

# Case Officer Report

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**Subject:** IP 0005/13/B/V1 - Application for the variation and partial surrender of IP 0005/13/B to introduce a ferrous sorting line, a glass sorting line, new waste streams and the decommissioning of the anaerobic digestion (AD) plant and ancillary equipment

**Date:** 17 November 2023

**To:** ERA Board

**From:** Regulatory Affairs Directorate

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## 1. Background

This report has been prepared for the determination of IP 0005/13/B/V1 which is a variation and partial surrender of IP 0005/13/B which proposes the introduction of a ferrous sorting line, a glass sorting line, new waste streams, the decommissioning of the anaerobic digestion (AD) plant and ancillary equipment. The application was submitted by Richard Bilocca obo WasteServ Malta Limited on the 8 November 2021.

The installation is already covered by an IPPC permit which was granted on 13 January 2021 and expires on 13 January 2025.

## 2. Notes to Board

As is explained in detail below, application number IP 0005/13/B/V1 covers the surrender of the IPPC permit in view of the completed decommissioning works of the equipment which rendered the site within scope of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (S.L. 549.77). In view of this, the remaining operations on site no longer require an IPPC permit and hence it is proposed that the remaining operations are covered by an environmental permit, which is being referred to as EP 0016/23.

### 3. Case Officer Report

#### 3.1. Proposal

The applicant has applied for:

- A variation which includes the below:
  - Introduction of a ferrous sorting line
  - Introduction of a glass sorting line,
  - Inclusion of new waste streams which include mattresses, gypsum, textiles and flat glass for storage only
  
- A partial surrender to the IPPC to remove the decommissioned AD plant and ancillary equipment from the on-site operations

The operations which are proposed to be regulated through the proposed permit are the following:

Operation	Description of specified operation	Limits of specified operation
Storage of specified non-hazardous waste	Receipt and storage of specified non-hazardous waste, sorting, and repackaging for export/transfer to other waste management facilities	From receipt of specified non-hazardous waste according to Schedule 3 to dispatch of waste to other authorised facilities locally or abroad.
Operation of a Material Recovery Facility	Collecting, inspection manual sorting, baling using two balers and storage of permitted non-hazardous waste	From receipt of raw waste to dispatch of waste to other authorised facilities locally or abroad.
Operation of a ferrous sorting line	Collection and sorting of permitted non-hazardous waste	
Operation of a glass sorting line	Collection and sorting of permitted non-hazardous waste	
Associated activity of general maintenance and repairs	Maintenance and repair/s of on-site equipment and own vehicles.	From maintenance/repair activity to appropriate recovery/disposal of any waste generated on site.

### 3.2. Proposed Emissions and Mitigation

<b>Emission Source</b>	<b>Receptor</b>	<b>Mitigation</b>
MRF Extraction Vent (PS1)	Air	HEPA Filter
Reception Hall Extraction Vent (PS2)	Air	Baghouse Filter
Emergency Generator (PS6)	Air	Stack monitoring every 3 years
Trade effluent (E1)	Sewer	Oil/water interceptor and annual monitoring

### 3.3. Supporting documents recommended for approval

#### 3.3.1. Documents:

- EP 0016/23
- EP 0016/23/DOC2
  - Refers to decommissioning plans for the fuel tanks
- EP 0016/23/DOC3
  - Refers to a document showing fire safety measures on site
- EP 0016/23/DOC4
  - Refers to a decommissioning plan for the anaerobic digestion plant an ancillary equipment

#### 3.3.2. Drawing Numbers:

- EP 0016/23/DOC1
  - Refers to a site layout plan

### 3.4. Applicable law/ policy

The proposal is to comply with:

3.4.1. Environment Protection Act (CAP. 549)

3.4.2. Waste Regulations (S.L. 549.63)

3.4.3. Industrial Emissions (Framework) Regulations (S.L. 549.76)

3.4.4. Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (S.L. 549.77)

The installation carried out activities which fall within scope of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, in particular Activity 5.3(b)(i):

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

The partial surrender is proposing to remove this activity since it is not currently being carried out on site. Nonetheless aspects related to site closure which are regulated through the IPPC permit will be retained in the proposed permit.

### 3.5. Site Description and Constraints

The site lies in Triq Sant’ Antnin, Marsascala surrounded by an active quarry, a family park, a rehabilitation centre, a sewage treatment plant and agricultural land. The site lies within 500m of the closest residential units.

### 3.6. Site History

The following permitting history is noted on site:

Number	Title	Status
IP 0005/13/A	IPPC Permit to operate an installation for temporary storage and processing of non-hazardous waste	Granted on 9 December 2017 for a period of 2 years  Operational hours varied on the 24 October 2018.  Validity extended by ERA Board on the 16 March 2018, 31 May 2019 and 15 May 2020 until 9 December 2020
IP 0005/13/B	IPPC Permit to operate an installation for temporary storage and processing of non-hazardous waste	Granted on 13 January 2021 for a period of 4 years
IP 0005/13/B/V1	Variation of IP 0005/13/B to introduce of a ferrous sorting line and a glass sorting line, inclusion of new waste streams and the decommissioning of the AD plant and ancillary equipment	Scheduled for determination on 1 December 2023
PA 02838/03	Part demolition of existing plant and upgrading of the existing facility to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and a composting plant	Granted on 27 September 2005.

PA 04607/06	Master plan and full development application for part demolition of existing plant and upgrading of the existing facility to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and composing plant	Granted on 30 January 2007.
PA 05696/08	To sanction demolition of part of existing administration building and excavation. Proposed re- building and extension of existing administration building was Granted	Granted on 3 November 2009, minor amendment Granted on 7 December 2010
PA 05076/10	To sanction minor alterations to overall layout and to sanction additions to the shed covering the approved mechanical treatment plant as per PA 4607/06	27 October 2014, minor amendment Granted on 18 November 2014
PA 03160/17	Change of use from waste pit to class 5A, relocation of approved washing facility and sanctioning of glass crusher	Granted of 30 August 2017
PA 09807/17	Construction of Chemical Room over existing garage	Granted on the 21 March 2018
PA 09780/18	Construction of car port shed	Granted on 13 February 2019
PA 01275/19	Widening of door and extension to Mechanical Treatment Plant	Dismissed in view of non-compliance with decision requirements

### 3.7. Consultations

#### 3.7.1. Intra-ERA Feedback

An internal consultation was carried out on the application. A query related to when the AD plant was stopped from operation was brought up and was answered by the applicant.

During the consultation, a status update on the improvement programme items was also provided. Two complaints were received on site - one was determined to be unfounded and another one was related to noise at night. During the subsequent monitoring committee meeting which is set-out under the current permit, between the Authority, Local Council and applicant, it was agreed that the Permit Holder shall take any necessary measures to reduce potential noise impacts from the plant. A number of issues related to reporting were also highlighted, mainly related to pending submissions going back to 2021. These are being followed up through the compliance process.

### 3.7.2. Feedback from External consultees

The **Occupational Health and Safety Authority (OHSA)** did not have any objection to the variation application and provided conditions.

The **Regulator for Energy and Water Services (REWS)** indicated that it is in direct communication with the applicant in order to register the fuel storages and obtain the required authorisations. REWS did not object to this variation.

The **Water Services Corporation (WSC)** did not have any objection to the variation application.

The **Environmental Health Directorate (EHD)** provided a number of requirements related to a number of issues, which are being proposed to be included as permit conditions:

- Management of water runoff or during operations;
- Mitigation measures in relation to air, noise and vibration to avoid nuisance to sensitive receptors in the Area of Influence and to the general public;
- Site impermeability;
- Treatment of process water to prevent Legionella;
- Pest Control;
- Conditions related to use of second-class water;
- Use of adequate potable water intended for human and personal consumption;
- Drainage system is to be according to local legislation;
- Immediate action by the applicant should unpredicted impacts and nuisances arise which may have an adverse effect on public health including the adoption of necessary mitigation measures;
- Records of complaints made by the public are to be made available to the Competent Authorities when requested.

The **Malta Resources Authority (MRA)** and the **Civil Protection Department (CPD)** did not have any comments on the application.

The **Energy and Water Agency (EWA)**, **Planning Authority (PA)** and **Transport Malta (TM)** did not provide any feedback on this application.

### 3.8. Representations from public

3.8.1. Public consultation dates: 29 January 2022 – 12 February 2022

3.8.2. Responses received: N/A

### 3.9. Discussion

The application has been submitted by WasteServ Malta Ltd on the 8 November 2021. The application is a variation of IP 0005/13/B to introduce a ferrous sorting line, glass sorting line, new waste streams, the decommissioning of the AD plant and ancillary equipment.

This application intends to partially surrender the current permit by removing the activity which falls within scope of the IPPC Regulations. The Permit Holder intends to remove the Anaerobic Digestion (AD) plant, Combined Heat and Power Plants (CHPs), boiler and other related infrastructure. The AD plant had stopped its operations in December 2019. A decommissioning plan was submitted to the Authority for review which has enabled the Permit Holder to start the decommissioning works. In view that these works have been completed, the remaining operations do not fall within scope of the IPPC Regulations.

Nonetheless, since a number of waste management activities are still proposed to be carried out on site, a permit is still required and thus an environmental permit is being proposed. In this regard, following the processing of application number IP 0005/13/B/V1 covering the surrender of the IPPC permit the Directorate is recommending that the remaining operations are covered by an environmental permit, which is being referred to as EP 0016/23.

A number of statutory consultations were carried out during this application. Whilst a number of entities/authorities provided feedback (as detailed above), no objections were received from these consultees. A public consultation was held in the same period and no comments were received. Internal consultations were also carried out.

In terms of land and groundwater risk assessment, the IPPC Regulations require operators to carry out a baseline report in line with the European Commission Guidance to determine the state of the land and groundwater. Such monitoring had never been done on this installation and was included as improvement programme in past permits. The applicant has now completed this study according to a method statement approved by the Directorate and whilst a first version of this report has been provided, a number of queries on this report are still pending. In this regard, an improvement programme item related to this issue has been included. However, from the first version of this report, it is evident that some level of contamination is present in a number of areas within the site. The pending items are related to:

- Missing groundwater results and parameters in land investigations
- Clarifications regarding core sealing and possible contamination pathways

Conditions are also being proposed to be included within the permit to ensure that any excavated material removed from the site is characterised prior to its removal and that the site is sealed to ensure that rain does not serve as a means for more pollution contamination.

A site visit was conducted on 3<sup>rd</sup> March 2023 during which the normal operations on site were observed. The applicant explained how due to a change in acceptance procedures in other facilities operated by WasteServ, a number of new waste streams are being proposed to start being redirected

to this facility until such time that the new Multi Material Recovery Facility in Hal Far is fully functional. Such waste streams include flat glass, mattresses, gypsum and textiles. The applicant was instructed to provide updated documentation including these waste streams. These were provided in due course together with appropriate fire prevention measures. The updated site layout plan showed that waste is being proposed to be adequately segregated using limestone or concrete blocks. The segregation was also observed on site.

The applicant explained that in order to mitigate noise and dust emissions, conveyors will be covered wherever technically possible whilst drop heights will be limited. Maintenance procedures were submitted to ensure that equipment remains in good working order. Water shall be used for damping emissions from sorting lines. Location of proposed activities was considered to be optimised in a manner to reduce handling and the risk of fire.

Due to the change from an IPPC permit to an Environmental Permit, the bank guarantee is being proposed to be reduced significantly. The bank guarantee is covered by a letter of undertaking.

In terms of the Improvement Programme item, the below table gives an update on each item:

Reference	Requirement	Comments
6	Photographic evidence of bunds installed to provide secondary containment for storage areas containing oils and other liquid waste generated on site.	Submitted
8	Certification from an independent warranted engineer or architect showing that all potentially contaminated runoff within the maintenance area is being collected by gutters and treated by an adequately sized oil-water interceptor constructed in accordance with standard EN 858.	Submitted
11 <sup>∞</sup>	To obtain a Sewer Discharge Permit with the Water Services Corporation as per condition 3.91 of this permit.	Completed
15	To construct a safe and secure wheel washing area to be used by all waste carriers exiting the site.	Item closed, applicant installed power washed equipment.
17	Provision of consolidated proposal for monitoring of air and groundwater to the satisfaction of the Competent Authority and any other specific requirement as outlined in this permit.  Submission of notification of commencement of monitoring in accordance with the approved consolidated monitoring proposal.	Submitted
19	Installation of a new groundwater monitoring borehole in the "South Fields" as described in Approved Doc IP 0005/13/B/DOC1.	Completed



20	<p>a) To submit a detailed baseline monitoring strategy drafted by an independent consultant coordinating the sampling, analysis and reporting in accordance with Approved Doc IP 0005/13/DOC1 which includes the limits of detection, calibration certificates for instruments used, lab accreditation certificates and curriculum vitae of the persons collecting the samples/doing in-situ measurements.</p> <p>b) To submit a baseline report in conformity with Articles 16(2) and 22 of the Industrial Emissions Directive, 2010/75/EU and Approved Doc IP 0005/13/DOC2</p>	Submitted
21	Decommissioning report in accordance with the decommissioning plan approved by ERA for both the 9,000 litre heavy gasoil tank and the diesel tank with its dispensing equipment.	Not completed. Proposed re-inclusion and re-wording in permit
22	<p>a) Decommissioning plan for the Regenerative Thermal Oxidiser on site including timeframes.</p> <p>Decommissioning report in accordance with the decommissioning plan approved by ERA in a).</p>	Plan submitted. Report to be included in report for the entire partial surrender.
23	Submission of monitoring results for both Combined Heat and Power plants and emergency generators in accordance with condition 3.68.	IP item proposed to be reworded to include only monitoring for generator
24	Implementation of fire, health and safety upgrades described in the "status update report" approved doc IP 0005/13/DOC4	Updated document provided and included as approved document
25	Installation of covering structures using canopies and containers as indicated in approved doc IP 0005/13/B/DOC7.	Item closed. Not being considered further due to plans to close down site
26	Submission of a detailed decommissioning plan as per condition 3.187 which includes a target date for complete closure and decommissioning	Submitted

### 3.10. Financial Matters

<b>Application Fee</b>	€3,500 - Paid
<b>Financial guarantee</b>	€30,000 (currently €1,072,300) – Covered by letter of undertaking covering Government Projects (ref. MF35/05/160)
<b>MCP Surrender Fee</b>	€250 - Paid

#### 4. Recommendation:

The Regulatory Affairs Directorate recommends:

- a) The surrender of IP 0005/13/B as the outcome of IP 0005/13/B/V1
- b) The granting of EP 0016/23 retaining the original expiry date of IP 0005/13/B (i.e. 13<sup>th</sup> January 2025)

The proposed permit conditions include

- a) Standard conditions applicable to this sector including the below amended standard condition:
  - For packaging waste, as per obligations of S.L. 549.43, the Permit Holder shall also issue a recovery/disposal certificate (in addition to the declaration) using the certificates provided by the Authority. Examples of such certificates can be found in Schedule 7 of the Permit. Every six months, the Permit Holder shall provide the certificates to the entity from whom the waste was received (i.e. one waste packaging certificate covering January-June and July to December respectively). The duly filled certificates are to be provided as follows:
    - a) The original copies of the recovery/disposal certificates are to be submitted to the Authority every six months accordingly.
    - b) Digital copies are also to be submitted on an annual basis as part of the AER.
- b) Site-specific conditions:
  - Metal sorting activities shall be adequately dampened with water in a manner to reduce dust emissions.
  - When handling waste glass and metal, drop height shall be kept to a minimum.
  - Conveyor belts used for the waste transfer shall be enclosed in a manner to prevent dust and noise emissions whenever technically possible.
  - Without prejudice to other conditions in this permit, all stockpiles and bales of waste shall be stored according to the fire prevention measures described in Approved Document EP 0016/23/DOC3.
  - Storage quantities of all incoming and outgoing waste shall not exceed the limits indicated in Schedule 3.

- Incompatible wastes that are likely, in combination with each other or with other material at the facility, to give rise to pollution of the environment or harm to human health outside the Site, shall be clearly identified and kept physically separate in designated areas with appropriate fire resistant blocks.
- Where technically possible, mixed municipal solid waste (black bag) shall be stored within a covered area and as far possible from residential receptors.
- Mixed municipal solid waste (black bag) shall be removed from site as soon as possible and shall not be stored for more than 3 days from receipt on site.
- The Decommissioning Plan shall explain how the Permit Holder shall, following completion of works, seal the site so as to ensure that any rainwater on site does not soak into the ground thus cause the possibility for further leaching of any contaminants within the substrate into the ground. This shall take into consideration the latest land & groundwater investigation results.
- The Decommissioning Plan shall at a minimum include the below details, the Permit Holder shall submit a plan to the Compliance and Enforcement Unit which shall include the following details:
  - a) The appointed contractor or other competent person who shall carry out any works (e.g. cleaning, dismantling etc.).
  - b) A complete inventory of all the materials that shall be dismantled/removed, including waste streams classified according to their respective EWC code as per S.L. 549.63 and details on the manner in which waste will be managed. Waste resulting from depollution shall also be included.
  - c) The proposed cleaning, dismantling and transport procedures
  - d) Precautions and mitigation measures during such works to prevent spillages and other potential emissions to the environment.
  - e) Timeframes associated with the implementation of this plan.
  - f) Equipment inventory, its intended fate and details of the transferee
- No decommissioning works shall commence until the Authority provides its approval and within 12 months of final cessation of operations or as agreed with the Authority in writing.

- Prior to any excavation works, the Permit Holder shall carry out a hazardous property assessment for the material intended to be excavated in line with the Authority’s latest Terms of Reference. The Permit Holder shall carry out such assessment based on the results of the latest land investigations and submit to the Authority for its review. No excavation works shall be carried out prior to the Authority’s approval in writing.
- Following completion of works on site, the Permit Holder shall submit a Decommissioning Report which shall include:
  - a) A summary of actions taken, including photos of the key stages in the decommissioning process.
  - b) Copies of all certificates, declarations, consignment notes and/or Trans Frontier Shipment notification form as necessary.
- Once the site is sealed and made impermeable as per Condition 4.8.3, the Permit Holder shall submit certification by an independent warranted engineer that the site has been rendered impermeable.
- The obligations arising from this permit shall subsist until the Authority confirms in writing that the following items have been complete to its satisfaction:
  - a) The decommissioning has been implemented
  - b) The Decommissioning Report in line with Condition 4.8.10 has been provided
  - c) Site sealing certification in line with Condition 4.8.11 has been provided
- c) Improvement programme items:

Reference	Requirement	Date
21	Submission of a decommissioning report in accordance with Approved Document EP 0016/23/DOC2 for the 9,000 litre heavy gasoil tank and the diesel tank with its dispensing equipment.	Within 1 month of the granting of the permit
27	Submission of an updated noise monitoring report for 2022 in line with the Authority’s communication on the 27 <sup>th</sup> September 2023	Within 2 months of the granting of the permit
28	a) Submission of a method statement in line with latest published ERA methodology document showing how the monitoring requirements for PS6 shall be carried out	a) Within 2 months of the granting of the permit
	b) First measurement for the air monitoring as approved by 28(a) above	b) Within 4 months of the granting of the permit
29	Submission of a decommissioning report in line with Approved Document EP 0016/23/DOC4 for the Authority’s approval for the works carried out to remove the anaerobic	Within 1 month of completion of the

	digestion plant and ancillary activities including all receipts and relevant consignment notes for the equipment and materials removed from site.	decommissioning of the AD plant and ancillary equipment
30	Submission of an updated report in for the land and groundwater investigations carried out on site	Within 3 months of the granting of the permit