

Environmental Permit

Environment Planning Act (CAP. 549)

Permit number

EP 0033/22

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) and applicable subsidiary legislation referred to in this permit, hereby authorises:

Mr. Mark Darmanin Kissaun on behalf of Sandy Yacht Marina Ltd. (hereinafter “the Permit Holder”), Company registration number: **C 53625**

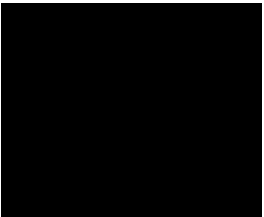
Of / Whose Registered Office is at:

Sandy Yacht Marina Ltd.
Sea Breeze,
Triq Giuseppe Cali,
Ta' Xbiex XBX1421

To operate an installation at:

Sandy Yacht Marina Ltd.
Ta' Xbiex Waterfront,
Triq Xatt Ta' Xbiex,
Ta' Xbiex XBX1421

This permit is valid for **four (4) years** from the date below.

Signed	Date
 <p>Perit Vincent Cassar Chairman</p>	<p>29.03.2023</p>

Authorised to sign on behalf of the Competent Authority

This page has been deliberately left blank

Conditions

1 General

The Permitted Installation shall, subject to the conditions of this Permit, be managed, controlled and operated as described in the Application, or as otherwise previously agreed in writing by the Authority.

1.1 Permitted Activities

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

Activity	Description of specified activity	Limits of specified activity
Berthing of vessels in Marina.	Permanent mooring of boats on pontoons.	From arrival of boats in marina to their departure.
Associated activity of utilities	Provision of logistics to berthed vessels: fuel bunkering, electricity, potable water, services for disposal of black and grey water and provision of spill response equipment	From the distribution of fuel, potable water and electricity to vessels through the distribution system along the quay to the use of emergency equipment and sanitary facilities and authorised disposal of solid and liquid waste.
Associated activity of waste management	Handling and storage of waste generated from installation prior to dispatch offsite.	From generation of waste to storage and dispatch for disposal or recovery (including recycling) offsite by registered waste carriers to authorised facilities locally or abroad.

1.2 Site

1.2.1 The activities authorised under Condition 1.1.1 shall not extend beyond the Site, as shown on the Site Map in Schedule 2 to this Permit.

1.3 General Conditions

- 1.3.1 This Permit is granted saving third party rights and without prejudice to any other legislation or regulations or authorisations required from any other competent authorities or site owners.
- 1.3.2 In these conditions and their interpretation, all terms shall have the same meaning as that assigned to them in CAP549 Environment Protection Act and its subsidiary legislation.
- 1.3.3 The Permit Holder has the sole responsibility to ascertain compliance with legal obligations, permit conditions and to undertake activities on and off site in line with good environmental practices at all times.
- 1.3.4 The Permit Holder shall maintain a register of third-party complaints. The register shall record the details of complainant(s) if available, the date, source and nature of the complaint and the corrective action undertaken, where such action proves necessary.
- 1.3.5 All plant, equipment and technical means, including all permitted combustion plants used in operating the Permitted Installation shall be maintained in good operating condition and without causing polluting emissions, leaks and spillages. Maintenance records of the above shall be kept by the Permit Holder, and must be made available to the Authority upon request.
- 1.3.6 The Permitted Installation shall be managed, controlled, supervised and operated by staff who are aware of the importance of environmental protection and suitably trained on the requirements of this Permit, in particular on those Permit conditions relevant to their duties. All staff shall be provided with adequate training and written operating instructions to enable them to effectively carry out their duties. Such training shall be recorded and maintained. Subcontractors who enter the site shall also be made aware of any obligations arising from the permit which might affect their duties.
- 1.3.7 Upon the joint application of a Permit Holder and a proposed transferee, the Permit Holder may request to transfer an environment permit. The Permit shall not be transferred from the Permit Holder without prior approval from the Authority. Upon the Authority's decision to transfer the permit to the transferee, all rights, obligations, liabilities shall subsist onto the transferee.
- 1.3.8 The Authority may carry out regular pre-set or unannounced compliance or monitoring checks that vary in frequency according to the site's compliance with the permit conditions and safeguarding of natural assets. Any checks or audits carried out by the Authority may be made at the Permit Holder's financial expense at the rate and arrangement communicated by ERA.
- 1.3.9 The Authority's representatives may inspect and photograph any part of the site and ask for any closed or locked areas to be opened and may demand to be provided with any proof, documentation, plans, receipts or any other records.

- 1.3.10 The Authority may add, amend, delete or substitute any of the conditions of this permit after notifying the Permit Holder of its intention and after describing the changes to the Permit Holder. This is without prejudice to any prevailing circumstances that would preclude the Authority from following such a procedure.
- 1.3.11 The Permit is valid for a period of **four (4) years** from the date of the granting. The Permit Holder may apply for a renewal to this permit expressing his/her intention at least **six (6) months** prior to the expiry of this permit. The Permit will be considered renewed once the official renewed permit is issued by the Authority.
- 1.3.12 A copy of this Permit shall be available at all times at the permitted facility, including any Variation Notices or amendments to it.
- 1.3.13 The Authority may suspend or revoke this Environmental Permit in line with the provisions of CAP549.
- 1.3.14 The Authority may request additional monitoring, and/or review of operational practices and commission any audits/reports as deemed necessary to address any circumstances that may affect the quality of the surrounding environment, at the expense of the Permit Holder.
- 1.3.15 Without prejudice to condition 1.3.14, the Authority may take any action deemed necessary including but not limited to the suspension of any activity/operation until investigations are concluded.
- 1.3.16 The Permit Holder shall use BAT in the design, maintenance and operation for the storage and handling of waste on site such that there are no releases to water or land during normal operation and that emissions to air and risk of accidental release to water or land are minimised.
- 1.3.17 The Permit Holder shall undertake all necessary measures and precautions to prevent spillage of raw materials, intermediates, products, waste and any other materials.

1.4 Operational Changes

- 1.4.1 The Permit Holder may apply for a variation in Permit and shall seek the Authority's written agreement prior to any operational changes, by sending to the Authority:
- a) Written notice of the details of the proposed change, including an assessment of its possible effects (including changes in emissions and waste production) on risks to the environment from the Permitted installation;
 - b) Any relevant supporting information (e.g. chemical/fuel consumption, technical details, changes in the type/use of substances/mixtures, etc.);
 - c) Any relevant supporting assessments and drawings, and;
 - d) The proposed implementation date.

Any such change shall only be implemented following the issue of a variation of the permit by the Authority.

1.4.2 The Permit Holder shall notify the following matters to the Authority in writing at least ten (10) working days prior to their occurrence:

- a. Any change in the Permit Holder's trading name, registered name or registered office address;
- b. Any change to particulars of the Permit Holder's corporate identity.

2. Site Infrastructure and Operations

2.1 Site Infrastructure

- 2.1.1 During non-operating hours the site shall be firmly closed and totally inaccessible to third parties not having a vessel berthed at the facility, both by vehicle and on foot. The site must be well secured at all times.
- 2.1.2 No maintenance activities involving the release of material which could contaminate surface or sea water are to be carried out.
- 2.1.3 No marine fouling removed during the underwater cleaning operation shall be released into the sea.
- 2.1.4 No antifouling paint chips accidentally removed during cleaning or maintenance shall be released into the sea.
- 2.1.5 No chemicals shall be used. The utilisation of any chemicals shall be subject to approval by the Authority.

3 Operating Conditions

3.1 Emissions to Air

- 3.1.1 No emissions to air shall take place from the Permitted installation.

3.2 Effluent Discharges

- 3.2.1 No discharges to surface water, sea water and/or groundwater shall take place from the Permitted installation.
- 3.2.2 All process and storage areas must be appropriately contained. Spillages of oil or other hazardous material shall receive immediate attention to prevent escape to drain, surface water, groundwater or land.
- 3.2.3 Process effluents shall not be diluted prior to discharge to sewer or off-site transfer. Rainwater shall be segregated from all process areas that are potentially contaminated. If this is not possible, rainwater from areas where contamination by oil or chemicals is likely shall pass through an adequately sized interceptor or other suitable filtration equipment.

- 3.2.4 Foul sewer drains must be strictly segregated from storm water drains.
- 3.2.5 The operations shall not hinder the achievement of the environmental objective of any protected areas or for the relevant water body as established in the Water Policy Framework Regulations (S.L.549.100).
- 3.2.6 The Authority may request the operator to install further mitigation measures to prevent contamination of the marine environment.
- 3.2.7 In the event of accidental contamination to the seawater body, the operator shall notify the Authority immediately, forward a decontamination plan and execute it within an agreed timeframe.

3.3 Emissions to Land

- 3.3.1 No emission from the Permitted Installation shall be made to land.
- 3.3.2 In the event of contamination of land, the Permit Holder shall notify the Authority within 24 hours, forward a decontamination plan for the Authority's approval and execute it within an agreed time frame.
- 3.3.3 The unloading of bilge waters from the vessels shall only be carried out at the marina by means of mobile bowsers, which activity shall be supervised at all times. The operator is to keep all documentation showing that all bilge water is emptied and disposed of by an authorised waste carrier permitted by the Authority. Such documentation shall be made available upon request.

3.4 Waste storage and handling

- 3.4.1 All operations concerning the management of waste are subject to the Waste Regulations S.L. 549.63 and the Waste Management (Activity Registration) Regulations S.L. 549.45.
- 3.4.2 The site shall be maintained in a tidy condition, free from litter and waste (whether arising from own activities or external sources).
- 3.4.3 All wastes shall be stored within a designated and controlled storage area(s) prior to ultimate disposal. Wastes to be recycled shall be stored in a designated container or area and shall not be mixed with other wastes.
- 3.4.4 Liquid and hazardous wastes shall be stored in a labelled, closed container(s) within a designated and controlled storage area(s) prior to ultimate disposal. Wastes of different natures and having different European Waste Catalogue codes as established by Commission Decision 2000/532/EC shall not be mixed in the same container

- 3.4.5 Packaging material and containers containing residual quantities of chemicals or which came into contact with hazardous substances shall be regarded as hazardous waste and shall be stored and disposed of in an appropriate manner.
- 3.4.6 No storage of waste destined for disposal is permitted for a period exceeding twelve (12) months. No storage of waste destined for recovery is permitted for a period exceeding three (3) years.
- 3.4.7 The Permit Holder shall ensure that all waste management operations authorised in accordance with this Permit are carried out in an orderly manner and in such a way as not to cause adverse impact on the environment.

3.5 Waste recovery and disposal

- 3.5.1 The Permit Holder shall be committed to reduce waste generation where possible.
- 3.5.2 The Permit Holder shall ensure to keep records for every consignment of waste removed from the Permitted Installation indicating the EWC Code, description, quantities, date of removal, contractor name (including for transport), consignment note number (where applicable) and manner and place of final disposal/recovery. The records shall be maintained for a minimum period of five (5) years and be made available, upon request, to the Authority.
- 3.5.3 Off-site disposal or recovery of wastes may only take place at a facility licensed for that purpose.
- 3.5.4 On-site disposal of wastes by any means including burning, disposal to surface water, discharge to sea or burying or deposition on land, is prohibited.
- 3.5.5 Each movement of hazardous waste transferred off site and every individual movement of hazardous waste shall also be covered by a valid consignment permit and consignment note, obtainable from the Authority.
- 3.5.6 Disposal and/or recovery certificates shall be kept on record and made available for inspection for a period of at least five (5) years from date of their issue and shall be made available, upon request, to the Authority. Copies of such certificates shall be also be submitted on an annual basis as part of the AER.
- 3.5.7 Transboundary movement of waste shall be carried out in accordance with the following regulations, as amended from time to time:
 - a. Regulation (EC) N° 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste as implemented through SL 549.65;
 - b. Commission Regulation (EC) N° 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) N° 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of waste does not apply, and

c. Any other applicable legislation.

- 3.5.8 The Permit Holder shall make use of the services of a registered waste carrier for the transport of waste from the site in accordance with activity 38 of schedule 1 of Subsidiary Legislation 549.45, the Waste Management (Activity Registration) Regulations. Where the company removes wastes using its own transport the vehicle(s) must also be registered as a waste carrier in accordance with S.L. 549.45 or any statutory provisions or regulations amending or replacing them.
- 3.5.9 Should the Permit Holder require the services of a waste broker, it shall be ensured that any such broker is a duly registered waste broker in accordance with S.L. 549.45.

3.6 Storage

- 3.6.1 No storage of waste, equipment or materials is permitted on property outside the site premises except for the waste collection points marked in Schedule 2(b).

3.7 Other Operations on site

- 3.7.1 No vessel dismantling and decommissioning activities are permitted on site.
- 3.7.2 Any maintenance works and repairs to the vessels in the marina shall be limited to those of a minor or routine nature and shall only include operations that do not result in polluting water or air or cause an impact to the other users of the marina as required by the Competent Authority responsible for the Yachting Centres Regulations S.L. 499.10.
- 3.7.3 The operator shall not allow blasting and spray painting activities on vessels within the Permitted Installation.
- 3.7.4 Refuelling shall only be carried out by road tankers licensed by the Competent Authority(ies) under Subsidiary Legislation 499.12, the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations and Subsidiary Legislation 423.42, the Bunkering (Authorisation) Regulations.
- 3.7.5 Refuelling activities by road tanker shall be supervised at all times by personnel who are fully conversant with such procedures as relevant to their duties. Subcontractors who enter the site shall also be made aware of any obligations arising from the permit which affect their duties.
- 3.7.6 If the operator makes use of a flexible pipe to deliver the fuel, the operator shall ensure that the following conditions are observed:
- a. The delivery end of the pipe is fitted with a pump or valve that closes automatically when not in use.
 - b. The valve or pump must be lockable and must be kept so when not in use.

c. The end of the pipe that leaves the tanker must be fitted with a lockable valve that must be shut when it is not in use.

3.7.7 Road tanker fuel storage compartments shall not be washed out or serviced on site.

4 Site Management

4.1 Staff obligations and Responsibilities

4.1.1 All employees authorised by the Permit Holder to undertake waste management activities on his/her behalf, shall be fully conversant with the obligations of this Permit and shall be individually aware of their responsibilities and liabilities in observing the conditions of this permit.

4.1.2 One member of the staff shall be nominated as the Technically Competent Person (TCP) of the site, whereby this person is to physically represent the Permit Holder during the times when the Permit Holder will not be available.

4.1.3 Where the Permit Holder is also the designated TCP for the facility, a delegate TCP should also be appointed to represent the Permit Holder/TCP during the times when the Permit Holder/TCP will not be available.

4.1.4 The TCP is responsible for the implementation of all the obligations stipulated in this permit, must supervise the rest of the staff on site and is completely responsible to ascertain that all Permit conditions are being adhered to and that unauthorised waste does not enter the site.

4.1.5 In the event of any leave of absence taken by the TCP and delegate conjointly for a period exceeding ten (10) days, the Permit Holder is obliged to find a replacement for that member of staff without delay and the Authority informed accordingly.

4.1.6 All the staff on site shall be fully aware of the procedures to be taken to contain any environmental hazard which may arise related to the activities being carried out on site.

4.2 Accident Prevention and Control

4.2.1 An Emergency Response Plan shall be maintained containing details of the location, nature and quantity of chemicals, oils and fuels stored, any special hazards, a drawing showing location of drains and the emergency phone numbers of the Permit Holder and relevant authorities. It shall also include actions to be taken in the case of incidents which could affect the environment, such as fires and chemical/fuel spills. The emergency plan shall indicate that accidental releases of chemicals and fires caused by chemicals are to be managed as specified in the respective SDS.

4.2.2 In the case of an accident (including chemical spills, etc.), the Permit Holder shall follow the Emergency Response Plan referred to in Condition 4.2.1 and shall notify the Authority within 24 hours.

- 4.2.3 Spillages of chemicals or other hazardous material shall receive immediate attention to prevent escape to drain, surface water or land. Spilled material shall be disposed of in an appropriate manner. Kits for the collection of liquid and powder spills shall be available on site at strategic locations.
- 4.2.4 Small leaks or spills shall be cleared up immediately by the application of absorbent materials. All used absorbent materials shall be disposed of as hazardous waste at facilities permitted to accept such waste. Transfer of this waste shall be carried out as per conditions specified in section 3.5 of this Permit.
- 4.2.5 The Permit Holder shall have in storage an adequate supply of suitable absorbent material to absorb any spillage.
- 4.2.6 In the eventuality of a Tier I oil spill, the Permit Holder shall ensure that any parties contracted out to deal with such a spill are informed as soon as possible. In the case of a Tier II or Tier III spill, the Permit Holder is to follow the procedures which are detailed in the National Contingency Plan and advise Transport Malta accordingly.

4.3 Site Records

- 4.3.1 A site daily operations log shall be made in a legible manner and kept on site and be made available for inspection by the Authority at any reasonable time. The following information shall be recorded on a daily basis and retained for five (5) years:
 - a. Total amount in tonnes and specific waste stream transferred from site;
 - b. Any incidents that took place on site such as mechanical faults in the combustion plants, machinery or equipment used on site, any spills, fires, etc and the remedial action taken;
 - c. Any other incidents that the Permit Holder deems important to record in the Site daily operations log;
 - d. Any complaints related to the operations at the site;
 - e. Any maintenance and inspections carried out on the combustion plants, machinery and equipment; and
 - f. Any defects or damage to the Site Security System.

Each record shall be compiled within 24 hours of the relevant event. The records kept in the daily operational log shall be made available for inspection at any time when the Authority representative request to inspect them.

- 4.3.2 The Permit Holder shall maintain a record of the skills and training requirements for all staff whose tasks in relation to the Permitted Installation may have an impact on the environment and shall keep records of all relevant training.
- 4.3.3 The Permit Holder may wish to establish an Environmental Management System (EMS) to facilitate compliance with permit conditions and to assist in formalising procedures required by this permit. An EMS can take the form of a standardised system (e.g. EN ISO 14001:1996 or EMAS) or a non-standardised ("customised") system, provided that is properly designed and implemented. Guidance for a non-standardised ("customised") system is included in Schedule 3 of this Permit.

4.4 Closure and Decommissioning

- 4.4.1 The Permit Holder shall notify the Authority prior to ceasing operations permanently in part or full, whereby an application for cessation of operations shall be made to the Authority and shall include a decommissioning plan.
- 4.4.2 In the event of cessation of operations on the site, the Permit Holder shall remain responsible for all wastes and hazardous materials on site, which shall be removed from the site in accordance to good environmental practice and in such a manner that minimises environmental risks.
- 4.4.3 The decommissioning Plan shall be implemented once approved by the Authority and within twelve (12) months of final cessation of operations or as agreed with the Authority in writing.
- 4.4.4 The obligations arising from this Permit shall subsist until the Authority confirms in writing that the decommissioning plan has been implemented to its satisfaction.
- 4.4.5 When deemed necessary, the Authority may require the Permit Holder to take such additional measures as it considers necessary with respect to after care obligations in relation, but not limited to the remedial action, rehabilitation, and monitoring of the waste management or waste production site.

4.5 Reporting

- 4.5.1 The Permit Holder shall submit to the Authority an Annual Environmental Report (AER) of the previous year by not later than end of March of each year, providing the information listed in Schedule 1 of this Permit and in the format specified therein.
- 4.5.2 All reports and written and/or verbal notifications required by this Permit shall be made and sent to the Authority addressed to the Compliance and Enforcement Directorate, Environment and Resources Authority.
- 4.5.3 In the event where operations cease temporarily (2 weeks or more), the TCP or Permit Holder are obliged to notify the Authority within two (2) days and are also to inform the Authority with regards to when the works are intended to resume.

5 Ozone Depleting Substances

- 5.1 No new equipment or components (including refrigeration and firefighting equipment or insulation foam) containing substances falling within the scope of EC Regulation No. 1005/2009 on substances that deplete the Ozone Layer & S.L. 549.58, Substances depleting the ozone layer regulations shall be installed within the site.

Schedule 1

Annual Environmental Report and Submissions

Important note

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

S1.1 Introduction

Environmental Permit Number	
Reporting Year (Calendar Year: 1 January to 31 December)	
Name and locality of Site	
Brief description of activities at the site	

S2.2 Waste Records

S2.2.1 Waste Records (waste removed from site)

Waste Type		Amount (tonnes/number)		Location of Disposal	
Other (please specify)					
Hazardous waste	EWC code ¹	Consignment note number	Destination	Quantity (tonnes)	
Off-site transfers of hazardous waste (eg: Waste Oils)					

S2.3 Submission of certificates/reports

Condition Number	Documentation
4.5.1	Submission of AER

S3.1 Incidents and Complaints

S3.1.1 Non-Compliance Incidents during Reporting Year

Date of incident	Brief description of Incident	Cause	Corrective action

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02000D0532-20150601&qid=1475495799963&from=EN>

Total number of non-compliance incidents for the previous reporting period:	
Total number of non-compliance incidents for the current reporting period:	

S3.1.1 Complaints made by the public or through Authority

Date of complaint	Description of complaint	Actions taken

Total number of complaints for previous reporting year:	
Total number of complaints for current reporting period:	

Permit Holder's declaration		
<i>I declare that, to the best of my knowledge, all the above information is correct and substantiated.</i>		
..... Name <i>(in block letters)</i> ID Card Number on behalf of / in my own name <i>(in block letters)</i>

Schedule 2 (a)

Site Plan

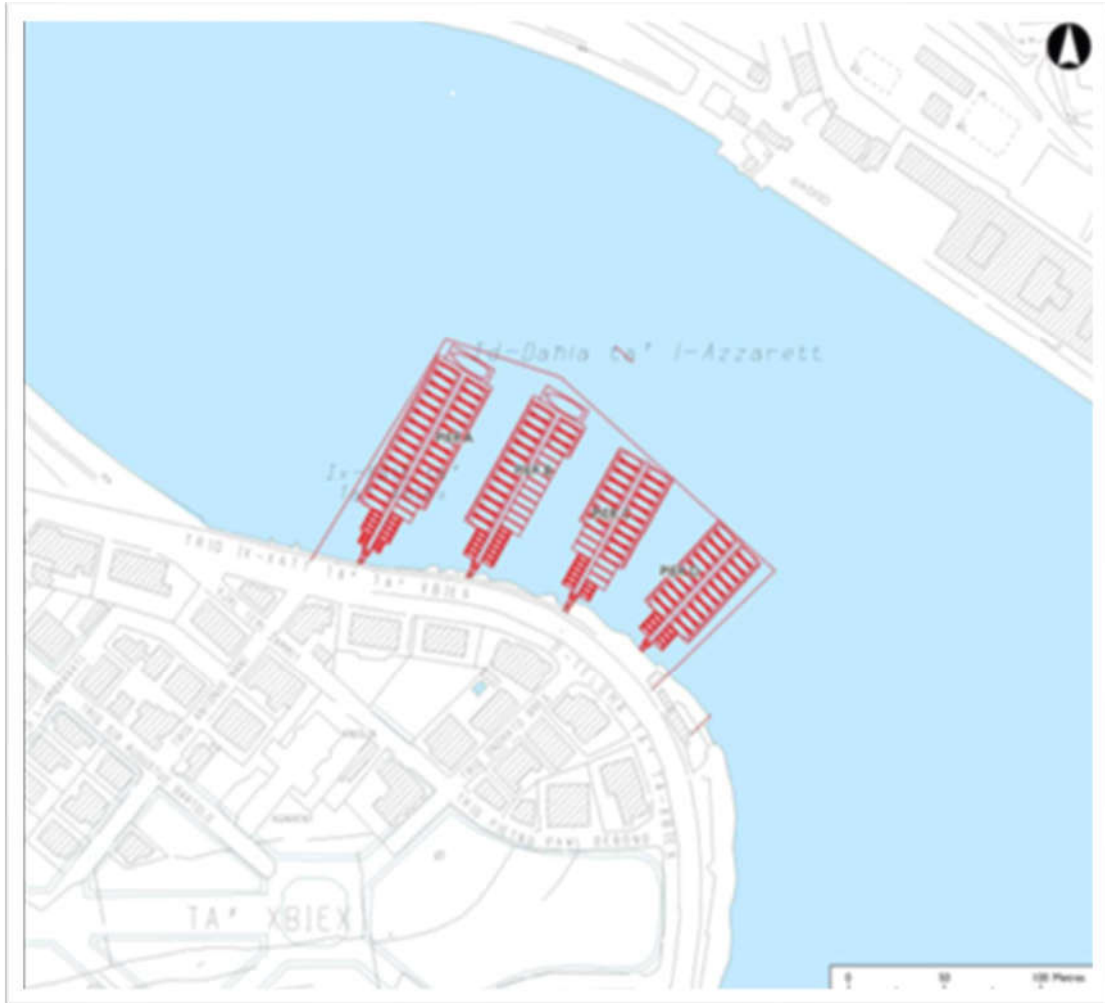


Fig. S2.1: Site of permitted installation, showing the extent of the area in red for the carrying out of the activities specified in condition 1.1.1. The extent of the site boundary is indicative and should not be used for interpretation purposes

Schedule 2 (b)
Site Layout Plan

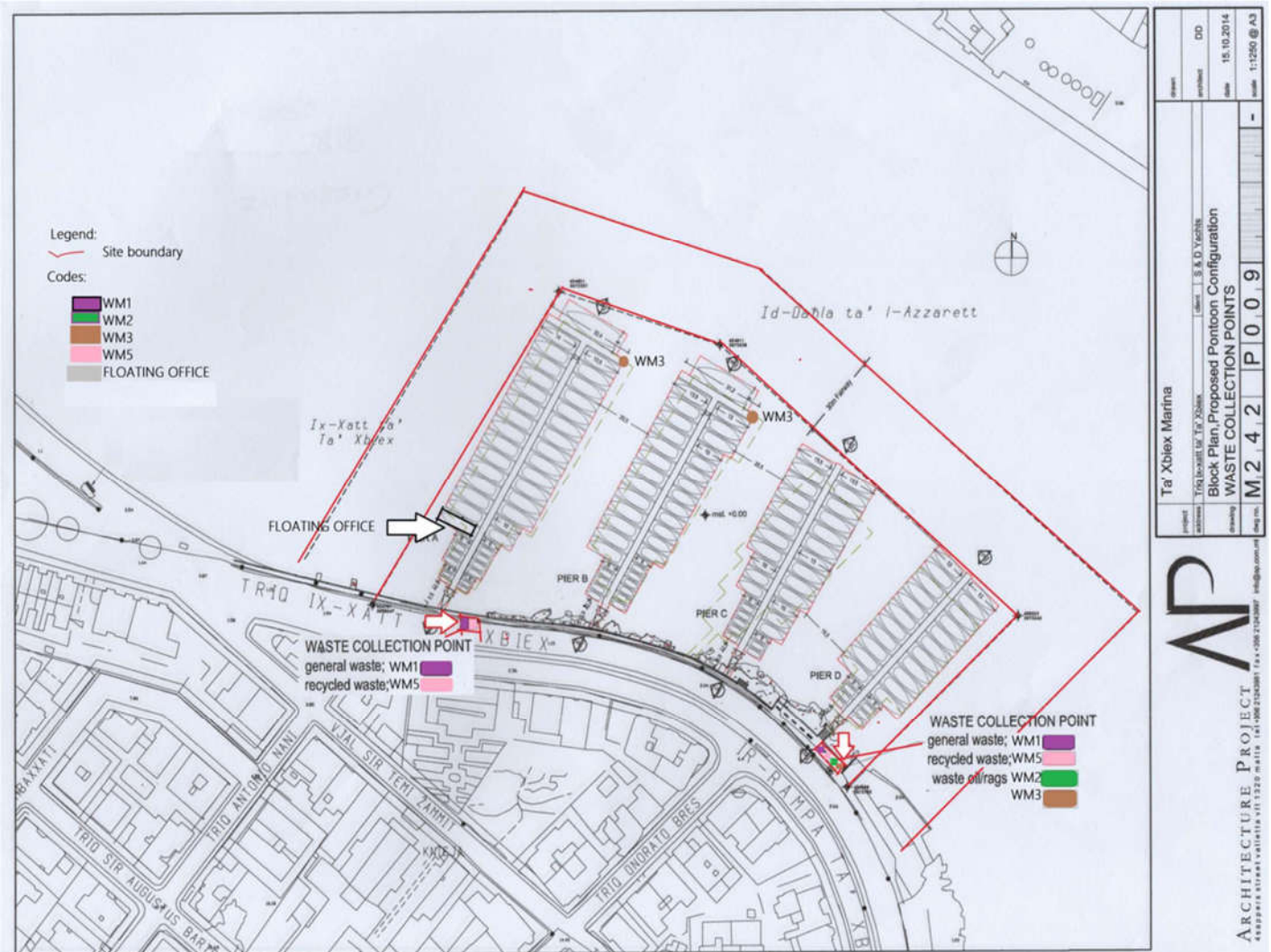


Fig. S2.2: Site of permitted installation, showing the extent of the area in red for the carrying out of the activities specified in condition 1.1.1. The extent of the site boundary is indicative and should not be used for interpretation purposes

Schedule 3

Minimum requirements for an Environment Management System (EMS)

1. Management and Reporting Structure

This should in particular include the name of the person who will be responsible for managing environmental aspects of the installation. Relevant qualifications and experience should be listed, together with contact details (including a mobile number for emergency purposes).

2. Environmental Objectives and Targets

The section should include a review of all operations and processes, a commitment by the operator to continuous improvement, and identification of priority areas where improvement to the operations is necessary and practicable, such as:

- a. recycling of materials;
- b. minimisation of waste;
- c. efficient use of resources (especially water and energy);
- d. use of biodegradable chemicals;
- e. minimising use of solvents;
- f. procedures to minimise noise disturbance to neighbours;

Targets should be set for priority areas identified (e.g. minimising waste generation by ___% annually).

3. Environmental Management Programme (EMP)

This should include a time schedule for achieving the Environmental Objectives and Targets prepared under point 2 above. The time schedule should cover a period of 5 years. The EMP should include:

- a. designation of responsibility for targets;
- b. the means by which they may be achieved;
- c. the time within which they may be achieved.

Targets and performance should be reviewed annually as part of the EMS.

4. Documentation

A system of documentation should be established to ensure that records are kept of the priority areas chosen according to point 2. In addition, the operator should issue a copy of the environmental permit to all relevant personnel whose duties relate to any condition of the permit.

5. Corrective Action

The operator should establish procedures to ensure that corrective action is taken should the specified requirements of the environmental permit not be fulfilled. The responsibility and authority for initiating further investigation and corrective action in the event of a nonconformity with the environmental permit should be defined.

6. Awareness and Training

The operator should establish and maintain procedures for identifying training needs, and for providing appropriate training, for all personnel whose work can have an effect on the environment. Appropriate records of training should be maintained.

7. Maintenance Programme

The operator should establish and maintain a programme for maintenance of all plant and equipment based on the instructions issued by the manufacturer/supplier or installer of the equipment. Appropriate record keeping and diagnostic testing should support this maintenance programme.

The licensee should clearly allocate responsibility for the planning, management and execution of all aspects of this programme to appropriate personnel.

Schedule 4

Complete List of Outgoing Waste from Site

European Waste Codes	Description of Waste
13 07 01*	Fuel oil and diesel
15 01 06	Mixed packaging
15 02 02*	Absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02 02
20 03 01	Mixed municipal waste

END OF PERMIT