

Case Officer Report

Subject IP 0001/21 - Application for the Renewal of IP 0004/13/A of AGV Non Ferrous Malta Ltd, Ta' Għadajma l/o Mqabba

Date 30th March 2021

To ERA Board

From Environment and Resources Directorate

Case Officer Stefan Montebello

1. Background

This report has been prepared for the determination of IP 0001/21 which is a renewal of IP 0004/13/A for which a variation was granted on 13th January 2021 (IP 0004/13/B) and expires on 11th April 2021. The application for renewal was submitted by Mr Frank Cachia obo AGV Non Ferrous Malta Ltd. on 12th November 2020.

AGV Non Ferrous Malta Ltd is a waste management facility which is currently permitted as a storage facility for batteries and other non-hazardous wastes prior to the export and/or transfers of these wastes to other authorised facilities locally or overseas. The installation is covered by an IPPC Permit which is valid until the 11th of April 2021 for the carrying out of activities which fall within scope of the Activity 5.5 stipulated under Schedule 1 of S.L. 549.77:

“Temporary storage of hazardous waste not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.”

The installation is also permitted to accept degassed waste air conditioner units and to remove the plastic casing from the units which are then sent to an authorised facility in Malta for further processing. The latter activity was approved by the ERA board on 23rd October 2020 (ERA board #117) in relation to an application for variation to include the above-specific activity.

2. Case Officer Report

2.1 Proposal

The applicant has applied for a renewal of the current permit retaining the same activities already permitted as follows:

Activity listed in Schedule 1 of the Industrial Emissions (IPPC) Regulations / Associated Activity	Description of specified activity	Limits of specified activity
Temporary storage of hazardous waste (waste batteries) not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6; with a total capacity exceeding 50 tonnes, excluding temporary storage pending collection on the site where the waste is generated	Receipt and storage of waste batteries and related sorting, management, and repackaging for export of collected batteries	From receipt of waste batteries according to Schedule 3 to dispatch of repackaged waste batteries authorised facilities abroad. Storage quantities shall not exceed the limits identified in the IPPC application. Storage of wastes accepted on site shall not exceed a period of 12 months on site if pending disposal and 36 months if pending recovery.
Storage of non-hazardous wastes (glass, metals, wood) in loose format or in other packaging (i.e. jumbo bags or similar)	Receipt and storage of non-hazardous wastes in designated areas for a period of up to 12 months on site if pending disposal and 36 months if pending recovery.	From receipt of waste to dispatch of loose or packaged waste to authorised facilities for recovery/recycling either locally or abroad.
Storage of baled non-hazardous waste (paper, cardboard, plastic, metals)	Receipt and storage of baled non-hazardous waste in designated areas for a period of up to 12 months on site if pending disposal and 36 months if pending recovery	From receipt of baled waste according to Schedule 3 to dispatch of said bales to authorised waste facility, either locally or abroad.
Storage and limited dismantling of air conditioner units	Receipt and storage of degassed air conditioner units in designated areas for a period of up to 12 months on site if pending disposal and 36 months if pending recovery and the removal of plastic casing from the units	From receipt of degassed air conditioner units to dispatch of plastic and un-dismantled WEEE component of the units to authorised facilities for recovery/recycling either locally or abroad. Such an activity shall only commence once obligations of Condition 1.3.1 have been addressed to the satisfaction of the Authority.

2.2 Supporting documents recommended for approval

- Documents: IP 0001/21
- Drawing Numbers:
 - IP 0001/21/DOC1
 - IP 0001/21/DOC2
 - IP 0001/21/DOC3

2.3 Applicable law/ policy

The installation carries out of activities which fall within scope of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, in particular Activity 5.5:

“Temporary storage of hazardous waste not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.”

The proposal is to comply with:

- Environment Protection Act (CAP. 549);
- Industrial Emissions (Framework) Regulations (S.L. 549.76)
- Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (S.L. 549.77)
- Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89)
- Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing **best available techniques (BAT) conclusions for waste treatment**, under Directive 2010/75/EU of the European Parliament and of the Council

2.4 Site Description and Constraints

Site is located at Garages 41 & 42, Ta' Ghadajma Complex, Mqabba. Site lies within an industrial complex close to the airport on the outskirts of Mqabba away from the residential area.

2.5 Site History

The following permitting history is noted on site:

Number	Title	Status
<i>EP 0007/10/A</i>	To carry out waste management activities related to storage of scrap batteries and storage and processing of scrap metals prior to export	<i>Granted for a period of 1 year</i>
<i>IP 0004/13/A</i>	IPPC Permit to replace EP 0007/10/A	<i>Granted on 11th April 2017 for a period of 4 years</i>
<i>IP 0004/13/B</i>	Variation of IPPC Permit to include further battery waste codes and degassed waste air conditioner units	<i>Granted on 13th January 2021 with the same expiry date of IP 0004/13/A</i>
<i>OWK 0064/19</i>	Stop and Compliance order issued due to lack of compliance with IP 0004/13/A	<i>Issued on 10th October 2019</i>

2.6 Consultations

i. Intra ERA Feedback

In terms of noise monitoring, clarifications were requested in relation to conditions related to noise monitoring. It was also proposed that in view the activities on site and site location, noise monitoring previously requested is no longer required unless specifically requested by the Authority.

In relation to the compliance status of the site, a Stop and Compliance order was issued on 10th October 2019 due to various non-compliances with the permit, including lack of submission of items requested as part of the Improvement Programme, acceptance and treatment of WEEE without a permit and lack of submission of the 2017 and 2019 Audit reports.

The audit reports were submitted and activities related to acceptance and treatment of WEEE were covered by the variation of the IPPC permit granted on 13th January 2021. The pending IP items were also submitted, with the exception of the completion of the dangerous goods handling course which could not yet be fulfilled by the operator since such courses have been suspended by institutions holding such courses due to the Covid-19 pandemic. In terms of reporting, all due AERs and audit reports have now been submitted accordingly. Furthermore, no complaints have been received against this facility in recent years. The OWK has been closed and all fines due have been paid.

ii. **Feedback from External consultees**

The Water Services Corporation (WSC) reiterated that the site has still not applied for a sewer discharge permit which led to the inclusion of an improvement program item regarding this item in the proposed permit.

The Civil Protection Directorate (CPD) informed ERA that it is important the applicant adheres to the fire plan submitted as part of IP 0004/13/A and agreed that follow up to improvements to firefighting infrastructure on site would be included as improvement programme items.

The Regulator for Energy and Water Service and the Environmental Health Directorate were also consulted and had no comments on the application

No feedback was received from the Planning Authority, Malta Competition and Consumer Affairs Authority (MCCAA) and the Occupational Health and Safety Authority (OHSA) which were also consulted

iii. **Feedback from the Applicant**

Consultation with the applicant regarding the proposed permit was carried out on the 11th March 2021.

Applicant informed ERA that relevant institutions are currently closed due to COVID and therefore no training can be done for the time being.

2.7 Representations from public

- i. **Public consultation dates:** 6th February 2021 to the 20th February 2021
- ii. **Responses received:** No public comments received

2.8 Discussion

Following submission of the renewal application, the ERD noted that no changes to the current operations were being proposed,

Consultation was carried out with both within ERA and with the required statutory consultees as well as with the public. ERD consolidated the feedback from the regulatory and internal consultees and the applicant was provided with a consolidated list of items which were to be addressed. Some items have been translated into post decision requirements whereas others have been proposed as improvement programme items.

Compliance issues were addressed and where these required follow up, these are being addressed through the post decision requirements and improvement programme as detailed below.

To note that the only improvement programme item being carried forward from the original permit relates to the TCP and his delegate being trained in the handling of dangerous substances. This is not yet addressed as applicant had previously intended to do a course with Transport Malta which has been postponed due to COVID. ERD has amended the improvement programme item to allow the applicant to do a wider range of courses whilst achieving the same result, training in hazardous materials. In view that the applicant is still stating that such training is not available at this point in time, this item is being proposed to be included as an improvement programme item with a 12 month timeframe for application and completion of such training.

A site visit was carried out on the 3rd March 2021 to verify that no changes had occurred from the previous application. During this site visit, it was noted that the waste storage on site was not being limited to those delineated in approved areas and that the fire plan approved in IP 0004/13/A was not being adhered to. Following this, post decision requirements and improvement programme items were added to address the abovementioned issues.

2.9 Financial Matters

Application Fee	€5,000
Financial guarantee	€28,600 (current financial guarantee amounts to €13,000)
Annual Fee	Prior to issue of the permit, the applicant shall pay ERA the sum of €1,200 to cover the annual contribution until year 2021 (€1,000 per year) and the inspection fee covering 1 inspection carried out to date (rate of €200 per inspection).

3. Environment Officer Recommendation:

The Environment and Resources Directorate recommends the GRANTING of the Renewal of the IPPC permit for a period of four years, subject to the following conditions as post decision requirements:

- Submission of an updated bank guarantee of €28,600
- Submission of photographic evidence that all waste that is not within the areas indicated in Approved Document IP 0001/21/DOC1 has been removed. This shall be supported by all relevant consignment notes or export notifications.
- Submission of photographic evidence that the quarantine area has been cleared and that a non-leaking skip or similar contained structure has been installed for the area.
- Settlement of outstanding accrued fees amount to €1,200 to cover the annual contributions for 2021 (€1,000 per year) and 1 inspection carried out to date (rated at €200 per inspection).

The proposed permit conditions include

- Standard conditions for this sector;
- Site-specific conditions
 - **Pre Operational Condition:** Acceptance and storage of degassed air conditioner units shall not commence prior to written communication from the Authority. Such communication shall be provided following satisfactory submission of documentation including specifications and on-site photographs of the equipment that can detect the presence of any refrigerant gases within the incoming waste air conditioner units.
 - The Permit Holder shall ensure that the fire plan in Approved Document IP 0001/21/DOC3 is adhered to, the evacuation routes are kept clear and the fire extinguishers are kept accessible at all times. ∞
 - The Permit Holder shall ensure that all fire extinguishers laid out in the fire plan as described in Condition 4.7.5 are in place at all times and are regularly maintained, as per manufacturer/supplier specifications. ∞
- Improvement programme items:

Table 1.4.1: Improvement programme		
Reference	Requirement	Date
7 ∞	To provide WSC the required information in order to obtain the sewer discharge permit	Within 1 month of the granting of this permit
10	Calibration of the weighing equipment and submission of the calibration certificate signed by a third party warranted engineer or by the equipment's manufacturing company, as per Condition 3.1.11	Within 3 months of the granting of this permit
11 ∞	Maintenance of the onsite fire extinguishers as per BS 5306-3:2017 and BS 5306-1:2006 and submission of proof of such maintenance	Within 3 months of the granting of this permit
12 ∞	Submission of photographic evidence that all fire extinguishers shown in fire plan shown in Approved Document IP 0001/21/DOC3 how been affixed and have been supplied with adequate access	Within 3 months of the granting of this permit
13	Submission of certification by a third party warranted civil engineer or engineer showing how the site containment system, drainage system and all impermeable floor has been inspected and validated in accordance with Condition 2.7.4	Within 4 months of the granting of this permit
14	a. Submission of proof that the TCP and his delegate have applied for a training course for the handling and management of hazardous materials with a local or foreign provider	Within 1 year of the granting of this permit
	b. Submission of documentation showing that the TCP and his delegate have carried out training related to management of hazardous materials	
15	Submission of an updated Outline Decommissioning Plan in line with Conditions 4.9.2 and 4.9.3	Within 2 years of the granting of this permit

This report to the ERA Board has been prepared, reviewed and endorsed by:

Case Officer: Stefan Montebello

Reviewed by: Simon Farrugia

Environment Protection Officer

Senior Officer (Environmental Permitting)

Signature:

Signature:

Date: 30th March 2021

Date: 30th March 2021

Endorsed By: Nathalie Ellul

Team Manager (Permitting)

Signature:

Date: 1st April 2021