

Notice of Variation

Environmental Permit

Environment Protection Act (CAP. 549)

Variation number
EP 0023/22/V1

Permit number
EP 0023/22

Approved document
EP 0023/22/V1/DOC2

The Environment and Resources Authority (hereinafter the Authority; the Competent Authority or ERA) in exercise of its powers under the Environment Protection Act (CAP. 549), hereby authorises:

Mr. Joseph Bonnici o.b.o. Żrar Ltd. (Bonnici Bros.)

(hereinafter “the Permit Holder”)

Company Registration Number: **C 6245**

Of / Whose Registered Office (or principal place of business) is at:

Żrar Ltd. (Bonnici Bros.)

**Bonnici House,
Sardine Street,
Burmarrad, SPB 6073**

For the stockpiling of inert waste, the extraction of rock material, the backfilling of an excavation void, the recycling of soil, the storage of scarified material, the operation of a concrete batching plant, the operation of a hot-mix asphalt plant, the operation of a cold-mix asphalt plant, the operation of a spill washing and separation plant, storage of steel, associated vehicle maintenance, associated laboratory testing and treatment of contaminated excavation material strictly generated from the site at Schedule 3D at:

**Quarry HM35,
Ta' Żuta,
Limits of Dingli,
Dingli**

This variation is valid until the expiry of the permit EP 0023/22 which is **four (4) years** from the ‘permit granted’ date below. An application for renewal is to be submitted at least **six (6) months** prior to expiry of EP 0023/22.

Signed	Date
Perit Vincent Cassar Chairman	<u>Permit granted: 05/01/2023</u> <u>First variation notice granted: 29/ 03 / 2023</u>

Authorised to sign on behalf of the Competent Authority

This page has been deliberately left blank

Introductory Note

The enclosed notice of variation shall be read in conjunction to the permit with reference to EP 0023/22 and shall take effect as of the date indicated above.

The Authority is hereby varying the covering page, Section 1, Section 3, Schedule 1, Schedule 3B & 3D and Schedule 7, 7A and 7B as specified hereunder.

Covering Page

The Approved Documents shall now also make reference to **EP 0023/22/V1/DOC2**

The activity shall now read as follows:

For the stockpiling of inert waste, the extraction of rock material, the backfilling of an excavation void, the recycling of soil, the storage of scarified material, the operation of a concrete batching plant, the operation of a hot-mix asphalt plant, the operation of a cold-mix asphalt plant, the operation of a spall washing and separation plant, storage of steel, associated vehicle maintenance, associated laboratory testing and treatment of contaminated excavation material strictly generated from the site at Schedule 3D at:

The below text shall be included as follows:

This variation is valid until the expiry of the permit EP 0023/22 which is **four (4) years** from the 'permit granted' date below. An application for renewal is to be submitted at least **six (6) months** prior to expiry of EP 0023/22.

Section 1 – General

Amendment of Table 1.1.1 which outlines the authorised activities on site to now read as follows:

1.1 Permitted Activities

The Permit Holder is authorised to carry out the activities and the associated activities specified in Table 1.1.1.

Table 1.1.1

Activity	Description of specified activity	Limits of specified activity
-----------------	--	-------------------------------------

Deposit, recycling and stockpiling of inert waste.	Recycling and crushing of inert material.	From receipt of excavation waste to dispatch of crushed material.
Extraction of resource (rock material)	Excavation and extraction of rock	From excavation and extraction of rock material to dispatch of finished product.
Backfilling of inert material	Backfilling with inert waste of excavation void for restoration purposes	From receipt of permitted inert waste to backfilling of excavation void.
Recycling, sieving and stockpiling of soil.	Processing (sieving) of soil	From receipt of soil to storage and dispatch of recycled soil.
Storage of scarified material	Crushing, storage and reuse of scarified material	From receipt of scarified material to storage and reuse of product.
Concrete batching plant	Production of concrete	From receipt of raw materials to final production and dispatch of finished product.
Hot-mix asphalt plant	Production of hot asphalt	From receipt of raw materials to final production and dispatch of finished product.
Cold-mix asphalt plant	Production of cold asphalt	From receipt of raw materials to final production and dispatch of finished product.
Spall washing and separation plant	Washing and drying of quarried aggregate and spall	From the receipt of quarried aggregate and spall to the rinsing, drying and separation of aggregate and spall for the use in the cement batching plant process.
Operation of an Existing Heating Thermal Oil Boiler	Specified boiler burning gas oil with Serial Number 2720	Rated thermal input of combustion plant is less than to 5 MWTh

Vehicle maintenance & repair	Storage of vehicle parts, maintenance and repairs of vehicles and other related machinery	From maintenance/repair activity to appropriate recovery/disposal of any waste generated on site
Refuelling of company vehicles & heavy machinery	Storage and refuelling of heavy plant vehicles onsite.	From receipt of diesel in the underground storage onsite to refuelling of the company's heavy plant vehicles.
Vehicle washing (ready-mix trucks)	Vehicle washing with discharge to a settling tank and eventual collection of sludge.	From vehicle washing to eventual reuse of sludge on site.
Storage of chemical products	Storage of chemicals for asphalt, bitumen and concrete production	From receipt of chemicals to final production and dispatch of finished product.
Storage of steel	Storage of steel for the production of building material	From receipt of steel to final production and dispatch of finished product.
Associated activity of laboratory testing	In-house quality control testing of materials and products	From receipt of material to testing of finished product.
End of Waste activity for contaminated excavation material generated from the site as specified in Schedule 3D of an approximate amount of 25,000,000 kgs	Treatment, stabilisation and crushing of contaminated excavation waste prior to use in concrete production line	From receipt to treatment, stabilisation and crushing of contaminated excavation waste as per limitations of Schedule 1 to reuse of material in concrete production line to resale of product either locally or abroad subject that the Authority confirms in writing that End-of Waste criteria as per Schedule 7 has been achieved. Unless such confirmation is obtained, the contaminated excavation waste shall be sold to third parties as waste or sent to authorised waste management facilities permitted to accept such waste either locally or abroad.

1.2 Site

Inclusion of the following condition:

- 1.2.5 The mobile crusher indicated as Source 9 in Table 3.5.2 shall be utilised **solely** for the crushing and recycling of contaminated excavation waste generated from the site as specified in Schedule 3D and as per limitations of Table 1.1.1. No other material shall be processed by the batching plant, the mobile crusher (Source 9) and other related equipment until such time that the Permit Holder confirms in writing that no more contaminated excavation waste generated from the site as specified in Schedule 3D shall be processed and is present on site.
- 1.2.6 Processing of contaminated excavation waste generated from the site as specified in Schedule 3D shall be carried out as specified in Approved Document **EP 0023/22/V1/DOC2**.
- 1.2.7 Once all the contaminated excavation waste generated from the site as specified in Schedule 3D is processed at the permitted site, the batching plant, the mobile crusher (Source 9) and other related equipment are to be cleaned thoroughly in order to avoid cross contamination. Waste water from the cleaning of the equipment is to be collected, appropriately contained and disposed of accordingly at a permitted waste management facility.
- 1.2.8 The Authority is to be notified at least three (3) working days prior to the commencement of the collection of samples for leachability testing.

1.3 General Conditions

Amendment of Condition 1.3.12 to now read as follows:

- 1.3.12 This permit is issued against a bank guarantee of **€20,600** which shall be renewed annually. This guarantee will have to be maintained throughout the validity of the permit. Following renewal and/or variations to this permit, the Authority may require amendments to the Bank Guarantee.

Inclusion of the following condition:

- 1.3.18 The Bank Guarantee shall remain in place for the duration of validity of this permit and shall only be released upon confirmation of full compliance with the permit conditions by the Authority. The sum of **€5,000** shall be released from the financial guarantee by the Authority upon the permit holder's request, following the completion of the processing of contaminated excavation waste generated from the site as specified in Schedule 3D and after verification by the Authority that such

contaminated excavation waste is not present on site, and the cleaning of related equipment used for its processing have been carried out to its satisfaction.

- 1.3.19 The Permit Holder shall endeavour to store and process the contaminated excavation waste generated from the site as specified in Schedule 3D as indicated in Approved Document **EP 0023/22/V1/DOC2** and as approved by the Authority. This condition is subject to the forfeiture of **€5,000** from the Bank Guarantee as per conditions 1.3.12 and 1.3.13 should this condition not be complied with.

Section 2 – Site Infrastructure and Equipment

No changes

Section 3 – Operational Procedures

3.1 Waste Acceptance

Amendment of Table 3.1.1 to now read as follows:

Table 3.1.1	
Waste Type	Description of Waste
Excavation Waste	Waste that originates from rock excavation. This waste shall be free of soil, trees, shrubs or any other agricultural content Only contaminated excavation waste generated from the site indicated in Schedule 3D may be accepted to be treated and reused as specified in Table 1.1.1.
Demolition Waste	Waste that originates from the demolition of structures. This waste is to consist of stone slabs and concrete planks or concrete beams only and shall not contain any other waste type such as aluminum, wood or iron apertures, pieces of clothing, furniture, household goods, mattresses or any other waste. This waste is to be separated at source and not at the quarry.
Extractive Waste	Inert waste generated from the extraction of mineral.
Excavated soil	Soil resulting from construction (excavation) and demolition works. This waste is to consist of soil and stone that is not contaminated with dangerous substances. Such waste shall only be accepted and stored on site for reuse. Backfilling of such material is strictly prohibited.

Scarified Waste	Waste that originates from roadworks. To be stored in area specified in Schedule 3B.
-----------------	--

Inclusion of the following conditions:

- 3.1.15 Contaminated excavation waste generated from the site as specified in Schedule 3D shall not be dispatched from the site as a product until such time that the Authority confirms in writing that End-of-Waste status has been achieved. Any contaminated excavation waste that does not achieve End-of-Waste shall be disposed of until End-of Waste status is achieved as confirmed by the Authority.
- 3.1.16 Storage and crushing of contaminated excavation waste generated from the site as specified in Schedule 3D shall be carried out as specified in the Approved Document **EP 0023/22/V1/DOC2** to ensure that material is contained in a way that the stored and crushed material is not exposed to the elements or prone to being windblown around the site.

3.3 Production of aggregate

Inclusion of the following condition:

- 3.3.4 Wetting down of contaminated excavation waste generated from the site as specified in Schedule 3D should only be carried out prior to the crushing of material or during the crushing activity itself to reduce the generation of contaminated water.
- 3.3.5 Further to condition 3.3.4, appropriate measures are to be taken to properly contain any potentially contaminated water generated by the wetting down of the area designated for storage and crushing of the contaminated excavation waste generated from the site as specified in Schedule 3D. Any such resultant water is to be disposed of accordingly at a permitted waste management facility.

3.7 End-of-Waste

Inclusion of the following section and conditions:

- 3.7.1 Any contaminated excavation waste generated from the site as specified in Schedule 3D which is to achieve end-of waste criteria must adhere to the standards for production as per Schedule 7 of this permit.

- 3.7.2 Such conditions shall no longer be valid once end-of-waste criteria for concrete would be established by the EU.
- 3.7.3 This permit only authorises the processing of the EWC code 17 05 04 contaminated excavation waste generated from the site as specified in Schedule 3D.
- 3.7.4 The Permit Holder shall maintain a record for each consignment by issuing a “Statement of Conformity with the End-of-Waste Criteria” as specified below in Schedule 7A with each consignment. These documents shall be submitted to the Competent Authority within one month of finalisation of the end-of-waste process and kept for a minimum of three years and made available to the Competent Authority upon request.
- 3.7.5 Documentation is to be provided proving that:
- i. The NBTC-concrete produced using crushed excavated waste from batch A does not exceed the inert landfill acceptance criteria, as set out in Council Decision 2003/33/EC (i.e. laboratory certificates of the leachability test results), and compressive strength test shows that the NBTC-concrete is fit for use for road trenching and comparable industrial/commercial applications.
 - ii. The compressive strength test of the NBTC-concrete produced using crushed excavated waste from Batch B shows that the NBTC-concrete is fit for use for road trenching and comparable industrial/commercial applications.
- 3.7.6 The Permit Holder shall ensure that the excavated wastes are kept permanently separate from contact with any other waste, and that Batch A is also stored separately from Batch B as identified in Schedule 3B of the permit.
- 3.7.7 The Permit Holder shall ensure that the excavated waste is crushed, then mixed according to the design mix, which was specified by the Permit Holder in the Method Statement (Approved Document **EP 0023/22/V1/DOC2**) accompanying this application¹:
- 36% crushed sand from the NBTC site;
 - 36% aggregate materials added to improve compressive strength; and

¹ Method statement accompanying the present End-of-waste application: @econsulting (2023) Method Statement for the Excavation, Segregation, Transport and Processing of Excavated Wastes arising from the NBTC Project Version 1.3

- 18% Portland cement (minimum of 200 kg of cement per m³ of concrete).

3.7.8 The Permit Holder shall ensure that all NBTC-concrete that reached end-of-waste status is exclusively intended to be used as road trenching concrete infill and comparable industrial/commercial applications and that no further treatment prior to use other than normal industrial practice is required.

3.7.9 The Permit Holder shall ensure traceability throughout the process and this shall involve the keeping of records on:

- Waste input for end-of-waste process;
 - Product output following the end-of-waste process; and
 - Waste output following the end-of-waste process;
- as per Schedule 7B.

3.7.10 The Permit Holder shall ensure that the NBTC-concrete comply with all relevant product legislation and more specifically with S.L. 427.83 (Construction products (implementation) regulations).

Section 4 – Site Management

No changes

Section 5 – Cessation of Activity

No changes

Schedule 1 - Complete List of Permitted Waste on Site

01 01 02	Waste from mineral non metalliferous excavation
01 04 08	Waste gravel and crushed rocks except those mentioned in 01 04 07 (wastes containing dangerous substances from physical or chemical processing of non-metalliferous minerals)
01 04 09	Waste sand and clays
01 04 13	Wastes from stone cutting and sawing except those mentioned in 01 04 07

17 01 01	Concrete except that mentioned in 17 01 06 (mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances.)
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other those mentioned in 17 01 06
17 02 02	Glass
17 03 01*	Bituminous mixtures containing coal tar
17 03 02	Bituminous mixtures other than those mentioned in 17 03 01
17 05 04	Soil and stones other than those mentioned in 17 05 03 (Excluding topsoil, peat; including contaminated excavation material generated solely from the site as specified in Schedule 3D of an approximate amount of 25,000,000 kgs. No contaminated soil and stones generated from other sites may be accepted on site)

Schedule 2 – Annual Environment Report and Submissions

No changes

Schedule 3 – Site Plans

Schedule 3A Site Map – No changes

Schedule 3B Site Layout Plan showing Locations of Installations shall now be replaced by the following:

Schedule 3B

Site Layout Plan showing Locations of Installations

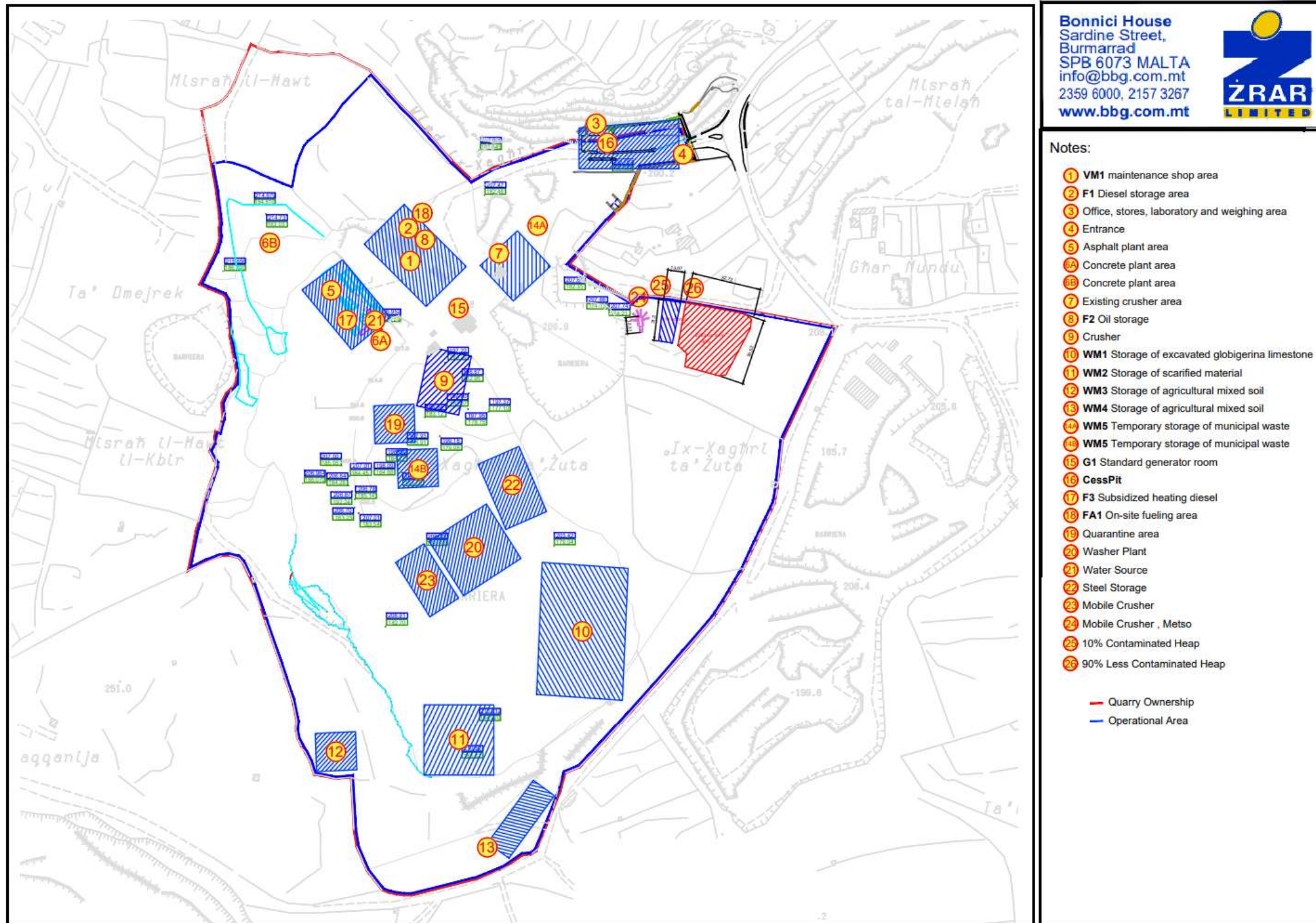


Fig. 3.2: Site of installation, showing the extent of area authorised for activity for the carrying out of the activities specified in Condition 1.1.1. The extent of the site boundary is indicative and shall not be used for interpretation purposes.

Schedule 3C Site Layout Plan showing Emissions to Air – No changes

To now include Schedule 3D as follows:

Schedule 3D

Site Plan showing the location where contaminated excavation waste as per limitations of Table 1.1.1 shall be brought from

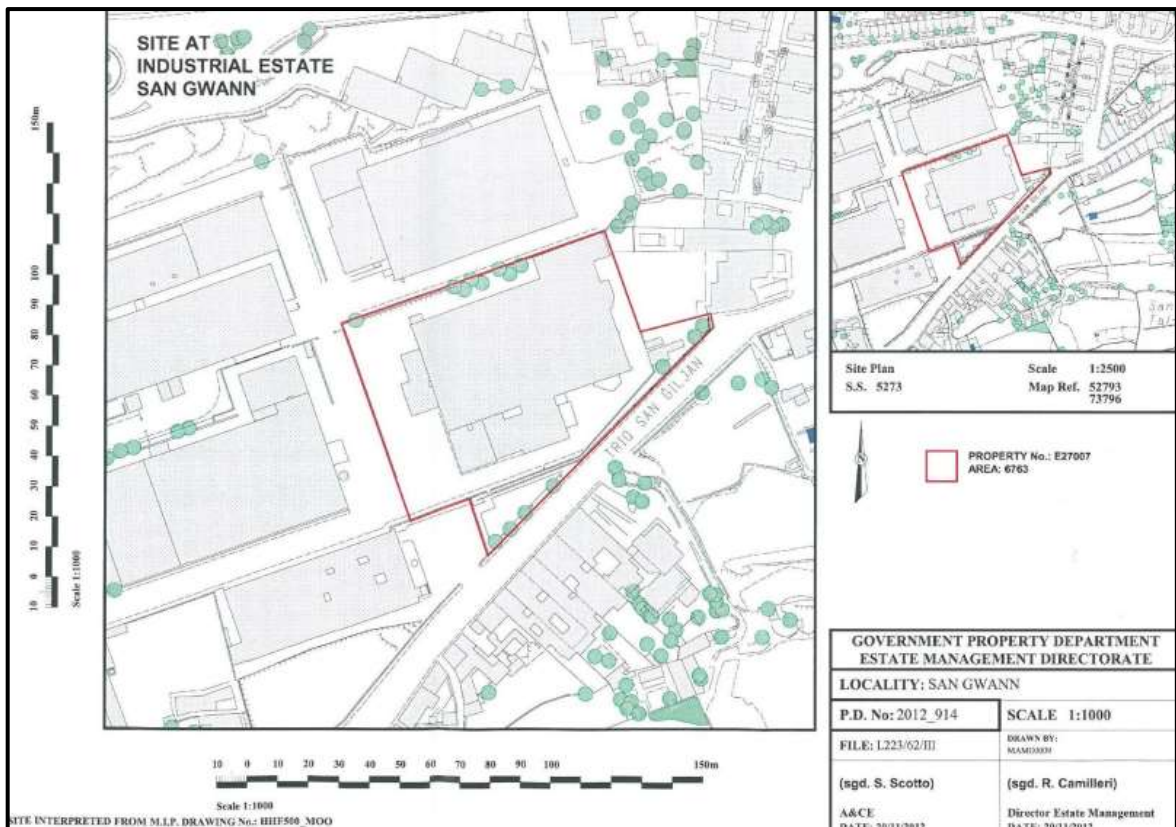


Fig. 3.4: Site of installation, showing the location where contaminated excavation waste as per limitations of Table 1.1.1 shall be brought from. The extent of the site boundary is indicative and shall not be used for interpretation purposes.

Schedule 4 – Annual Declaration Template

No changes

Schedule 5 – Complete List of Chemical Products Stored on Site

No changes

Schedule 6 – Template for Exemption from Emission Limit Values

No changes

Schedule 7, 7A & 7B – End of Waste Criteria for Contaminated Excavation Waste

Schedule 7

End of Waste Criteria for Contaminated Excavation Waste

For the purpose of this Schedule:

- ‘NBTC project’ refers to the New Establishment for Blood, Tissue and Cells project, as covered by PA 5712/18;
- ‘Batch A’ refers to excavated waste from the NBTC project which, as per the ground contamination study carried out^{2,3}, exceeds the contamination limits for Commercial and Industrial sites⁴;
- ‘Batch B’ refers to excavated waste from the NBTC project which, as per the ground contamination study carried out^{1,2}, exceeds the contamination limits for Residential and Green sites³.

Following the processing of the submitted End-of-Waste application it was concluded that:

- Since concrete produced using crushed excavated wastes arising from the NBTC project here and after referred as ‘NBTC-concrete’ is commonly used for specific purposes;
- Since a market exists for such NBTC-concrete; and

² @econsulting & Ecoserv (2020) Ex-Trimite Factory Site, San Gwann (Malta): Evaluation of extent of Land Contamination v2.3

³ Method statement accompanying the present End-of-waste application: @econsulting (2023) Method Statement for the Excavation, Segregation, Transport and Processing of Excavated Wastes arising from the NBTC Project Version 1.4

⁴ ERA. Current limits applied by the ERA for contamination analyses are as per Italian Decreto 152 of 3rd April 2006. Accessible at: <https://era.org.mt/wp-content/uploads/2022/10/LGW-Screening-Values.pdf>

- Since the use of the NBTC-concrete will not lead to overall adverse environmental or human health impacts;

The material would no longer be classified as waste and therefore no longer subject to legislation regulating waste, further provided that:

- (i) The excavated wastes under EWC code 17 05 04 (Soil and stones other than those mentioned in 17 05 03) is treated according to the permit conditions;
- (ii) For the NBTC-concrete produced using crushed excavated waste from Batch A:
 - a. The leachability results do not exceed the inert landfill acceptance criteria, as set out in Council Decision 2003/33/EC;
 - b. The compressive strength test result shows that the NBTC-concrete is fit for use for road trenching and comparable industrial/commercial applications;
- (iii) For the NBTC-concrete produced using crushed excavated waste from Batch B:
 - a. The compressive strength test result shows that the NBTC-concrete is fit for use for road trenching and comparable industrial/commercial applications;

The end-of-waste approval by the Environment and Resources Authority does not automatically imply that it is not a waste in:

- (i) Other EU Member States, given that no end-of-waste criteria for concrete have been established at an EU level; and
- (ii) Third countries.

In this context, the Permit Holder is to ensure in cases of exports, that the countries of transit and country of destination do not classify the material as waste under their national legislation.

Schedule 7A

Statement of Conformity with the End-of-Waste Criteria laid down in Schedule 7

1.	<p>Producer of end-of-waste contaminated excavation waste</p> <p>Name:</p> <p>Address:</p> <p>Contact person:</p> <p>Telephone:</p> <p>Fax:</p> <p>E-mail:</p>
2.	<p>The name or HS code of the recovered contaminated excavation waste</p>
3.	<p>Quantity of the consignment (in kg):</p>
4.	<p>The recovered contaminated excavation waste is compliant with all relevant product legislation.</p>
5.	<p>This consignment meets the criteria/conditions referred to in Schedule 7.</p>
6.	<p>The material in this consignment is intended exclusively to be used as road trenching concrete infill and comparable industrial/commercial applications and that no further treatment prior to use other than normal industrial practice is required</p>
7.	<p>Declaration of the producer of the end-of-waste contaminated excavation waste:</p> <p>I certify that the above information is complete and correct and to my best knowledge:</p> <p>Name: Date:</p> <p>Signature:</p>

Schedule 7B

Information on the waste input, product output and waste output from the activity under the current End-of-Waste (EoW) application (i.e. End-of-waste for Concrete produced using crushed excavated waste from the New Establishment for Blood, Tissue and Cells project).

Batch (A or B)	Waste Input for EoW Process			Product Output following the EoW Process			Waste Output following the EoW Process			Concrete batch production number/date
	EWC Code	Quantity (in Kg)	R-Code	HS Code	Quantity (in Kg)	Final Destination	EWC Code	Quantity (in Kg)	Final Destination	

END OF NOTICE