

MEPA's comments on the SEA scoping report on the National Waste Management Plan 2013 - 2020

17th September 2013

1. MEPA notes that the Ministry for Sustainable Development, the Environment and Climate Change (MSDEC) will be carrying out an environmental assessment of the emerging National Waste Management Plan 2013 – 2020 in line with the Strategic Environmental Assessment Regulations of 2010¹.
2. Our comments on the SEA Scoping Report are provided below. It is recommended that these comments, in conjunction with our comments on the Issues Paper: Towards Sustainable Waste Management (see Appendix 1), are taken into consideration in the drafting of the Plan and preparation of the SEA Environmental Report.
3. The scoping report provides a good overview of the scope and parameters for the environment assessment of the Plan and preparation of the SEA Environmental Report. However, we consider that the following issues should also be addressed in the following stages of the SEA process.

General comments

4. The Environmental Report is an important step in the SEA process to ensure that all significant environmental impacts are addressed.
5. At this stage, it is not possible for MEPA to determine whether the emerging Plan will require an Appropriate Assessment in view of its potential impacts on Special Areas of Conservation (SACs) and/or Special Protection Areas (SPAs), in line with Regulation 19 of the Flora, Fauna and Natural Habitats Protection Regulations of 2006 (as amended). MEPA will re-consider this issue once the details of the draft Plan and draft Environmental Report are available.
6. Any future proposals emerging from or are connected to the implementation of the National Waste Management Plan will require separate environmental assessment at project stage. This may include Environmental Impact Assessment (EIA) and/or project-level Appropriate Assessment.
7. Moreover, we recommend that references to:
 - the SEA Regulations of 2005 should be replaced by SEA Regulations of 2010 (see Table 4 and Section 5.2); and
 - the Environment Protection Act (Cap 435) should be replaced by the Environment and Development Planning Act of 2010 (see Section 3.2).

¹ Legal Notice 497 of 2010

Detailed comments

8. MEPA considers that the SEA Environmental Report (ER) should also address the following issues:

8.1 The ER should analyse the evolution of the environment without the implementation of the Plan in terms of waste generation, landfilling, recycling, illegal dumping, etc and how the Plan intends to change the current situation to improve implementation of the waste hierarchy.

8.2 The relationship between the emerging National Waste Management Plan and other relevant plans and programmes should be addressed in the ER. The scoping report already highlights the requirements of EU and national environmental legislation on waste. We consider that the ER should also have regard to other environmental objectives which may be affected by or which influence the preparation of the Plan and/or the implementation of proposals emerging from such Plan. In particular, the following environmental plans and programmes should be considered in the strategic assessment:

- the National Environment Policy (2012);
- the State of the Environment Reports;
- Strategic Objectives of the Strategic Plan for the Environment and Development (SPED), public consultation draft (2012);
- the National Climate Change Adaptation Strategy (2012);
- the National Strategy for Policy and Abatement Measures Relating to the Reduction of Greenhouse Gas Emissions (2009);
- National Biodiversity Strategy and Action Plan (2012);
- Water Catchment Management Plan (2011);
- Noise Action Plan (2013) and strategic noise maps; and
- Air Quality Plan for the Maltese Islands (2010).

Most of these documents are available from MEPA's website www.mepa.org.mt.

Various environmental information (e.g. Natura 2000, important natural areas, protected cultural heritage (scheduling), protected landscapes, air quality, noise, etc.) is also available from MEPA's website <http://www.mepa.org.mt/topics>.

8.3 The scoping report states that "although individual projects are assessed as alternatives, no site selection studies are within the scope of this assignment". Whilst noting that site selection exercises are not within the scope of the Plan, it is recommended that both the ER and the Plan consider relevant strategic locational considerations, e.g. technological requirements, sensitive environmental areas, sensitive receptors (e.g. residential areas, social facilities), the need to minimise transportation of waste from source, whether strategic or regional waste facilities should be concentrated in particular areas or dispersed, issues related to energy from waste, etc. These issues and their associated environmental impacts will influence and guide future site selection exercises and therefore, the Plan should provide a strategic locational framework for Malta's waste management infrastructure.

- 8.4 The linkages between the indicators for assessment (see Table 2) and the environmental challenges and baseline data (see Table 1) need to be clarified in the ER. For example, it is unclear how data on the use of public transport is important for the assessment of the environmental effects of the emerging Plan. The correlation between these challenges/indicators and the findings of the Issues Paper also needs to be explained.
- 8.5 In addition to the identified issues, the ER should also consider the potential impacts of the Plan on valleys, sensitive landscapes and cultural heritage. Baseline data and indicators regarding these issues should be included in the assessment. Relevant environmental information is available from MEPA's website (www.mepa.org.mt) or in published documents (e.g. Local Plans and State of the Environment Reports).
- 8.6 It is also recommended that the following indicators should be included in the assessment:
- Population and human health: to include indicators regarding communication campaigns on waste management carried out on the media.
 - Biodiversity and landscape: to include indicators regarding illegal dumping activities.
 - To include indicators regarding biodegradable waste.
 - Transport and infrastructure: Local Councils may provide useful data on the issue.
- 8.7 The SEA Process and ER should consider the potential cumulative and synergistic effects of the emerging Plan on the environment. It is also important that the ER describes the methodology and criteria used to predict such impacts.
- 8.8 At present, the scoping report does not explain the methodology and criteria that will be used to determine impact significance. This issue should be addressed directly in the ER.
- 8.9 The ER should include a monitoring programme in line with the provisions of the SEA Regulations. We consider that, wherever possible, the SEA monitoring programme for this Plan should have regard to other relevant environmental monitoring that is already being carried out, e.g. monitoring for the National Environmental Policy, the State of the Environment Report, EU reporting, etc.
- 8.10 It is important to ensure that the proposed tasks for the ER in Section 6 of the scoping report reflect the above comments.

Appendix 1

MEPA's comments on the Issues Paper were provided on 26th August 2013.

EPD Comments on the Issues Paper **- TOWARDS SUSTAINABLE WASTE MANAGEMENT-**

EPD supports the publication of the Waste Issues Paper. While welcoming the review of the actual effectiveness of waste management mechanisms currently in operation, and noting that these have a strong bearing on Malta's success in achieving waste related targets and related environmental commitments, EPD is putting forward the following strategic and section specific comments for evaluation by the Ministry for Sustainable Development, Environment and Climate Change (MSDEC).

Strategic Comments

1. EPD deems it important that more emphasis is placed on an overview of the context in terms of the limited time period that the waste sector has been regulated, and the significant changes that have taken place over this period.
2. EPD strongly recommends that the 'Issues' section should be mapped out according to the Waste Hierarchy Principle (WHP), in line with the Waste Framework Directive (2008/98/EC), stating that the WHP is to be applied as a priority order to enable the achievement of sustainable waste management outcomes. It is also pertinent to bear in mind that EU waste legislation and onerous targets are modelled on the WHP; with the aim to *prevent* the production of waste in the first place, followed by adequate waste management options of what actually becomes waste. In view of this, issues related to achieving Waste Minimization should be the first to be tackled, ahead of the section on Waste Management.
3. The Issues Paper mentions the WHP in Issue 3, stating that waste minimisation is not adequate in Malta. This statement merits to be expanded to give further insight on how waste generation is currently being prevented.
4. The link between inappropriate waste management and the quality of human life/health/cost of clean up/etc is not appreciated by the general public. EPD suggests including this as another issue to support and follow up on Issue 3.1 (Waste management practices that are low on the waste hierarchy cause environmental, social and economic impacts), which will also enable the follow up on National Environment Policy (NEP) measure 2.3.39 (Use waste data to design targeted educational campaigns on waste reduction). This way forward would contribute to the "carrot and stick" approach, while supporting Government's position that "Good behaviour needs to be rewarded if it is in line with the objectives set out at a national level to achieve our obligations" mentioned on pg 13 of the Issues Paper. This undesired issue may be addressed through an increase in communication and education on waste issues. With this in mind, Issue 3.3. (Malta must put in place

more waste prevention measures) should be supplemented with “increasing awareness and education on the WHP amongst the general public”.

5. The apparent shortfalls of the current systems, leading to delays in achieving Malta’s waste targets could possibly benefit if they are repackaged in tabular format, as a brief SWOT analysis; identifying why a number of these initiatives were successful, while singling out other initiatives that left to be desired, and the reasons for the variance in success. The bearing that waste related measures would have/have had on business; both the waste generating business sectors (eg. development on a site which requires a demolition phase) and the waste recovering business sectors (eg. an infill facility) require further careful analysis if they are to be successful. The following are a few determining factors, which have been singled out as examples - influence of age of fleet on End of Life Vehicle targets, and infilling/backfilling of quarries on C&D recovery targets and the current operations at port reception facilities.

6. EPD advises that current policies for hazardous waste landfills might need to be revised to reflect increased quantities of hazardous waste generated by industry and the existence of new/alternative waste treatment technologies in the pipeline, which could be opted for in preference to landfilling, according to the waste hierarchy principle.

7. Finally, EPD takes this opportunity to remind that any development proposals that may emerge as a result of this paper may need to be further assessed through established environmental screening/assessment procedures for incoming development applications. The same applies for screening/assessment procedures for environmental permits concerning operational aspects.

Section Specific comments

Page	Para/Table	Comment
3	Table 1	<p>A number of specific waste streams are not included here, such as animal waste (slurries/manure) and hazardous waste (other than batteries and WEEE). The management of these wastes needs to be addressed in the strategy. Further comments are included vis-à-vis page 9.</p> <p>Not all ELVs are being treated in authorised facilities and are demolished illegally.</p>
4	<p>“an engineered landfill”</p> <p>“a hazardous waste incinerator”</p>	<p>MEPA is informed that the Zwejra landfill still has some void space left.</p> <p>The incinerator treats mainly (non hazardous) animal by-products, as these cannot go to landfill unless they have been treated in accordance with the Animal by-Products Regulations. The capacity of this incinerator for hazardous waste incineration</p>

		is extremely limited due to size and technical constraints.
5	Rehabilitation of decommissioned waste management facilities is also underway.	<p>It is understood that this comment refers to the main landfills of Maghtab, Qortin and Wied Fulija. However it should be noted that there are a number of other dumpsites and landfills which remain unaddressed and for which the environmental risks are not known. E.g. Il-Mara dumpsite (coal ash/fly ash), infilled quarry off Ghajn Dwieli Road & Wied Blandun dumpsite (grit), amongst others.</p> <p>A strategy for addressing such sites is also needed. While such a strategy may be better developed within the context of a national strategy for contaminated sites, this is an issue that is linked to past mismanagement of waste, and should thus be highlighted within the waste strategy. It should be noted that this issue is considered in the proposed Soil Framework Directive.</p> <p>Moreover, any plans to convert old landfills to public spaces should be evaluated through detailed risk assessments.</p>
8	Footnote 14	Munitions, spoilt cargo and contaminated dredged material were until recently also dumped at sea; alternative management and disposal options for these waste streams should be addressed in the strategy.
9	Box 1 (“Main Issues”)	<p>Point 1.2 – ‘Limited Local Waste Facilities’: There are a number of waste streams that are currently problematic when it comes to management of said waste, as there is only one privately-owned facility which caters for temporary storage of all waste codes prior to export; however this is not always a feasible option for individual small businesses and industry to utilize this company’s services for these wastes as these are usually generated in small quantities.</p> <p>On the other hand, some wastes are also generated in such large quantities that this also would limit the use of said facility. Prior to completion of the hazardous waste facilities at Ghallis being commissioned, interim solutions should be sought for the following:</p> <ol style="list-style-type: none"> 1. Gypsum Materials 2. Hazardous Wood and other contaminated packaging 3. Perchloroethylene residue waste from dry-cleaning facilities 4. Asphalt/tarmac from road works 5. Contaminated soil/rock 6. Waste chlorofluorocarbons, HCFCs, HFCs 7. Slurries/manure 8. Sludges, solvents and other waste chemicals.

		<p>This is not an exhaustive list; there are other waste streams which also need to be addressed. Furthermore, the planned hazardous facility in Ghallis may not cater for all of the above mentioned wastes.</p> <p>1.4: Land use pressures: This is a critical issue, especially when considering sites for new waste management facilities. In general such sites should preferably be located close to already committed waste management sites where minimal impacts are identified.</p> <p>It must be recognised that waste management infrastructure is inevitably associated with complaints relating to odours and noise. While mitigation is possible, elimination of the problem (particularly in summer) requires significant investment that has yet to be quantified and proven effective.</p>
11, 13, 16	Issues lists	<p>"Disposal at sea" is included in a number of lists of issues; the specific issues / impacts related to such disposal need to be better explained in order to be addressed through the strategy.</p> <p>There is the need for study to assess the physical and chemical characteristics of the spoil ground and the surrounding environment in order to inform policy makers and regulators on the potential impacts of current dumping activities.</p>
12	Financial and organizational aspects: Issues list	<p>Waste management sites operated by WasteServ need to be appropriately resourced. Some existing facilities (e.g. the Marsa Thermal Treatment Facility) need upgrades to meet EU requirements, for example regarding air emissions.</p> <p>Moreover, there needs to be adequate resourcing of government agencies tasked with environmental enforcement.</p>
11 (13)	Collection of used cooking oils for local biofuels production is also an important indigenous source of energy.	<p>In view of recent issues related to taxation on biofuel production, which may constitute a barrier to the continuation of this activity, MFIN (Customs and excise / finance) should be consulted.</p>

It is pertinent to note that these Strategic and Section Specific comments are being put forward over and above the direct input that the EPD is providing through its representatives on the Waste Strategy Committee.