrate III (NO<sub>2</sub><sup>-</sup>) – nitrogen;

4.1.41 “*TSP*” means Total Suspended Particulates;

4.1.42 “*Waste gases*” means gaseous discharges containing solid, liquid or gaseous emissions; their volumetric flow rates shall be expressed in cubic metres per hour at standard temperature (273 K) and pressure (101.3 kPa) after correction for the water vapour content, hereinafter referred to as (Nm<sup>3</sup>/h);

4.1.43 “*Year*” or “*reporting year*” means calendar year ending on the 31 December;

4.1.44 “% w/w” means percentage weight by weight;

4.2 Where a minimum limit is set for an emission parameter such as pH, reference to exceeding the limit shall mean that the parameter shall not be less than that limit.

4.3 Unless otherwise stated, any references in this Permit to concentrations of substances in emissions into air means:-

4.3.1 in relation to gases from combustion processes, the concentration in dry air at a temperature of 273K, at a pressure of 101.3 kPa and with an oxygen content of 3% dry for liquid and gaseous fuels, 6% dry for solid fuels; and/or

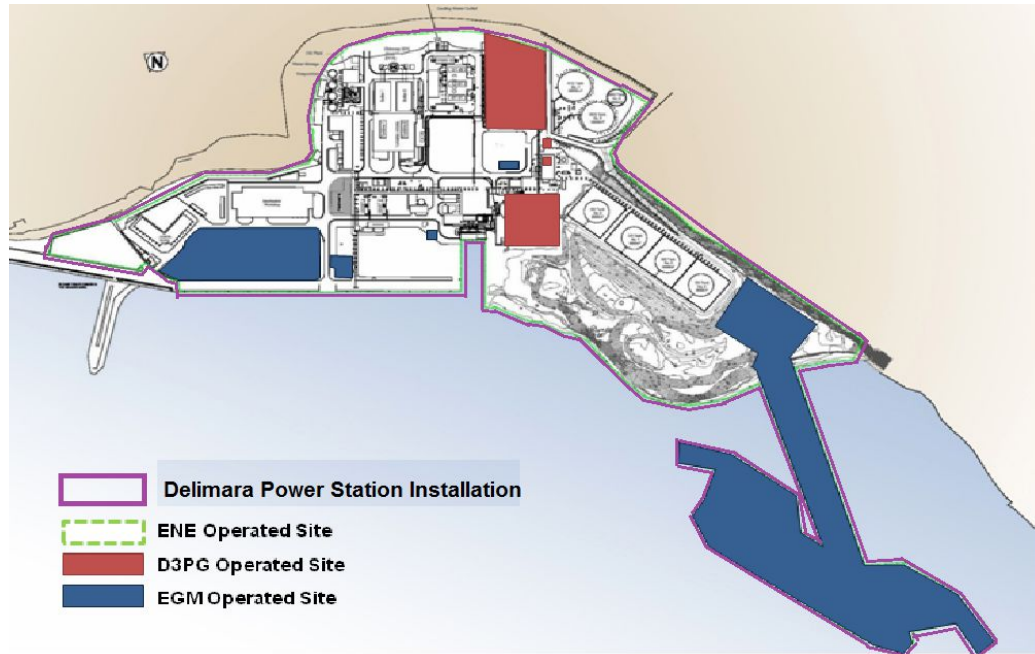
4.3.2 in relation to gases from non-combustion sources, the concentration at a temperature of 273K and at a pressure of 101.3 kPa, with no correction for water vapour content.

4.4 Where any condition of this Permit refers to the whole or parts of different documents, in the event of any conflict between the wording of such documents, the wording in the Regulatory Framework Permit shall prevail to the extent of such conflict.

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**Schedule 1A**  
**Installation Site Boundary**  
**(outlined in purple)**

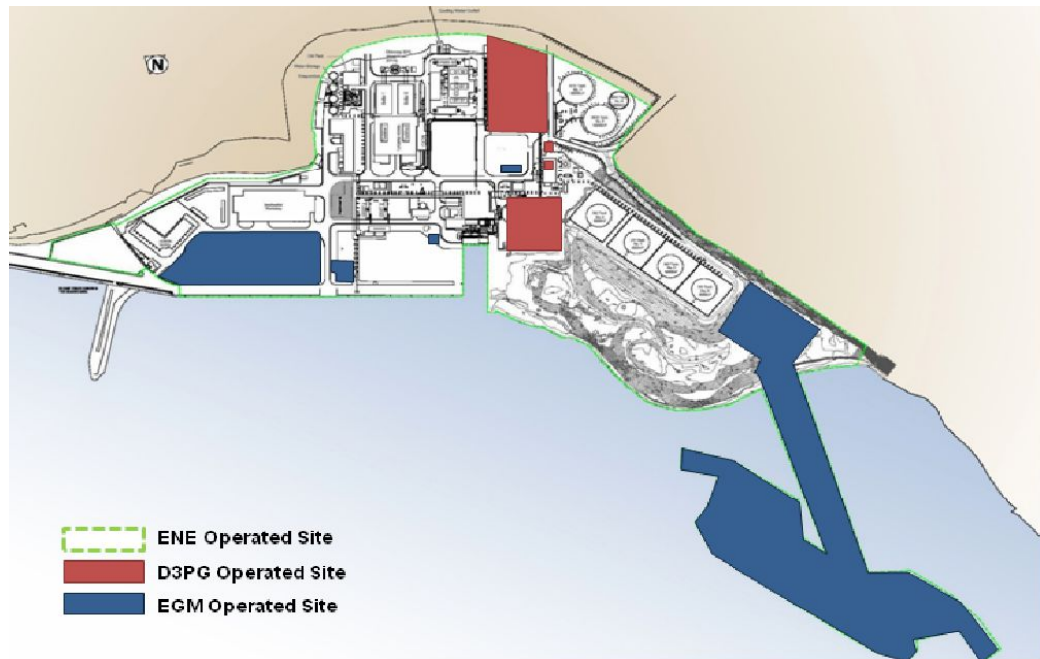
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## Schedule 1B

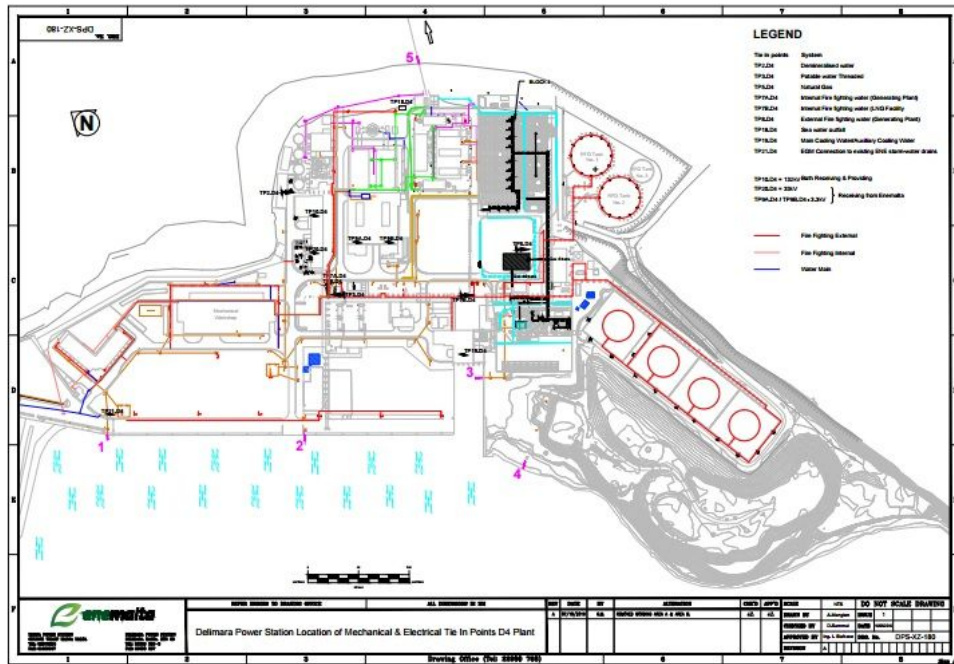
### Operational boundaries for individual operators

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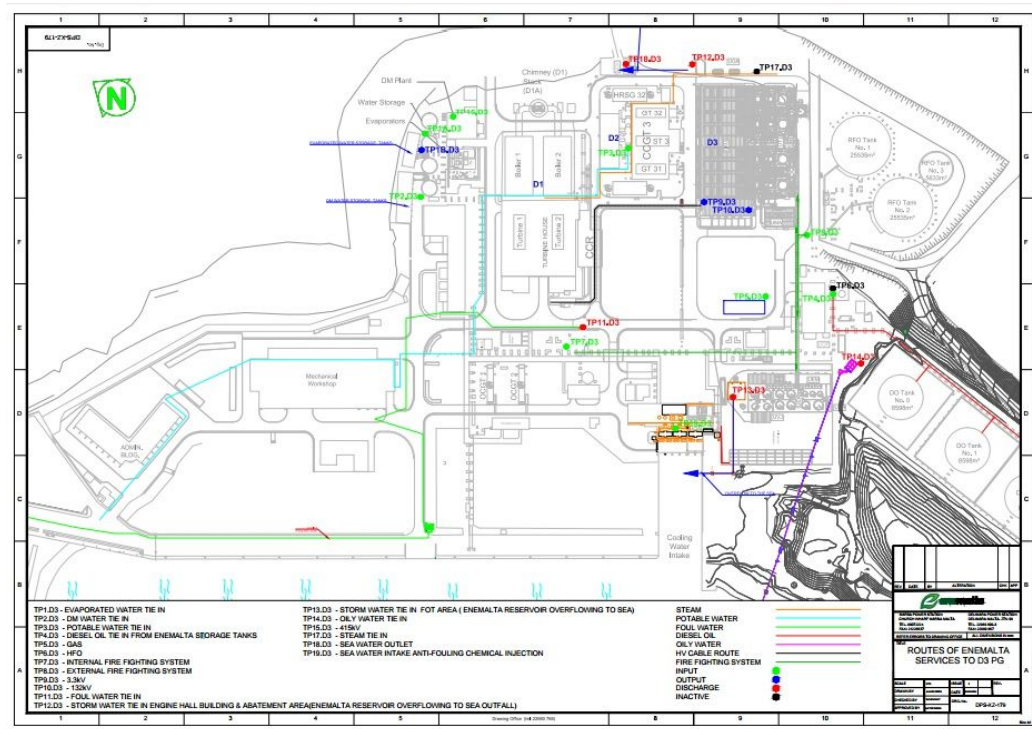
## Schedule 2A

### Tie-in points between Enemalta plc. and Electrogas Malta Ltd.



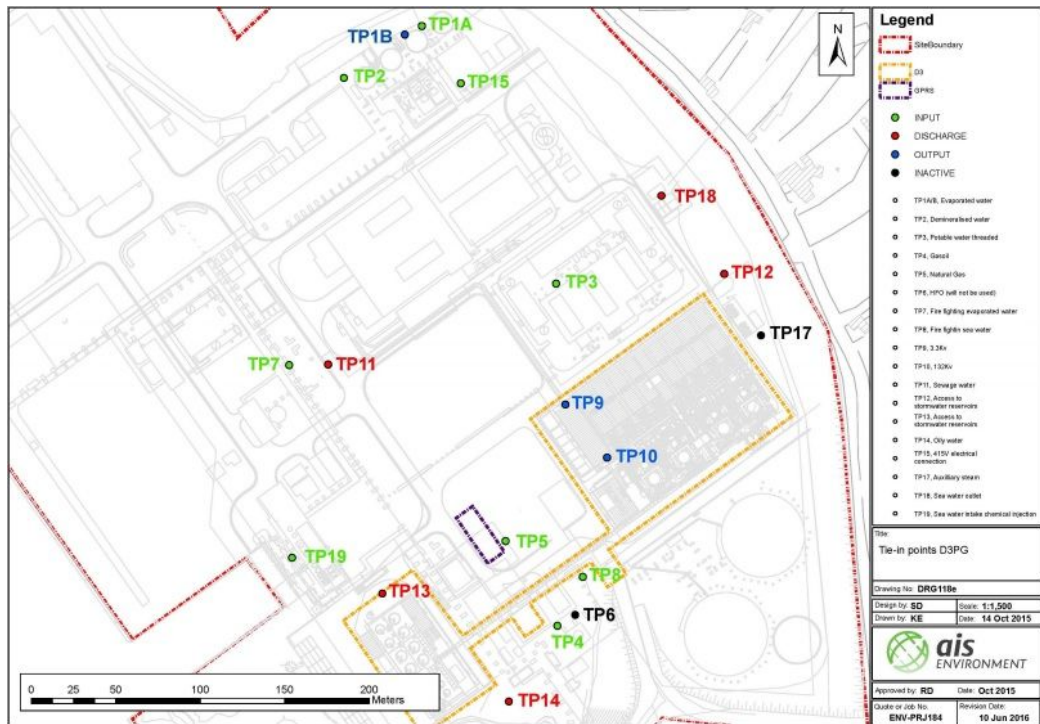
## Schedule 2B

### Tie-in points between Enemalta plc. and D3 Power Generation Ltd.



## Schedule 2C

### Tie-in points between D3 Power Generation Ltd. And Electrogas Malta Ltd – TP 5 only.



### Schedule 3

#### Notification of abnormal emissions

This page outlines the information that the Operator must provide to satisfy conditions 2.3.12.3.2.1 and 2.3.12.3.2.2 of this Permit.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the Industrial Emissions (IPPC) Regulations..

#### Part A

Permit Number	
Name of Operator	
Location of Installation	
Location of the emission	
Time and date of the emission	

Substance(s) emitted	Media (e.g. air, groundwater)	Best estimate of the quantity or the rate of emission (include units)	Time between which the emission took place

<b>Measures taken, or intended to be taken, to stop the emission</b>	
--	--

#### Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment and any public health risk or harm which has been or may be caused by the emission.	
The dates of any unauthorised emissions from the installation in the preceding 24 months.	

Name <sup>11</sup>	
I.D. Card No./Passport No.	
Post	
Signature	
Date	

<sup>11</sup> authorised to sign on behalf of Operator



## Schedule 4

### Annual Environmental Report

**Important note**

By this submission, you confirm that you give your explicit consent for the entire contents of this Annual Environment Report to be made available on the Authority's public website.

**S4.1 Introduction**

IPPC Permit Number	
Reporting Year	
Name and location of Site	
Brief description of activities at the site	

**S4.2 Environment Management System & Reporting**

Please attach a supporting document with the following:

	Tick (✓)
1. Environmental Policy containing the installation's environmental objectives and targets;	<input type="checkbox"/>
2. Environmental Management Programme report (for the reporting year);	<input type="checkbox"/>
3. Environmental Management Programme proposal (for the following year);	<input type="checkbox"/>

**S4.3: Ambient Air Quality Monitoring**

Sampling location	
Number of PM <sub>10</sub> daily samples taken during reporting year	
Number of PM <sub>2.5</sub> daily samples taken during reporting year	
Number of samples analysed for arsenic, cadmium, nickel, lead and vanadium during reporting year	

	PM <sub>10</sub> (ug/m <sup>3</sup> )	PM <sub>2.5</sub> (ug/m <sup>3</sup> )
Annual limit value (in accordance with LN 478 of 2010)	40	25
Annual average measurement		
Highest recorded measurement during reporting year		
Daily limit value (in accordance with LN 478 of 2010)	50	n/a
Number of exceedances of daily limit value		n/a

Sampling dates	Monitoring result (specify units)				
	Arsenic	Cadmium	Nickel	Lead	Vanadium
<b>Average</b>					

Note: In the table above, underline values which exceed the target/limit values specified in LN 478 of 2010.

Name of laboratory carrying out sampling and measurement	
--	--

Additional documentation to be submitted:

Tick (✓)

Accreditation certificate(s) of laboratory

☐

#### S4.4 Emissions to Marine Water for common Discharge Points (as per table 2.3.2)

##### S4.4.1 Emissions to Marine Water: Physical and Chemical Monitoring

ONE REPORT PER OUTLET TO BE SUBMITTED

Name of outlet and reference number: \_\_\_\_\_

No.	Parameter	Limit (annual average)	Standard methodology used	Concentration (annual average) <sup>1</sup>			Total annual mass emissions		
				Units	Previous year	Present year	Units	Previous year	Present year
1	Flow			-	-	-			
2	pH								
3	Temperature								
4	Biological oxygen demand (BOD5)								
5	Total Nitrogen								
6	Phosphorous compounds as total phosphorous, as per EN ISO 15681								
8	Chlorine dioxide and oxidants (given as chlorine)								
9	Arsenic								
10	Cadmium								
11	Chromium (Total)								
12	Copper								
13	Lead								
14	Mercury								
15	Nickel								
16	Tin								
17	Vanadium								
18	Zinc								
19	Total petroleum hydrocarbons								

<sup>1</sup> Exceedances are to be clearly highlighted in red.

No.	Parameter	Limit (annual average)	Standard methodology used	Concentration (annual average) <sup>1</sup>			Total annual mass emissions		
				Units	Previous year	Present year	Units	Previous year	Present year
20	Tributyl tin compounds (tributyltin cation; CAS number 36643-28-4)								
21	Total Suspended Solids								
22	Benzene (CAS number 71-43-2)								
23	PAHs as follows:								
	Benzo(a)pyrene								
	Benzo(b)fluor-anthene, Benzo(k)fluor-anthene								
	Benzo(g,h,i)-perylene, Indeno(1,2,3-cd)-pyrene								
24	C10-C13 chloroalkanes (CAS number 85535-84-8)								
25	Polychlorinated biphenyls (CAS number 1336-36-3)								

Name of laboratory where tests in this section have been carried out	
Is this laboratory accredited (certified) for the above tests?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional documentation to be submitted:

Accreditation certificate(s) of laboratory Tick (✓)

Were there any exceedances in the present reporting year?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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If yes, one of the following is also to be submitted:

Action programme aimed at achieving emission limits  
Document designating a mixing zone following the procedures specified in Schedule IX(3) "Mixing Zones" in L.N. 345 of 2015.

Tick (✓)


**S4.4.2 Emissions to Marine Water: Ecological Monitoring**

<b>Date on which survey was carried out:</b>	
Did the survey reveal a decline in the conservation status of any of the habitat types and species in the area, especially those listed in the Schedules LN 311/06.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional documentation to be submitted:

Ecological survey for reporting year

Proposals for mitigation measures (only required if the survey revealed a decline in the conservation status)

Tick (✓)


**S4.5 Co-ordinated Noise monitoring<sup>i</sup>**

Monitoring point <sup>ii</sup>	Date sampled	Time sampled	Operating conditions	Noise measurement	Units	Other comments (if any)

Additional documentation to be submitted:

	Tick (✓)
Map showing monitoring points	<input type="checkbox"/>
Detailed noise report <sup>iii</sup>	<input type="checkbox"/>

<sup>i</sup> Noise monitoring shall be carried out according to BS 4142:1997.

<sup>ii</sup> Monitoring points should be labelled using a unique code, and should be suitably sited. A corresponding labelled map showing the location of each monitoring points shall be submitted.

<sup>iii</sup> The detailed noise report should include information about the various monitoring points chosen, an analysis of the results and suggestions for improvement (if applicable).

## S4.6 Incidents and Complaints

### S4.6.1 Non-Compliance Incidents during Reporting Year

Date of incident	Brief description of Incident	Cause	Corrective action

Total number of non-compliance incidents for previous year:

Total number of non-compliance incidents for current reporting year:

### S4.6.2 Complaints made by the public

Date of complaint	Description of complaint	Actions taken

Total number of complaints for previous year:

Total number of complaints for current reporting year:

## S4.7 Co-ordinated Land monitoring

Land monitoring carried out in (year):

Land monitoring due in (year)

*If land monitoring was due in current reporting year:*

Sampling date/s	
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Additional documentation to be submitted:

Tick (✓)

Land monitoring programme

Land monitoring results

Accreditation certificates of laboratory





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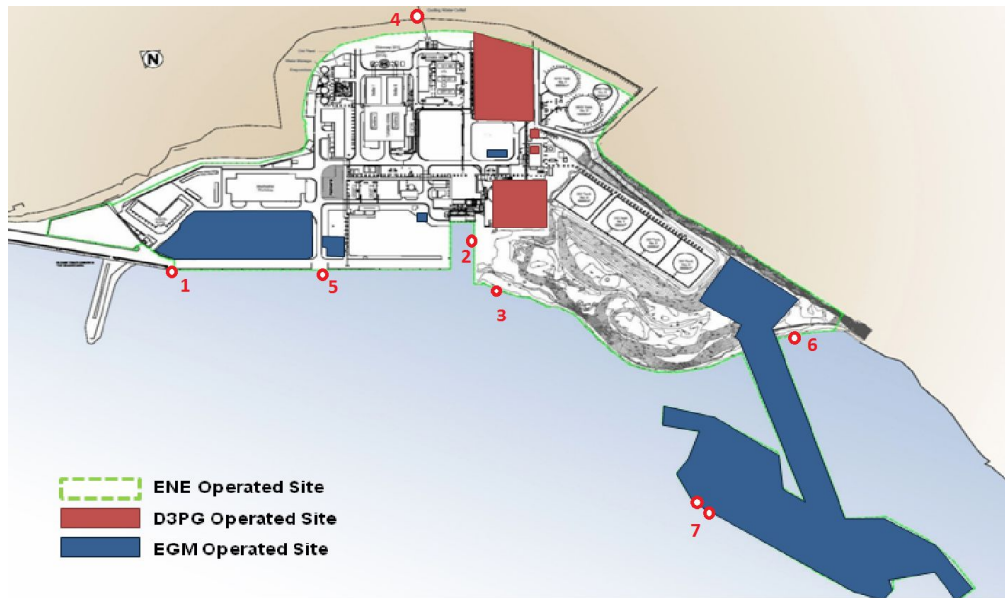
**Schedule 5**

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**Emission points to sea from the Installation**

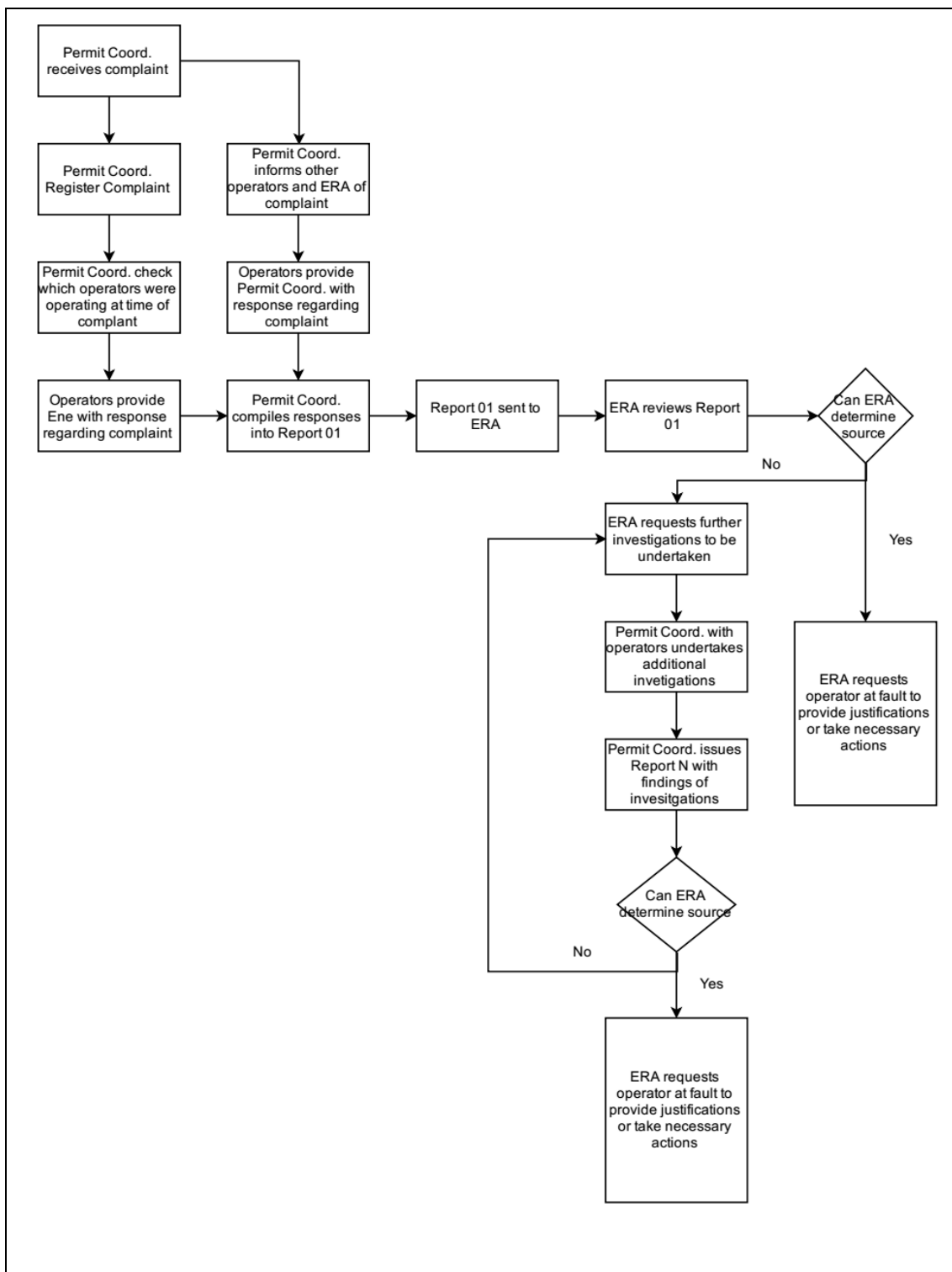
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*(Outlet points refer to Specified Points in Table 2.3.2 and other points as per relevant section in the subsidiary permits)*



## Schedule 6

### Procedure for reporting complaints and exceedances



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## Schedule 7

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### Sediment Monitoring Requirements

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The parameters listed hereunder shall be monitored on an annual basis, every three years, in the vicinity of the discharge point at il-Hofra z-Zghira (Discharge point 4). The operators shall submit the monitoring methodology for ERA's approval prior to implementation. The methodology shall specify the monitoring station/s, the standard methods to be employed and the Limits of Quantification/Limits of Detection that will be used for the analysis of the contaminants:

- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Mercury
- Nickel
- Zinc
- Total petroleum hydrocarbons
- Tributyl tin compounds
- Polyaromatic hydrocarbons (total)
- C10-C13 chloroalkanes
- Polychlorinated biphenyls

END OF PERMIT