L.N. 242 of 2022

ENVIRONMENT PROTECTION ACT (CAP. 549)

Deposit of Wastes and Rubble (Fees) (Amendment) Regulations, 2022

IN EXERCISE of the powers conferred by articles 54 and 55(2) of the Environment Protection Act, the Minister responsible for the environment, after consultation with the Environment and Resources Authority, and with the concurrence of the Minister for Finance and Employment, has made the following regulations:-

Citation and commencement.

S.L. 549.07.

1. (1) The title of these regulations is the Deposit of Wastes and Rubble (Fees) (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Deposit of Wastes and Rubble (Fees) Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations shall come into force within two (2) months from their publication in the Gazette.

General amendments.

2. The principal regulations shall be amended as follows:

(a) the words "Department for Environment Protection" and "Director for Environment Protection", wherever they occur shall be substituted by the word "Authority"; and

(b) the words "waste deposit site" wherever they occur shall be substituted by the words "deposit site".

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately before the definition "Chief Executive of the Water Services Corporation", there shall be added the following new definitions:

Cap. 549.

" "Act" means the Environment Protection Act;

Cap. 549.

"Authority" means the Environment and Resources Authority as established under the Environment Protection Act;

(b) the definition "Department for Environment Protection" shall be deleted;

(c) the definition "Director for Environment Protection" shall be deleted;

(d) immediately after the definition "hazardous waste" there shall be added the following new definition:

" "mixed waste" means mixed refuse, intended for collection by the respective Local Council's agent or contractor, on the indicated day;";

(e) immediately after the definition "waste deposit site", there shall be added the following new definition:

" "waste electrical and electronic equipment" or "WEEE" means electrical and electronic equipment which is waste as defined in regulation 4 of the Waste
S.L. 549.63. Regulations, including all components, sub-assemblies and consumables which are part of the product at the time of discarding;" and

(f) immediately after the definition "waste electrical and electronic equipment" or "WEEE", there shall be added the following new definition:

" "waste management facility" means a site or facility that allows for the storing, sorting, source segregating, treatment and transfer of waste.".

4. Regulation 8 of the principal regulations shall be substituted by the following new regulation: Substitutes regulation 8 of the principal regulations.

"8. Any person who deposits rubble in a public waste deposit site shall pay the sum of €3.21 excluding Value Added Tax to the government entity entrusted with the responsibility for waste management strategy implementation for every metric tonne of rubble to be deposited:

Provided that the deposit of domestic rubble in the public waste deposit sites indicated in items 7 to 12 in Schedule B by the householder generating that waste, is exempt from payment of this fee.".

5. Regulation 9 of the principal regulations shall be Substitutes regulation 9 of the principal regulations.

substituted by the following new regulation:

"9. Any person who deposits waste and, or WEEE in a public deposit site must pay the fee indicated in Schedule C to the government entity responsible for waste management strategy implementation for every metric tonne of such waste to be deposited:

Provided that if the actual weight of the rubble or waste to be deposited cannot be established, the government entity entrusted with the responsibility for waste management strategy implementation may demand the same rate indicated in Schedule C but calculated against a density of 2 metric tonnes per cubic metre for every cubic metre as estimated from the outer dimensions of the receptacle which contains rubble or waste which is not hazardous waste:

Provided further that the deposit of domestic waste in the public waste deposit sites indicated in items 7 to 12 in Schedule B by the householder generating that waste, is exempt from payment of this fee:

Provided further that any person who deposits dredged material or inert uncontaminated geological material in a deposit site at sea as included in Schedule B, must have in his possession a permit in writing to this effect from the Authority, and pay any fees as the Authority may so require. The Minister responsible for the environment jointly with the Minister responsible for finance, may, through publication of a notice in the Gazette, exempt any person from the payment of such fees, in full or in part, if, the project in question is declared to have any strategic or national significance:

Provided further that the Authority may refuse to permit the deposit of rubble, waste, WEEE, and, or hazardous waste in a deposit site if in its opinion this will result in considerable damage to the environment or is in contravention of international obligations, or for any other reason the same Authority deems appropriate.".

6. Regulation 10 of the principal regulations shall be substituted by the following new regulation: Substitutes regulation 10 of the principal regulations.

"10. Any person who deposits hazardous waste in a waste deposit site shall have in his possession, a permit in writing to this effect from the Authority:

Provided that if the hazardous waste or other waste is deposited in a public facility, the person who deposits the hazardous waste or other waste shall pay the fee indicated in Schedule D to the government entity entrusted with the responsibility for waste management strategy implementation, for every metric tonne of such waste to be deposited. These rates may be adjusted periodically to reflect changes to the Retail Price Index:

Provided further that the deposit of domestic hazardous waste in the public waste deposit sites indicated in items 7 to 12 in Schedule B by the householder generating that waste, is exempt from payment of this fee.".

7. Schedule B to the principal regulations shall be substituted by the following new Schedule: Substitutes Schedule B to the principal regulations.

"SCHEDULE B
Deposit Sites

I - Public Deposit Sites on Land:

1. Waste Management Facilities within ECOHIVE Complex, Triq Tul il-Kosta, Naxxar.

2. Materials Recovery Facility - Sant'Antnin Waste Treatment Plant, Marsascala.

3. Mechanical Biological Treatment Plant – Sant'Antnin Waste Treatment Plant, Marsascala.

4. Temporary Sorting and Storage Facility, Xatt il-Mollijiet, Marsa.

5. Temporary Waste Transfer Station - Tal-Qortin, Xaghra, Għawdex.

6. Thermal Treatment Facility, Triq il-Biċċerija, Marsa.

7. Civic Amenity Site, Ramla Road, Magħtab.

8. Civic Amenity Site, Triq it-Territorjal, Mrieħel.

9. Civic Amenity Site, Triq B'Buġia, Hal Far.

10. Civic Amenity Site, Luqa.

11. Civic Amenity Site, Ta' Qali.

12. Civic Amenity Site, Tal-Kus, limits of Xewkija, Għawdex.

13. Private facilities contracted to provide public services in waste management.

14. Multi-Material Recovery Facility, Ħal Far*.

15. Material Recovery Facility, Naxxar**.

II - Sites at Sea

A spoil ground for dredged material and inert uncontaminated geological material having a radius of about 350 meters and centered on Latitude 35°55.1′N and Longitude 14°34.0′E.".

Substitutes Schedule C to the principal regulations.

8. Schedule C to the principal regulations shall be substituted by the following new Schedule:

"SCHEDULE C
Fees due for the deposit of waste and, or WEEE in public waste management facilities

	Waste and, or WEEE	€ Per tonne
A	Mixed waste deposited for landfilling in any public facility and/or private facilities contracted to provide such public service, which in either case is/are intended to provide services of this nature.	20 (Refer to Table 3)

* Multi-Material Recovery Facility, Ħal Far will start operating in November 2022.
** Material Recovery Facility, Naxxar will start operating in September 2022.

B	Waste deposited for biological treatment or similar technology at any public facility and/or private facilities contracted to provide such public service, which in either case is/are intended to provide services of this nature.	20
C	Dry waste separated at source, suitable for recycling/ recovery deposited at any public facility and/ or private facilities contracted to provide such public service, which in either case is/are intended to provide services of this nature. *	0.50
D	At source segregated bulky (dry) waste streams for recycling deposited at any public facility and/ or private facilities contracted to provide such public service, which in either case is/are intended to provide services of this nature on behalf of Local Councils.	Refer to Table 2

* Should waste declared as being at source segregated be found to be mixed with other waste e.g. organic waste, the applicable rate shall be the standard landfill rate indicated in row A together with charges for transportation of the waste to the landfill.

Provided that waste deposited/delivered after normal landfill operating hours as determined by the operator shall be charged an additional fee of two euro (€2) per metric tonne or as the government entity entrusted with the responsibility for waste management strategy implementation may so require to allow for the cost of double handling.

The above rates are exclusive of VAT and may be adjusted periodically to reflect changes to the Retail Price Index.

These rates are not applicable to waste directed for treatment at the Thermal Treatment Facility, treatment at the Hazardous Waste Storage and Treatment Facility or disposal at the Hazardous Waste Engineered Landfill.

Table 2: Phasing-in of Cost Recovery Charges on Waste Streams (€/tonne)

Total Cost per tonne	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Wood	30	30	40	50	60	75	85	95	105	115	125	140	150	160	170	170
Textiles	30	30	40	50	60	70	80	90	105	115	125	135	145	155	165	165
Mattresses	30	30	40	55	65	75	90	100	110	120	135	145	155	170	180	180
Tyres	30	30	35	40	45	50	55	60	65	70	75	80	85	90	95	95
Flat Glass	30	30	30	35	35	40	40	40	45	45	45	50	50	55	55	55
Gypsum	30	30	50	70	90	115	135	155	175	195	215	240	260	280	300	300
Expanded Polystyrene	30	30	65	100	130	165	200	235	265	300	335	370	400	435	470	470
WEEE	30	30	65	100	130	165	200	235	265	300	335	370	400	435	470	470
Weighted	**30**	**30**	**35**	**45**	**60**	**70**	**85**	**95**	**105**	**120**	**130**	**140**	**155**	**165**	**175**	**175**

Table 3: Phasing in of cost charges for mixed waste deposited for landfilling

2023	2024	2025	2026	2027
40	60	80	100	120

Rates for Treatment of Non-Hazardous Waste at the Thermal Treatment Facility, Triq il-Biċċerija, Marsa

Waste Stream	€ Per tonne
Private Slaughter Houses	50
Fallen Animals from Farms	50
Horses	40 per horse
Fallen pets (including strays)	nil
Fish	50
Materials for which incineration is obligatory upon instruction of competent authorities	500
Non-hazardous waste directed for destruction	50
Non-hazardous waste suitable for landfilling but which is directed for thermal treatment by the government entity responsible for waste	30

The above rates are exclusive of VAT and may be adjusted periodically to reflect changes to the Retail Price Index.".

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