



# CONSULTATION BRIEF ON ENVIRONMENTAL PERMITTING OF INDUSTRIAL ACTIVITIES

## 1. AIM OF PROPOSAL

The aim of this proposal is to create a system of environmental permitting to regulate industrial activities with potential environmental impact.

## 2. BACKGROUND

Emissions from industry have the potential to cause environmental impact, which is not always sufficiently addressed by existing regulations. Moreover, frequent changes in EU legislation can lead to uncertainty with respect to legal obligations.

A system of environmental permitting of industrial activities would result in better protection of the environment, while offering several advantages to industry, such as legal certainty and the opportunity to identify priority environmental issues to enable appropriate risk management. In addition, the environmental permit would limit the extent of liability of operators in case of environmental damage caused by the permitted activity.

## 3. THE PROPOSED ENVIRONMENTAL PERMITTING SYSTEM

MEPA is proposing an environmental permitting system which would cover certain industrial activities, including the following:

|   |  |
|---|--|
| <p><b>Priority 1* (highest risk)</b></p> <p>COMAH (Seveso) establishments<br/>Oil/fuel terminals<br/>Container terminals<br/>Shipyards<br/>Batching and asphalt plants</p>            | <p><b>Priority 1 (existing legal obligations already require such installations to be in possession of an environmental permit)</b></p> <p>Waste management activities, e.g. scrapyards, inert landfills, waste transfer stations, waste oil producers, abattoirs<br/>Quarries<br/>Petrol stations<br/>VOC solvents activities, e.g. printing, surface coating, drycleaners<br/>Activities with a discharge to sea<br/>Sewage treatment plants of a certain size</p> |
| <p><b>Priority 2 (medium risk)</b></p> <p>Manufacturing plants with &gt;250 employees<br/>Chemical &amp; pharmaceutical plants<br/>Marinas, airports<br/>Hospitals<br/>Fish farms</p> | <p><b>Priority 3 (lowest risk)</b></p> <p>Manufacturing, e.g. wood, machinery, plastic, rubber, electronic products<br/>Food &amp; beverage manufacturing<br/>Seaports<br/>Hotels with more than 400 bed spaces</p>  |

In most cases, capacity or employee thresholds would apply, to ensure that only those facilities which present environmental risk are regulated.

## The application process

The process would involve the following steps:

1. Operator submits application form (available [online](#)) and supporting documentation.
2. Application is given a tracking number (provided there are no substantial gaps in the application)
3. MEPA reviews the application and holds a site visit (for existing facilities) and meeting with the operator.
4. MEPA sends any queries regarding the application to the operator (within 16 weeks from point 2).
5. Operator responds to queries. (Steps 4 and 5 may need to be repeated if the operator does not respond to all queries in full.)
6. The application is considered 'duly made' once sufficient information is supplied to MEPA. Application is given an EP number at this stage.
7. Public consultation (20 days).
8. EPD recommendation (site-specific permit if applicable) discussed with operator.
9. Consultation on the EPD recommendation with the operator and registered objectors (21 days).
10. Final decision made in public by the Environment and Planning Commission (or MEPA Board) (within 26 weeks [priority 2 and 3 activities] or 52 weeks [priority 1\* and 1 activities] from step 6).
11. An appeals procedure would also be applicable.

The environmental permit would include conditions on emissions to air, discharges of wastewater, noise and vibration, management of waste, appropriate storage and contingency measures in case of an accident. Permits may also require monitoring obligations (to be carried out by the operator at the operator's expense). The permit would also include an Annual Environmental Report template, which the operator would be required to submit annually to MEPA.

Permits would normally be valid for a period not exceeding four years, and may be renewed after an application for renewal is submitted by the operator.

## Timeframes for implementation

MEPA is proposing the following timeframes for regulation of the above activities. These timeframes reflect the different level of environmental risk presented by different industrial activities.

| Category of activity | Application timeframe              | Permitting timeframe               |
|----------------------|------------------------------------|------------------------------------|
| Priority 1*          | 1 year from issue of Legal Notice  | 3 years from issue of Legal Notice |
| Priority 1           | As per existing legal obligations  | 2 years from issue of Legal Notice |
| Priority 2           | 2 years from issue of Legal Notice | 4 years from issue of Legal Notice |
| Priority 3           | 3 years from issue of Legal Notice | 5 years from issue of Legal Notice |

In addition, in the case of existing activities, MEPA acknowledges that the operator might require an additional period to achieve compliance with certain environmental standards. In such cases, MEPA may include an improvement programme in the environmental permit, to ensure that compliance is achieved within a set timeframe.

## Costs

In order to ensure that the system is financially self-sufficient, the following fees are being proposed:

|   | <b>Category of Activity</b>   | <b>Fee for new permit</b> |
|---|---|---------------------------|
| 1 | Waste management activities:<br>Inert waste landfills<br>Material recovery facilities<br>Civic amenity sites<br>Quarries carrying out activities other than/in addition to extracting limestone | €2,200                    |
| 2 | Waste collection and packaging without processing (unless exclusively baling of non-hazardous waste)  | €750                      |
| 3 | Other categories of waste management activities according to L.N. 337/01 (excluding points 1 and 2 above)   | €1,100                    |
| 4 | Shipyards<br>Sewage treatment plants<br>Oil/fuel terminals (except liquefied natural gas [LNG]/liquefied petroleum gas [LPG])   | €2,300                    |
| 5 | Land-based fishfarms<br>Reverse osmosis plants<br>Quarries (extracting limestone only)<br>Batching plants   | €1,650                    |
| 6 | Environmental permits other than points 1-5 above (including waste compliance scheme permits)   | €750                      |

Applications for renewals of permit would cost 50% of the amount quoted above. Applications for variation or transfer of the permit would cost 10% of these values, while applications for surrender of the permit would cost 25% of the respective amount above.

An annual fee would also apply, amounting to 10% of the above quantities (5% if the facility has environmental management certification recognised by the Malta Standards Authority), plus inspection costs, at €100 per inspection.

MEPA may also require a financial guarantee, to be decided on a case by case basis. This may also be linked to the improvement programme of the installation.

The above fees would not be retroactive - operators who would have obtained or submitted an application for an environmental permit prior to the issue of these regulations would be exempt from the fee for a new permit.

The draft legal notice on environmental permitting fees also includes a proposal for fees for other activities currently regulated by MEPA, as follows:

| <b>Activity</b>   | <b>Fee for new permit/registration</b>  |
|---|---|
| IPPC activities (regulated by L.N. 234 of 2002 as amended)  | Depending on activity; range from €230 for animal husbandry to €35,000 and over for other larger-scale activities |
| Registrations, e.g. of waste carriers/brokers, farms, ozone-depleting substances, hull cleaning, land remediation | €50 to €230   |
| Waste transfers/shipments and registration of waste producers   | €1 to €500  |

Fees for inspections of IPPC sites would be set at €200 per inspection, while fees for inspections of registrations would range from €50 to €100 per inspection.

#### **4. COMMENTS**

The full proposal may be viewed at [www.mepa.org.mt/public-consultation](http://www.mepa.org.mt/public-consultation).

To facilitate participation in this consultation process, the proposal for an environmental permitting system is being presented as a draft structure for the legislation, rather than a draft legal notice; the actual text of the legislation will be drafted at a later stage once the public consultation process is concluded. A draft legal notice for the proposed fees is also being presented for public consultation.

Further information may be obtained by calling the Environmental Permitting & Industry Unit on 2290 7230, or by email to [environmental.permitting@mepa.org.mt](mailto:environmental.permitting@mepa.org.mt).

Comments will be received by email on [environmental.permitting@mepa.org.mt](mailto:environmental.permitting@mepa.org.mt) by 31 January 2012. Comments received will be taken into consideration in the drafting and finalisation of the legislation.

MEPA will also be organising a number of consultation meetings in the coming weeks to facilitate discussion regarding the proposal.