

L.N. 13 of 2013

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

**Industrial Emissions (Titanium Dioxide)
Regulations, 2013**

BY VIRTUE of the powers conferred by articles 2, 61, 64 and 66 of the Environment and Development Planning Act, the Minister for Tourism, Culture and the Environment, in consultation with the Malta Environment and Planning Authority, has made the following regulations:-

1. (1) The title of these regulations is the Industrial Emissions (Titanium Dioxide) Regulations, 2013. Citation and commencement.

(2) These regulations shall be deemed to have come into force on the 7th January, 2013.

2. (1) These regulations provide for the implementation in part of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control) (Recast). Scope.

(2) These regulations also provide for the implementation of the Industrial Emissions (Framework) Regulations, 2013. L.N. xxxx of 2013.

(3) These regulations shall apply to installations producing titanium dioxide.

3. The disposal of the following waste into any water body, sea or ocean shall be prohibited: Prohibition of the disposal of waste.

(a) solid waste;

(b) the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution from installations applying the sulphate process; including the acid waste associated with such liquors, containing overall more than 0.5% free sulphuric acid and various heavy metals and including such mother liquors which have been diluted until they contain 0.5% or less free sulphuric acid;

(c) waste from installations applying the chloride process containing more than 0.5% free hydrochloric acid and

various heavy metals, including such waste which has been diluted until it contains 0.5% or less free hydrochloric acid;

(d) filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralisation) of the waste mentioned under paragraphs (b) and (c) and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5.5.

Control of
emissions into
water.

4. Emissions from installations into water shall not exceed the emission limit values set out in Schedule 1.

Prevention and
control of
emissions into
air.

5. (1) The emission of acid droplets from installations shall be prevented.

(2) Emissions into air from installations shall not exceed the emission limit values set out in Schedule 2.

Monitoring of
emissions.

6. (1) The operator shall monitor the emissions into water in order to enable the competent authority to verify compliance with the permit conditions and regulation 4.

(2) The operator shall monitor the emissions into air in order to enable the competent authority to verify compliance with the permit conditions and regulation 5. Such monitoring shall include at least monitoring of emissions as set out in Schedule 3.

(3) Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.

Offences.

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

(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 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.

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

(a) on a first conviction to a fine (*multa*) of not less than twenty-three thousand euro (€23,000) and not greater than two hundred and thirty three thousand Euro (€233,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than forty-six thousand Euro (€46,000) and not greater than four hundred and sixty six thousand Euro (€466,000) 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 may 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.

9. (1) The provisions of articles 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. Applicability of
the Criminal
Code.
Cap. 9.

(2) Notwithstanding the provisions of article 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. Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Cap. 9.

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.

Revocation of
Waste from
Titanium
Dioxide
Industry
Regulations,
2001.
L.N. 223 of
2001.

10. (1) The Waste from Titanium Dioxide Industry Regulations, 2001, hereinafter referred to as "the revoked regulations", are revoked with effect from 7 January 2014.

(2) References to the revoked regulations shall be construed as references to these regulations.

Existing
installations
covered by the
Integrated
Pollution
Prevention and
Control
Regulations,
2002.
L.N. 234 of
2002.

11. (1) The provisions of these regulations shall apply from 7 January 2014 to installations carrying out the activities referred to in Schedule 1 of the Integrated Pollution Prevention and Control Regulations, 2002, which are in operation and hold a permit before 7 January 2013, or the operators of which have submitted a complete application for a permit before that date, provided that those installations are put into operation no later than 7 January 2014.

Existing
installations not
covered by the
Integrated
Pollution
Prevention and
Control
Regulations.
2002.
L.N. 234 of
2002.

(2) The provisions of these regulations shall apply from 7 July 2015 for installations carrying out the activities referred to in Schedule 1 of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, 2013, which are not covered by subregulation (1), and which are in operation before 7 January 2013. Such installations shall apply to the competent authority for a permit by 7 July 2013 at the latest.

SCHEDULE 1

EMISSION LIMIT VALUES FOR EMISSIONS INTO WATER

1. In case of installations using the sulphate process (as an annual average): 550 kg of sulphate per tonne of titanium dioxide produced.
 2. In case of installations using the chloride process (as an annual average):
 - (a) 130 kg chloride per tonne of titanium dioxide produced using neutral rutile,
 - (b) 228 kg chloride per tonne of titanium dioxide produced using synthetic rutile,
 - (c) 330 kg chloride per tonne of titanium dioxide produced using slag. Installations discharging into salt water (estuarine, coastal, open sea) may be subject to an emission limit value of 450 kg chloride per tonne of titanium dioxide produced using slag.
 3. For installations using the chloride process and using more than one type of ore, the emission limit values in point 2 shall apply in proportion to the quantity of the ores used.
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SCHEDULE 2

EMISSION LIMIT VALUES INTO AIR

1. The emission limit values which are expressed as concentrations in mass per cubic meter (Nm^3) shall be calculated at a temperature of 273.15 K, and a pressure of 101.3 kPa.
2. For dust: 50 mg/Nm^3 as an hourly average from major sources and 150 mg/Nm^3 as an hourly average from any other source.
3. For gaseous sulphur dioxide and trioxide discharged from digestion and calcination, including acid droplets calculated as SO_2 equivalent:
 - (a) 6 kg per tonne of titanium dioxide produced as an annual average;
 - (b) 500 mg/Nm^3 as an hourly average for plants for the concentration of waste acid.
4. For chlorine in the case of installations using the chloride process:

- (a) 5 mg/Nm³ as a daily average;
 - (b) 40 mg/Nm³ at any time.
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SCHEDULE 3

EMISSION MONITORING

The monitoring of emissions into air shall include at least the continuous monitoring of:

- (a) gaseous sulphur dioxide and trioxide discharged from digestion and calcination from plants for the concentration of waste acid in installations using the sulphate process;
 - (b) chlorine from major sources within installations using the chloride process;
 - (c) dust from major sources.
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