L.N. 216 of 2011

ENVIRONMENT AND DEVELOPMENT PLANNING ACT (CAP. 504)

Waste Management (Management of Waste from the Extractive Industries and Backfilling) (Amendment) Regulations, 2011

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

Title.

1. The title of these regulations is the Waste Management (Management of Waste from the Extractive Industries and Backfilling) (Amendment) Regulations, 2011, and they shall be read and construed as one with the Waste Management (Management of Waste from the Extractive Industries and Backfilling) Regulations, 2009, hereinafter referred to as "the principal regulations".

L.N. 22 of 2009.

Amends regulation 4 of the principal regulations.

2. (1) For sub-regulation (5) of regulation 4 of the principal regulations there shall be substituted the following:-

"(5) Regulation 7, sub-regulations (3) to (8) of regulation 8, regulations 9 and 10, sub-regulation (1) of regulation 12, sub-regulations (1), (2) and (3) of regulation 14, regulations 17 and 18 of these regulations shall not apply to those waste facilities that have stopped accepting waste before 1 May 2006, that are completing the closure procedures in accordance with the applicable Community or Maltese legislation or programmes approved by the Competent Authority, and will be effectively closed by 31 December 2010:

Provided that these facilities shall be managed in a way that does not prejudice the achievement of the objectives of these regulations, in particular the objectives of sub-regulation (1) of regulation 5 of these regulations, including the Water Policy Framework Regulations, 2004.".

L.N. 194 of 2004.

(2) Immediately after sub-regulation (6) of regulation 4 of the principal regulations, there shall be added the following new sub-regulations:

"(7) Sub-regulation (3) of this regulation shall not apply to waste facilities closed by 1 May 2008.

(8) The Competent Authority shall ensure that, from 1 May 2006 and notwithstanding any closure of a waste facility after that date and before 1 May 2008, extractive waste is managed in a way that does not prejudice the fulfilment of sub-regulation (1) of regulation 5, and other applicable environmental requirements set out in national and Community legislation, including the Water Policy Framework Regulations, 2004.".

L.N. 194 of 2004.

Amends regulation 9 of the principal regulations.

3. For sub-regulation (6)(b) of regulation 9 of the principal regulations there shall be substituted the following:-

"(b) on the basis of monitoring results reported by the operator pursuant to sub-regulations (3) and (4) of regulation 11 of these regulations or inspections carried out pursuant to regulation 28 of these regulations;".

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