L.N. 165 of 2002

ENVIRONMENT PROTECTION ACT XX, 2001
(ACT NO. XX OF 2001)

Integrated Pollution Prevention & Control Regulations, 2002

BY VIRTUE of the powers conferred by section 9 of the Environment Protection Act, the Minister responsible for the environment has made the following regulations: —

Citation, commencement and objective.

1. (1) These regulations may be cited as the Integrated Pollution Prevention and Control Regulations, 2002.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) The objective of these Regulations is to achieve integrated prevention and control of pollution arising from the activities listed in Schedule 1. They lay down measures designed to prevent or, where that is not practicable, to reduce emissions to air, water and land from the above-mentioned activities, including measures concerning waste, in order to achieve a high level of protection of human health and the environment taken as a whole, without prejudice to other relevant Regulations, in particular the Environmental Impact Assessment Regulations, 2001.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"substance" means any chemical element and its compounds, with the exception of radioactive substances and genetically modified organisms;

"radioactive substance" means any substance that contains one or more radionuclides the activity or concentration of which cannot be disregarded as far as radiation protection is concerned;

"genetically modified organism" means an organism in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination;

"pollution" means the direct or indirect introduction as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;

"installation" means a stationary technical unit where one or more activities listed in schedule 1 are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;

"existing installation" shall mean an installation which was in operation or in accordance with legislation existing before 30 October 1999;

"emission" means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into the air, water or land;

"emission limit values" means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more periods of time. Emission limit values may also be laid down for certain groups, families or categories of substances, in particular for those listed in Schedule 3. The emission limit values for substances shall normally apply at the point where the emissions leave the installation, any dilution being disregarded when determining them. With regard to indirect releases into water, the effect of a water treatment plant may be taken into account when determining the emission limit values of the installation involved, provided that an equivalent level is guaranteed for the protection of human health and the environment as a whole and provided this does not lead to higher levels of pollution in the environment, without prejudice to other relevant Regulations;

"environmental quality standard" means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in relevant regulations;

"competent authority" means the Malta Environment and Planning Authority as prescribed by the notice entitled Nomination of the Malta Environment and Planning Authority as the competent

authority, and such other body or person as the Minister responsible for the Environment may by order in the Gazette prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"permit" means that part or the whole of a written decision (or several such decisions) granting authorisation to operate all or part of an installation, subject to certain conditions which guarantee that the installation complies with the requirements of these Regulations. A permit may cover one or more installations or parts of installations on the same site operated by the same operator;

"change in operation" means a change in the nature or functioning, or an extension, of the installation which may have consequences for the environment;

"substantial change" means a change in operation which, in the opinion of the competent authority, may have significant negative effects on human beings or the environment;

"best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole;

"techniques" shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

"available" techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced in Malta, as long as they are reasonably accessible to the operator;

"best" means most effective in achieving a high general level of protection of human health and the environment as a whole. In determining the best available techniques, special consideration should be given to the items listed in schedule 4;

"operator" means any person who operates or controls the installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the installation has been delegated;

"applicant" means any person who applies for a permit;

"enforcement notice" means the notification document that shall be served on a permit holder who is deemed by the Competent Authority to be, or likely to be, in breach of his permit conditions or these regulations in general;

"Minister" means the Minister responsible for environment protection;

"permit holder" means a person who has sought and obtained a permit from the Competent Authority;

"remedial notice" means the notification document served upon a permit holder when the Competent Authority considers that the conditions of his permit are no longer adequate, or that his permitted activity poses an unforeseen risk to human health or the environment.

General provision.

3. No person shall operate an installation as indicated in Schedule 1, unless he is:

(a) acting in conformity with the provisions of these regulations;

(b) in possession of a permit; and

(c) acting in accordance with any conditions, requirements or directives laid down by the Competent Authority.

Permit requirement for new installations.

4. Any person proposing to set up and operate an installation must apply to the Competent Authority for a permit.

Permit requirement for existing installations.

5. (1) All operators of existing installations shall apply to the Competent Authority for a permit by 31 December 2002 at the latest.

(2) Existing installations shall comply with the requirements of sub-regulations 9(3), 12, 15, 17, 19, 26(a) and (b) and 31 by 30 October 2007.

(3) Without prejudice to 5(1) and (2), all other sub-regulations shall apply to existing installations from the date that these Regulations are brought into effect.

(4) All persons identified in sub-regulation (1) of this regulation and who apply for such a permit under this regulation, shall be entitled to continue operating until the Competent Authority decides upon their applications.

Application for permit.

6. (1) An application for a permit shall include a description of:

(a) the installation and its activities,

(b) the raw and auxiliary materials, other substances and the energy used in or generated by the installation,

(c) the sources of emissions from the installation,

(d) a description of the conditions of the site of the installation,

(e) the nature and quantities of foreseeable emissions from the installation into air, water and land, as well as identification of significant effects of the emissions on the environment,

(f) the existing and proposed technology, including transport of hazardous materials within and off site, and techniques for preventing or, where this is not possible, reducing emissions from the installation,

(g) where necessary, measures for the prevention and recovery of waste generated by the installation,

(h) further measures planned to comply with the general principles of the basic obligations of the operator as provided for in these Regulations,

(i) measures planned to monitor emissions into the environment.

Provided that an application for a permit shall also include a non-technical summary of the details referred to in the above indents.

(2) Where any person provides information supplied in accordance with the requirements provided for in the Environmental

Impact Assessment Regulations, 2001 or other information produced in response to any other regulations fulfils any of the requirements of this regulation, that information may be included in, or attached to, the application.

(3) Any person who submits an application for a permit shall be accompanied by such a fee as may be from time to time prescribed by the Competent Authority.

(4) The Competent Authority may request the applicant to provide additional information relevant to his application. Failure on the part of the applicant to provide this information or to include the prescribed fee may constitute grounds for refusal of the permit.

Permit.

7. In applying for a permit, operators of existing installations shall submit for approval of the Competent Authority a plan how they propose to fully meet the obligations of these Regulations by not later than 31 March 2003.

The Competent Authority shall assess the proposed plan, and on the basis of this assessment shall either approve the plan or alternatively indicate where and how the operator is required to modify his proposed plan so that approval may be granted.

Transboundary effects.

8. (1) Where the Competent Authority is aware that the operation of an installation is likely to have significant negative effects on the environment of another State, or where a State likely to be significantly affected so requests, the Competent Authority shall forward the information provided pursuant to the application for a permit to the other State. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between Malta and the other State on a reciprocal and equivalent basis.

(2) The Competent Authority shall make available to the public for an appropriate period of time any applications received from another State and this to give the public the right to comment on them before the competent authority reaches its decision.

Access to information and public participation in permit procedure.

9. Without prejudice to and in conformity with Freedom of Access to Information on the Environment Regulations, 2001, the Competent Authority shall make available to the public:

(1) Applications for permits for a period of 30 days, to enable the public to comment on them before the competent authority reaches its decision.

(2) The decision of the Competent Authority, including a copy of the permit, and any subsequent updates.

(3) The results of monitoring of releases as required under the permit conditions and held by the Competent Authority.

Criteria for granting permit.

10. In determining whether to issue or refuse a permit to an applicant, the Competent Authority shall take into account:

(1) the impact that the proposed activity may have on human health or the environment; and

(2) the applicant's suitability to undertake the proposed activity, having regard to, as applicable:

(i) his record of compliance with these regulations, the principal Act and any other regulations made thereunder;

(ii) his financial capacity to comply with all obligations and liabilities that will or may arise from the proposed activity under these regulations, or his ability to offer such financial security therefor as the Competent Authority may require; and

(iii) his qualifications, experience and technical competence, as well as those of his employees, to carry out the proposed activity safely and with minimum risk to human health and the environment, and to abide by any conditions set in relation thereto by the Competent Authority;

(3) the measures he proposes to take to minimise the risk of harm to human health and the environment arising from his proposed activity;

(4) use of best available technology not entailing excessive cost; and

(5) any other relevant considerations which the Competent Authority deems fit to take into account.

Fees to be charged by the Competent Authority.

11. (1) The Competent Authority may charge a fee to cover the expenses incurred in any activity related to the permits, as prescribed in Schedule 5.

(2) The Competent Authority may refuse to process an application for a permit or render any other service, if the fees relative to a previous service given to the same person have not been settled.

(3) The Competent Authority may collect the fees according to the method laid down in the Code of Organisation and Civil Procedure for the collection of fees and may make special arrangements for the collection of fees, including the period of collection of the same fees, and the place where they are to be paid.

General principles governing the basic obligations of the operator.

12. In discharging its functions and exercising its powers under these regulations, the Competent Authority shall seek to ensure that the operator of an installation takes all appropriate measures to ensure that:

(1) appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;

(2) no significant pollution is caused;

(3) waste production is avoided and, where this is not practicable, managed in accordance with the relevant Regulations;

(4) energy is used efficiently;

(5) accidents are prevented and their consequences limited;

(6) upon definitive cessation of activities the site of operation is returned to a satisfactory state and pollution risks are avoided.

For the purposes of compliance with these regulations, the Competent Authority shall take account of the general principles set out in these Regulations when it determines the conditions of a permit.

Competent Authority exempt from civil liability.

13. The Competent Authority shall be exempt from civil liability for anything done reasonably and in good faith in the execution of its duties under these Regulations.

Granting and rejection of permit.

14. Without prejudice to other relevant regulations, the Competent Authority shall grant a permit containing conditions guaranteeing that the installation complies with the requirements of these Regulations or, if it does not, shall refuse to grant the permit.

Provided that the Competent Authority shall inform the applicant of the grounds for its decision when it rejects an application for a permit.

Conditions of permit.

15. The Competent Authority shall with respect to all permits granted and modified permits, include details of the arrangements made by the operator for the protection of air, water and land as referred to in these Regulations.

(1) The permit issued by the Competent Authority shall include all measures necessary for compliance with these Regulations relative to the granting of permits in order to achieve a high level of protection of human health and the environment as a whole by means of protection of the air, water and land, including as appropriate the provision by the operator of a financial guarantee to be made within a stipulated period in favour of the Competent Authority.

(2) In the case of a new installation or a substantial change to an existing installation that is subject to an Environment Impact Assessment in terms of the Environmental Impact Assessment Regulations, 2001 and any relevant information obtained or conclusion arrived at pursuant to those Regulations shall be taken into consideration for the purposes of granting the permit.

(3) The permit shall include emission limit values for pollutants, in particular, those listed in schedule 3, likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air and land). If necessary, the permit shall include appropriate requirements ensuring protection of the soil and ground water and measures concerning the management of waste generated by the installation. Where appropriate, limit values may be supplemented or replaced by equivalent parameters or technical measures.

For installations under subheading 6.6 in schedule 1, emission limit values laid down in accordance with this paragraph shall take into account practical considerations appropriate to these categories of installation.

(4) Without prejudice to regulations 17, the emission limit values and the equivalent parameters and technical measures referred to in paragraph (3) shall be based on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. In all circumstances, the conditions of the permit shall contain provisions on the minimisation of long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole.

(5) The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit.

For installations under subheading 6.6 in schedule I, the measures referred to in this paragraph may take account of costs and benefits.

(6) The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that human health and the environment may be affected, appropriate provision shall be made for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations.

The permit may also contain temporary derogations from the requirements of paragraph (4) if a rehabilitation plan approved by the competent authority ensures that these requirements will be met within six months and if the project leads to a reduction of pollution.

(7) The permit may contain obligations, relative to the rehabilitation and monitoring of the site, that take effect upon and after the cessation of activities.

(8) The permit may include provisions relative to the implementation of an environment management programme by the operator.

(9) The permit may contain such other specific conditions for the purposes of these Regulations as the Competent Authority may deem fit.

(10) Without prejudice to the obligation to implement a permit procedure pursuant to these Regulations, the Competent Authority may prescribe certain requirements for certain categories of installations in general binding rules instead of including them in individual permit conditions, provided that an integrated approach and an equivalent high level of environmental protection as a whole are ensured.

Financial assurance.

16. The Competent Authority may issue a permit subject to such conditions and obligations as it deems necessary, including the provision of a suitable financial assurance to be made within a stipulated period by the applicant in favour of the Competent Authority.

17. Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, the competent authority shall take additional measures which shall be included in the permit, without prejudice to other measures which might be taken to comply with environmental quality standards. BAT and environmental quality standards.

18. Permits shall be valid for such a time as the Competent Authority specifies. Validity of permit

19. (1) The Competent Authority shall periodically reconsider and, where necessary, update permit conditions. Reconsideration and updating of permit conditions.

(2) The reconsideration shall be undertaken in any event where:

(a) the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or such new values need to be included in the permit,

(b) substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs,

(c) the operational safety of the process or activity requires other techniques to be used,

(d) new provisions of national legislation so dictate.

20. Permits shall not be transferred from one operator to another unless the approval of the Competent Authority has been sought and granted. Transfer of permits.

21. (1) The Competent Authority may set emission limit values, for: Emission limit values.

(a) the categories of installations listed in schedule 1 and

(b) the polluting substances referred to in schedule 3.

(2) In the absence of such emission limit values defined pursuant to these Regulations, the relevant emission limit values contained in the relevant Regulations, in particular those listed in Schedule 2, shall be applied as minimum emission limit values pursuant to these Regulations for the installations listed in schedule 1.

Emission inventory.

22. The Competent Authority shall compile an inventory of the principal emissions and responsible installations.

National Register.

23. (1) The Competent Authority shall maintain a national register containing:

(a) copies of these regulations and other related legislation;

(b) policies and strategies;

(c) codes of practice and guidelines;

(d) a list of the establishments in possession of permits;

(e) pending applications for permits;

(f) permits that have been surrendered;

(g) permits that have been suspended or revoked;

(h) convictions under these regulations;

(i) list of officials authorised by the Competent Authority to inspect installations;

(2) This register shall be made available for viewing by the general public. The register shall not contain information which has been deemed to be commercially confidential by the Competent Authority.

Change in operation.

24. (1) The operator shall inform the Competent Authority of any planned change or substantial change in the operation of the installation. Where appropriate, the Competent Authorities shall update the permit or the conditions.

(2) Any substantial change in the operation of an installation shall be subject to a permit issued in accordance with these Regulations. The application for a permit and the decision by the competent authority must cover those parts of the installation and those aspects listed in regulation 6 that may be affected by the change. The relevant provisions of these regulations shall apply *mutatis mutandis*.

Legal responsibility.

25. (1) An operator shall be legally responsible and accountable to ensure that the operation of the installation for which he has been granted a permit is carried out in accordance with these Regulations and with any conditions stipulated in the permit.

Employees of a permit holder shall be authorised to undertake operation of the installation under these regulations by virtue of their employer's permit.

Provided that they are acting on their employer's behalf and they are acting within the remit of their employer's permit and are in observance of the terms, conditions and rules attached thereto and these regulations in general.

(2) Employees of a permit holder shall be deemed to be acting on their employer's behalf unless the contrary is proved.

26. Operators of installations shall: Obligations of operators.

(a) comply with the conditions of the permit

(b) inform without delay the competent authority of any incident or accident significantly affecting human health and the environment, as may be one that leads to any exceedance of maximum emission levels as stipulated in the permit

(c) afford the representatives of the competent authority all necessary assistance to enable them to carry out any inspections within the installation, to take samples and to gather any information necessary for the performance of their duties for the purposes of these Regulations.

27. Operators of installations shall submit to the Competent Authority an annual report showing as applicable: Annual reports.

(a) how the permit obligations were complied with or otherwise during the prescribed period.

(b) the results of monitoring of emissions as specified in permit conditions, indicating the methodology used for data acquisition, whether the levels of pollutants were measured, calculated or estimated, and the basis for such estimation.

(c) any other information as prescribed in the permit conditions.

The Competent Authority may specify the format of the report.

This report, duly signed by the operator, shall reach the Competent Authority by the 31 March of each year and cover the preceding year.

Keeping of raw data and reports.

28. Operators shall keep all raw data and reports related to these Regulations, including correspondence registers, environmental effects registers, compliance registers and maintenance schedules, as applicable, for at least three years and make these available to the Competent Authority on request.

Action by Competent Authority.

29. Where the Competent Authority considers that the conditions attached to a permit are no longer adequate, or that the installation authorised by the permit poses an unforeseen risk to human health or the environment, it may:

(1) Alter the terms and conditions attached to the permit;

(2) Serve a remedial notice upon the operator setting out the steps which must be taken by the operator to comply with the altered conditions and to remove the risk or actual harm as well as the period in which these steps must be taken;

(3) Where the unforeseen risk arising from an installation authorised by a permit cannot be mitigated by the above measures, the Competent Authority may suspend the permit in whole or in part as necessary to avert the risk.

(4) Where the Competent Authority believes that an operator is, or is likely to be, in breach of the conditions attached to a permit or these Regulations in general, the Competent Authority may issue an enforcement notice specifying the breach of the conditions, the steps which must be taken to prevent it and the time in which the steps must be completed.

If an operator fails to comply with a remedial or enforcement notice, the Competent Authority may revoke the permit in whole or in part, itself undertake the remedial action required defraying the expenses incurred out of the operator financial guarantee if any.

Further, the Competent Authority may bring into effect any punitive measures specified therein, including confiscation of all or part of the financial guarantee.

Provided that, if the cost of this remedial action exceeds the financial guarantee, the operator shall bear the additional costs.

Action by the Competent Authority shall be without prejudice to regulations 34, 35 and 36.

30. The Competent Authority may take all necessary steps, pre-emptive or remedial, to ensure that the operation of installations does not constitute a threat to human health or the environment in cases of emergency or grave danger and in cases where the person responsible for the installation is unable to or fails to take the necessary steps to remove such a threat. Emergencies.

31. The Competent Authority shall ensure that the conditions of, procedure for the grant of the permit and compliance monitoring shall be fully coordinated, in order to guarantee an effective integrated approach by all authorities competent for this procedure. Integrated approach.

32. (1) For this purpose, there shall be an Integrated Pollution Prevention and Control Committee, hereafter referred to as the IPPC Committee. The composition and terms of reference of this committee shall be as shown in Schedules 6 and 7 respectively. Establishment of the IPPC Committee

(2) The Minister shall appoint a secretary to the committee.

(3) The judicial and legal representation of the Commission shall vest in the Chairman.

Provided that the Committee may appoint any one or more of its members to appear in the name and on behalf of the Committee in any judicial proceedings, and in any act, contract, instrument or other transaction whatsoever.

(4) The members of the Committee shall be so appointed for a term of three years.

(5) The Chairman and the other members of the Committee may resign their office at any time by giving notice in writing to the Minister.

The Minister may at any time remove the Chairman and, or, any of the members of the Committee on grounds of disability to perform their functions, bankruptcy or neglect of duty.

Without prejudice to any of these Regulations, the Committee may regulate its own procedures and meetings in such a manner as it deems proper.

33. Any person shall be guilty of an offence under these regulations if: Offences under these regulations.

(a) he fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provisions of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

34. Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction to a fine (multa) of not less than five hundred Maltese liri but not exceeding one thousand Maltese liri;

(b) on a second or subsequent convictions, to a fine (multa) of not less than one thousand Maltese liri, but not exceeding two thousand Maltese liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree;

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the Competent Authority mentioned in these regulations as a result of the said offence, the revocation of the permit issued by the Competent Authority and the confiscation of the *corpus delicti*, including the vehicle, if applicable.

Applicability of Cap. 9.

35. (1) The provisions of sections 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from

holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of section 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Language of Annexes.

36. Schedules 1 to 7 to these Regulations are being published in the English language with the English text of these regulations.

SCHEDULE 1

Categories Of Industrial Activities

NOTE 1. Installations or parts of installations used for research, development and testing of new products and processes are not covered by these Regulations.

NOTE 2. The threshold values given below generally refer to production capacities or outputs. Where one operator carries out several activities falling under the same subheading in the same installation or on the same site, the capacities of such activities are added together.

1. Energy industries

1.1. Combustion installations with a rated thermal input exceeding 50 MW

1.2. Mineral oil and gas refineries

1.3. Coke ovens

1.4. Coal gasification and liquefaction plants

2. Production and processing of metals

2.1. Metal ore (including sulphide ore) roasting or sintering installations

2.2. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour

2.3. Installations for the processing of ferrous metals:

(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour

(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour

2.4. Ferrous metal foundries with a production capacity exceeding 20 tonnes per day

2.5. Installations

(a) for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes

(b) for the smelting, including the alloyage, of non-ferrous metals, including recovered products, (refining, foundry casting, etc.) with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals

2.6. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m^3

3. Mineral industry

3.1. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day

3.2. Installations for the production of asbestos and the manufacture of asbestos-based products

3.3. Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day

3.4. Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day

3.5. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m^3 and with a setting density per kiln exceeding 300 kg/m^3

4. Chemical industry

Production within the meaning of the categories of activities contained in this section means the production on an industrial scale by chemical processing of substances or groups of substances listed in Sections 4.1 to 4.6

4.1. Chemical installations for the production of basic organic chemicals, such as:

(a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic)

(b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins

(c) sulphurous hydrocarbons

(d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates

(e) phosphorus-containing hydrocarbons

(f) halogenic hydrocarbons

(g) organometallic compounds

(h) basic plastic materials (polymers synthetic fibres and cellulose-based fibres)

(i) synthetic rubbers

(j) dyes and pigments

(k) surface-active agents and surfactants

4.2. Chemical installations for the production of basic inorganic chemicals, such as:

(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride

(b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids

(c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide

(d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate

(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide

4.3. Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers)

4.4. Chemical installations for the production of basic plant health products and of biocides

4.5. Installations using a chemical or biological process for the production of basic pharmaceutical products

4.6. Chemical installations for the production of explosives

5. Waste management

Without prejudice to the Waste Management (Permit and Control) Regulations and other relevant Regulations,

5.1. Installations for the disposal or recovery of hazardous waste as defined in Schedule 4 and Schedule 6 (operations R1, R5, R6, R8 and R9) of the Waste Management (Permit and Control) Regulations, with a capacity exceeding 10 tonnes per day

5.2. Installations for the incineration of municipal waste as defined in relevant Regulations with a capacity exceeding 3 tonnes per hour

5.3. Installations for the disposal of non-hazardous waste as defined in Schedule 4 of the Waste Management (Permit and Control) Regulations under headings D8 and D9, with a capacity exceeding 50 tonnes per day

5.4. Landfills receiving more than 10 tonnes per day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste

6. Other activities

6.1. Industrial plants for the production of:

(a) pulp from timber or other fibrous materials

(b) paper and board with a production capacity exceeding 20 tonnes per day

6.2. Plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tonnes per day

6.3. Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day

6.4. (a) Slaughterhouses with a carcass production capacity greater than 50 tonnes per day

(b) Treatment and processing intended for the production of food products from:

- animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day

- vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis)

(c) Treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis)

6.5. Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day

6.6. Installations for the intensive rearing of poultry or pigs with more than:

(a) 40 000 places for poultry

(b) 2 000 places for production pigs (over 30 kg), or

(c) 750 places for sows

6.7. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year

6.8 Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization

SCHEDULE 2

LIST OF REGULATIONS

1. Regulations on the prevention and reduction of environmental pollution by asbestos

2. Regulations on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry

3. Regulations on limit values and quality objectives for cadmium discharges

4. Regulations on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry

5. Regulations on limit values and quality objectives for discharges of hexachlorocyclohexane

6. Regulations on limit values and quality objectives for discharges of certain dangerous substances

7. The Waste Management (Incineration) Regulations

8. The Waste Management (Landfill) Regulations

9. Regulations on waste from the titanium oxide industry

10. Regulations on the limitation of emissions of certain pollutants into the air from large combustion plants

11. Regulations on pollution caused by certain dangerous substances discharged into the aquatic environment

12. The Waste Management (Permit and Control) Regulations

13. Regulations on the disposal of waste oils

SCHEDULE 3

Indicative List Of The Main Polluting Substances

To Be Taken Into Account If They Are Relevant For Fixing

Emission Limit Values

Pollutants/substances	Identification	Air	Water
1. Miscellaneous pollutants			
CH_4		X	
CO		X	
CO_2		X	
HFCs		X	
N_2O		X	
NH_3		X	
NMVOC		X	
NOx	As NO_2	X	
PFCs		X	
SF_6		X	
SO_2 and other sulphur compounds	As SO_2	X	
Total – nitrogen	As N		X
Total – phosphorus	As P		X
2. Metals and compounds			
As and compounds	Total, as As	X	X
Cd and compounds	Total, as Cd	X	X
Cr and compounds	Total, as Cr	X	X
Cu and compounds	Total, as Cu	X	X
Hg and compounds	Total, as Hg	X	X
Ni and compounds	Total, as Ni	X	X
Pb and compounds	Total, as Pb	X	X
Zn and compounds	Total, as Zn	X	X
Organotin compounds			X
3. Chlorinated organic substances			
Dichloroethane-1,2 (DCE)		X	X
Dichloromethane (DCM)		X	
Chloroalkanes (C10-13)			X
Hexachlorobenzene (HCB)		X	X
Hexachlorobutadiene (HCBD)			X
Hexachlorocyclohexane (HCH)		X	X
Halogenated organic compounds and substances which may form such compounds in the aquatic environment	As AOX		X
PCDD + PCDF (dioxins + furans)	As TEQ	X	
Pentachlorophenol (PCP)		X	
Tetrachloroethylene (PER)		X	
Tetrachloromethane (TCM)		X	
Trichlorobenzenes (TCB)		X	
Trichloroethane-1,1,1 (TCE)		X	
Trichloroethylene (TRI)		X	
Trichloromethane		X	

Other persistent hydrocarbons and persistent and bioaccumulative organic toxic substances			X
4. Other organic compounds			
Benzene		X	
Benzene, toluene, ethylbenzene, xylenes	As BTEX		X
Brominated diphenylether			X
Organotin – compounds	As total Sn		X
Polycyclic aromatic hydrocarbons		X	X
Phenols	As total C		X
Total organic carbon (TOC)	As total C or COD/3		X
5. Other substances			
Chlorides	As total Cl		X
Chlorine and inorganic compounds	As HCl	X	
Cyanides	As total CN		X
Fluorides	As total F		X
Fluorine and inorganic compounds	As HF	X	
HCN		X	
PM10		X	
Dust		X	
Asbestos (suspended particulates and fibres)		X	
Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air		X	X
Organophosphorus compounds			X
Biocides and other plant health products			X
Materials in suspension			X
Substances which have an unfavourable influence on the oxygen balance	As BOD, COD		X

SCHEDULE 4

Considerations To Be Taken Into Account Generally Or In Specific Cases When Determining Best Available Techniques, Bearing In Mind The Likely Costs And Benefits Of A Measure And The Principles Of Precaution And Prevention

1. the use of low-waste technology;

2. the use of less hazardous substances;

3. the furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;

4. comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;

5. technological advances and changes in scientific knowledge and understanding;

6. the nature, effects and volume of the emissions concerned;

7. the commissioning dates for new or existing installations;

8. the length of time needed to introduce the best available technique;

9. the consumption and nature of raw materials (including water) used in the process and their energy efficiency;

10. the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;

11. the need to prevent accidents and to minimise the consequences for the environment;

12. any other information that is considered relevant by the Competent Authority.

SCHEDULE 5

Schedule of Fees

SCHEDULE 6

Composition of the IPPC Committee

The IPPC Committee shall consist of:

(a) the Director of the Environment Protection Directorate or his authorised representative as Chairman,
(b) a senior public officer responsible for pollution prevention and control, designated by the Chairman of the Malta Environment and Planning Authority,
(c) a senior public officer responsible for waste management, designated by the Chairman of the Malta Environment and Planning Authority,
(d) a senior public officer responsible for spatial planning, designated by Chairman of the Malta Environment and Planning Authority,
(e) a senior public officer responsible for public health, designated by the Minister responsible for public health,
(f) a senior public officer responsible for resources, designated by the Chairman of the Malta Resources Authority,
(g) a senior public officer responsible for discharges into the marine environment, designated by the Chairman of the Malta Environment and Planning Authority,
(h) a senior public officer responsible for economic services, designated by the Ministry of Economic Services,
(i) a senior public officer responsible for maritime affairs, designated by the Chairman of the Malta Maritime Authority,
(j) a senior public officer responsible for occupational health and safety, designated by the Chairman of the Occupational Health and Safety Authority,
(k) a senior public officer responsible for civil protection, designated by the Minister responsible for the civil protection,
(l) a senior public officer responsible for agriculture and fisheries, designated by the Minister responsible for agriculture and fisheries,
(m) a senior public officer responsible for the police, designated by the Minister responsible for the police.

SCHEDULE 7

The terms of reference of the Committee shall include:

(a) the identification of installations which fall under the scope of these Regulations;

(b) with regard to new establishments, provide advice to the Director of the Environment Protection Directorate with respect to the formulation of the terms of reference for the Environmental Impact Assessment (EIA), the approval of consultants proposed by the developer to carry out the EIA, the evaluation of the EIA, and the evaluation of application for permits and issuing of coordinated permits.

(c) with regard to existing installations, provide advice to the Director of the Environment Protection Directorate with respect to the evaluation of the application for a permit, the issue of the coordinated permit, the formulation of the terms of reference for the preparation of the implementation plan aimed at enabling the operator reach compliance with these Regulations, and assist the operator in the preparation and execution of the implementation plan.

(d) inspection of installations;

(e) deal with infringements of permit conditions;

(f) keep abreast of developments in the field integrated permitting of installations, best available techniques, etc.;

(g) propose improvements to the implementation of these Regulations;

(h) any other function as may be conducive to the better performance of its functions under these Regulations.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – 3, Pjazza Kastilja – *Published by the Department of Information – 3, Castille Place*
Mitbugh fl-Istamperija tal-Gvern – *Printed at the Government Printing Press*

Prezz 46c – *Price 46c*