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**Subject:** IP 0002/13/B – Application for the renewal and variation of IP 0002/13/A for Metalco Ltd., Luqa.

**Date:** 30th November 2020

**To:** ERA Board

**From:** Environment Resources Directorate

**Case officer:** Andrew Ciarlo`

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## **1. Background**

This report has been prepared for the determination of IP 0002/13/B (renewal and variation of IP 0002/13/A) for Metalco Ltd. submitted by Mr. Mario Cremona on behalf of Metalco Ltd. In this regard, the application was received on 24<sup>th</sup> October 2018 and a consolidated application was submitted on 16<sup>th</sup> November 2020.

## **2. Case Officer Report**

### **2.1 Proposal**

The application for renewal and variation of IP 0002/13/A proposes the following additions to the current operations:

1. Backfilling of a quarry next to the currently permitted site covered by development application PA 1030/18;
2. The addition of another crusher for processing of waste materials including non-hazardous components of WEEE;
3. The inclusion of an additional area to the current site area resulting in an increase in storage capacity from a current approximate 756 Tonnes to 4636 Tonnes covered by development application PA 9599/17

### **2.2 Supporting documents recommended for approval**

Drawing Numbers:- IP 0002/13/B/DOC1

Documents: IP 0002/13/B  
IP 0002/13/B/DOC2  
IP 0002/13/B/DOC3  
IP 0002/13/B/DOC4

### 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 5.3(b)(iv):

“Recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving

*Treatment in shredders of metal waste, including waste electrical and electronic equipment and their components”*

and 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)
- The Waste Regulations (SL 549.63)
- Waste Management (Electrical And Electronic Equipment) Regulations (SL 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 lies within the Luqa industrial Estate. This waste management facility is adjacent to another permitted waste management facility, from which it will be taking over part of the area which is intended to be converted to a car park for staff.

### 2.5 Site History

The following permitting history is noted on site:

Number	Title	Status
PA 3146/13	Demolition of existing building located within containment area to construct warehouse and offices to extend operations of metalco	Approved (31/05/14)and Completed (Commencement 28/02/15).
WM 0001/08/ H	Environmental Permit for Operations	Permit Superseaded by IP 0002/13/A

PA 2823/15	Proposed placing of fuel tank in existing store	Approved (08/02/17) and Completed (Commencement 25/02/20)
PA 2907/15	To sanction use of old reservoir as a waste soaps process cesspit.	Approved (17/11/15) and Completed Commencement 20/01/16).
PA 2941/15	Proposed construction of employee's bathroom and cesspit.	Approved (17/11/15) and Completed (Commencement 13/01/15)
IP 0002/13/ A	IPPC Permit for Operations	Permit Expires on 29 <sup>th</sup> December 2020
PA 1030/18	Proposed backfilling of existing quarry included in an IPPC permit, to revert it back to an open field.	Approved (12/02/2020)
PA 9363/19	Outline application - Proposed partial demolition of existing structures and to propose the construction of 24 warehouses, the construction of a dividing wall between two adjoining sites, including the proposal of 2 level underground warehousing garages & parking spaces, and landscaping works. The proposal will also include the construction Class 4A offices ancillary to the proposed warehouses	Awaiting Recommendation
OWK 0030/20	Issued for non-compliance with certain Permit conditions	Still in place

## 2.6 Consultations

### i. Feedback from Biodiversity and Water Unit

The unit had no comments on the application.

### ii. Feedback from Ambient Quality and Waste Unit

The unit had no comments on the application.

### iii. Feedback from Environmental Assessment Unit

The unit had no comments since in view that the proposal did not warrant a new development application.

#### **iv. Feedback from Compliance and Enforcement Directorate**

During the lifetime of this permit, 12 formal inspections were carried out on site. Following several inspections carried out over 2019/2020, in which numerous non-compliances were repeatedly found, a Stop and Compliance Order (OWK0030/20) was issued against the site on 30<sup>th</sup> October 2020. The non-compliances mainly relate to Improvement programme items, storage of waste not in accordance with the approved site layout plan, inappropriate storage of WEEE and lack of bunding.

The IP items which have not yet been fully satisfied are Items 1, 6, 7, 10, 12 and 13. It is CED's understanding that these IP items (with the exception of IP 13) are to be retained in the new permit with new timeframes; and that IP 13 will be eliminated as a requirement completely.

CED have not received any complaints directly related to this facility. The AER and Audit report for 2019 have been provided as required.

CED has the following recommendations:

- i) Prior to the issue of the permit, Metalco Limited is to first pay all fines due, namely both the accrued Daily Fines in relation to OWK0030/20 as of decision date, i.e. €400 if Board is held on 18 December, as well as the effective Administrative Fine for waste carrier related infringements for vehicles owned by Metalco Ltd. IF2319/19-D, i.e. €600. (total of both fines together amount to €1000)
- ii) Prior to the issue of the permit, the infringements listed in the Order are to be adequately addressed by operator – either by having the respective items catered for by the new permit or by complying with the Order requirements.

#### **v. Feedback from External consultees**

The **Water Services Corporation (WSC)** commented that the site's has still not obtained a sewer discharge permit which led to the inclusion of an improvement program item regarding this item in the form of a plan to achieve compliance. They also requested amendments and clarifications in the application concerning discharges to the public sewer whilst providing conditions for such discharges. Subsequently, a receipt for a new application for a sewer discharge permit was submitted with the consolidated application and till this is obtained no direct or indirect discharge to sewer should be allowed until a Public Sewer Discharge Permit is obtained.

The **Regulatory for Energy and Waster Services (REWS)** objected to the continued processing of the application due to issues related to fuel storage arrangements. Subsequently, the applicant has applied for and obtained the required permits for the fuel storages on site. Additionally REWS requested that fuel stored on site is only used for on site machinery, not vehicles. The relevant activity was amended to reflect this requirement.

The **Environmental Health Directorate (EHD)** had no comments.

The **Occupational Health and Safety Authority (OHSA)** asked to applicant to confirm that the facility still id not classified under the COMAH regulations to which the applicant responded that the site does not fall within scope of these Regulations. The OHSA reserved the right to verify this through submission of the associated information and documentation.

The **Civil Protection Directorate (CPD)** provided a list of recommendations to be followed for the operations. Conditions are included to ensure such practices are followed as recommended by the CPD.

The **Energy and Water Agency (EWA)** asked if the bore hole is still in use and that this should undergo regular monitoring if it is. The applicant stated that the borehole is sealed and is no longer in use. However monitoring will be performed as part of the planned baseline study that is to be performed by the applicant.

The **Planning Authority** and the **Malta Resources Authority** did not provide feedback.

**vi. Feedback from the operator**

The Operator had no Comments on the draft permit.

## **2.7 Representations from public**

- i. Public consultation dates:** 16<sup>th</sup> November 2020 to the 30<sup>th</sup> November 2020
- ii. Responses received:** No public comments received till time of writing.

## **2.8 Discussion**

Metalco Ltd. is currently permitted for the processing and mechanical treatment WEEE and other wastes.

The installation is covered by an IPPC Permit which is valid until the 26<sup>th</sup> December 2020 after the ERA board granted three extension to the validity of IP 0002/13/A which originally expired on the 26th March 2019.

Metalco Ltd. applied for both renewal and variation of their permit on 24th October 2018, which included the request to add destruction of confiscated food waste, the processing of refrigerators and freezers, the acceptance, storage and processing of End of-Life vehicles (ELVs), the backfilling of an adjacent quarry, the addition of a crusher, and the restructuring of the site areas to add more storage space as well as the addition of an adjacent area that was previously in use by another operator. The application did not originally include the required BAT assessment for Waste Treatment Industries – 2018. This was submitted on 22nd January 2019. During processing the applicant revised the variation and is now only adding the backfilling of an adjacent quarry, the addition of a Crusher, and the restructuring of the site areas to add more storage space as well as the addition of an adjacent area ( previously in use by another operator) for staff and customer parking.

The Permitting Unit reviewed the application and guided applicant to address all the variations necessary through their reply to ERA's review which was sent on 21<sup>st</sup> February 2019. Following a number of changes to the variation proposal, the consolidated application was received on the 16<sup>th</sup> November 2020.

The Statutory Consultation process as required by S.L. 549.77 (Industrial Emissions (Integrated Pollution Prevention and Control) Regulations) was started on 23<sup>rd</sup> March 2020. A consolidated application submitted on the 16<sup>th</sup> November 2020, which enabled initiation of the public consultation between the 16<sup>th</sup> November and 30<sup>th</sup> November 2020.

During the application process ERA required the submission of a baseline proposal in line with Regulation 16 (2) of S.L. 549.77. This was already required through the Improvement Program of IP 0002/13/A and has not yet been submitted. It is being proposed that this is submitted in accordance with the applicable requirements prior to any granting of the permit and that this document once approved by the ERA is add to the permit as an approved document. Other improvement program items have not been completed and are being included again in the renewal with a tighter timeframe for submission and with a higher bank guarantee associated with the submission of the respective items.

In response to CEDs feedback it is to be noted that the ERD is in agreement with recommendation related to the payment of the OWK0030/20 prior to the granting of the permit. However, in relation to the Administrative Fine related to the waste carrier infringements, the ERA is recommending that this is addressed as part of the waste carrier permit. The CED have been informed of this recommendation are in agreement with it. In relation to the infringements listed in the OWK, the infringements related to the waste storage arrangements will be addressed through the permit and thus waste is to be stored in the areas indicated in the site layout plant. With regards to lack of submissions of certain improvement programme items required by the current permit, the ERD is recommending that these are included in the new permit, albeit with a shorter timeframe for submissions and with a higher bank guarantee. In view that these improvement programme items require the submission of specific monitoring studies which necessitate time to complete.

Reference	IP item	Revision
1	Submission of and baseline report in line with European Commission guidance pursuant to Regulations 9(3) and 16(2) of the Industrial Emissions (IPPC) Regulations, and approved doc IP 0005/13/B/DOC2	Reviewed so that the baseline method statement is submitted prior to granting of permit and final report is submitted within 9 months from granting.

Reference	IP item	Revision
6	<p>a) Submission of a method statement for the implementation of a Noise Monitoring Survey, in accordance with the requirements of Schedule 4.</p> <p>b) Implementation of a Noise Monitoring Survey in accordance with the method statement approved as part of improvement programme Item 6a) above. The final report should include recommendations for proposed frequency of such monitoring in the future.</p>	<p>Was set to commence within 3 months of granting of permit. and to be submitted within a year.</p> <p>It is now set to commence within 2 months and to be submitted within 7 months.</p>
7	Implementation of air monitoring programme in accordance with methodology submitted in approved doc IP 0005/13/B/DOC4	<p>Was set to commence within 3 months of granting of permit. and to be submitted within a year.</p> <p>It is now set to commence within 2 months and to be submitted within 4 months.</p>
10 <sup>∞</sup>	To obtain a Sewer Discharge Permit from the Water Services Corporation in accordance with Condition 2.2.3.3	Application has been made. The requirement was left for submission to be made within 1 year from granting of permit.
12	Submission of an Outline Decommissioning Plan, in accordance with Condition 2.9.2	Reviewed to be submitted within 4 months of granting of Permit rather than 6 months.

Regarding the lack of bunding around fuel tanks, which was also listed as an infringement in the OWK, this item is being recommending to be addressed prior to the granting of the permit.

The applicant has also submitted a comparison with the Best Available Techniques for Waste Treatment Industries (BAT-WTI) published in 2018 upon which conditions and monitoring obligations are being revised.

ERA and regulatory consultees have also asked for and obtained documented evidence on the required improvements regarding the safe storage of waste and associated emergency measures.

The current bank guarantee, amounts to €11,500, however the bank guarantee had to be revised to taken into account the additional activities and site history including changes to the improvement programme items. Thus the proposed new bank guarantee amounts to €48,650

## 2.9 Financial Matters

<b>Application Fee</b>	€6,000 - PAID
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<b>Financial guarantee</b>	A financial guarantee of € 48,650 is being assigned to secure the obligations under this permit. The previous financial guarantee amounted to €11,500.
<b>Annual Fee</b>	€1,000 per year since year 2016 and an additional €200 for each inspection carried out since 2016 (12 in total) totaling €8,400
<b>Fines</b>	€400 in relation to OWK 00030/20

### 3 Environment Officer Recommendation:

The Environment and Resources Directorate recommends the GRANTING of the Permit for a period of four (4) years subject to:

- A bank guarantee of €48,650 is submitted to the ERA.
- Annual fee of €8,400 covering the period 2016-2021 (€1,000 per year) and 12 inspections carried out to date (rated at €200 per inspection)
- Payment of fines for OWK 0030/20 up to 18<sup>th</sup> December 2020 amounting to €400.
- Updating of the baseline proposal as approved doc IP 0002/13/B/DOC2 in accordance with Regulation 16 (2) of S.L. 549.77
- Submissions of evidence that the bunding required as per the OWK has been installed.
- Standard conditions for this sector;
- Site specific conditions:
  - Emissions to air from 4 generators on site are allowed. The Generators do not fall within the threshold for Medium Combustion plants.
  - Various conditions prescribing the Best Available Techniques (BAT) for the activities of this facility.
  - Conditions controlling which WEEE can be processed as well as how this is to be processed.
  - Conditions limiting backfilling of the quarry to inert waste from construction and demolition. Additionally it includes conditions to limit fugitive emissions from backfilling activities.
  - All crushing activities of Aluminium profiles shall be performed with an eddy current machine to separate smaller particles
  - The Permit holder may refuse the entry of any waste carrier in instances where the vehicle is not properly maintained and/or shall direct the waste carrier to make use of the cleaning facilities available on site.
  - No parking of vehicles shall take place within the designated area in IP 0002/13/B/DOC1 until such time that the land surface is completely rendered with a suitable material which prevents petroleum intrusion into underlying land and groundwater.



- Following fulfilment of condition 1.6.2, the area designated for parking in approved document IP0002/13/B/DOC1 shall only be utilised for the parking of vehicles not containing waste and shall at no time be utilised to carry out additional activities approved through this permit.

- Improvement programme items:

Reference	Requirement	Deadline
1	Submission of and baseline report in line with European Commission guidance pursuant to Regulations 9(3) and 16(2) of the Industrial Emissions (IPPC) Regulations, and approved doc IP 0005/13/B/DOC2	Within 9 months of issue of the permit
6	<p>a) Submission of a method statement for the implementation of a Noise Monitoring Survey, in accordance with the requirements of Schedule 4.</p> <p>b) Implementation of a Noise Monitoring Survey in accordance with the method statement approved as part of improvement programme Item 6a) above. The final report should include recommendations for proposed frequency of such monitoring in the future.</p>	<p>a) Submission of method statement approved by the ERA within 1 month of granting of permit.</p> <p>b) <ul style="list-style-type: none"> <li>i) Submission of notification of initiation of survey within 2 months of the date of Granting of this permit</li> <li>ii) Submission of the final report within 7 months the date of granting of the permit.</li> </ul> </p>
7	Implementation of air monitoring programme in accordance with methodology submitted in approved doc IP 0005/13/B/DOC4. The final report should include recommendations for proposed frequency of such monitoring in the future.	<p>a) Submission of notification of air monitoring survey within 2 months of the date of granting of this permit</p> <p>b) Submission of air monitoring report within 4 months of the date of granting of the permit.</p>
10 <sup>∞</sup>	To obtain a Sewer Discharge Permit from the Water Services Corporation in accordance with Condition 3.3.17	Within one year of issue of the permit
12	Submission of an Outline Decommissioning Plan, in accordance with Condition 8.2	Within 4 months of issue of the permit

<b>This report [to the ERA Board] has been prepared, reviewed and endorsed by:</b>	
<b>Case Officer: Andrew Ciarlo`</b>	<b>Reviewed by: Simon Farrugia</b>
Senior Env. Protection Officer (Permitting)	Senior Env. Protection Officer (Permitting)
Signature:	Signature:
Date: 30 <sup>th</sup> November 2020	Date: 26 <sup>th</sup> November 2020
<b>Endorsed by: Nathalie Ellul</b>	
Unit Manager (Permitting)	
Signature:	
Date:	