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L.N. 161 of 2002

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

Waste Management (Waste Oils) Regulations, 2002

BY virtue of the powers conferred by articles 9 and 28, of the Environment Protection Act, 2001, hereinafter referred to as “the Act”, the Minister for Home Affairs and the Environment has made the following regulations:-

Citation,
commencement and
objectives.

1. (1) The title of these regulations is the Waste Management (Waste Oils) Regulations, 2002.

(2) (a) 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 the different provisions and different purposes of these regulations.

(b) A notice under paragraph (a) of this sub-regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

L.N. 337 of 2001.

(3) These regulations provide additional measures, procedures and guidance to those in the Waste Management (Permit and Control) Regulations, 2001, so that waste oils are collected and disposed of without causing any avoidable damage to humans man and the environment.

Interpretation.

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

L.N. 107 of 2002.

“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;

“collection” means all operations whereby waste oils can be transferred from the holders to undertakings which dispose of such oils;

“combustion” means the use of waste oils as fuel with the heat produced being adequately recovered;

“disposal” means the processing or destruction of waste oils as well as their storage and tipping above or under ground;

“permit” means a permit issued under the Waste Management (Permit and Control) Regulations, 2001;

“processing” means operations designed to permit the reuse of waste oils, that is to say, regeneration and combustion;

“regeneration” means any process whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, oxidation products and additives contained in such oils;

“waste oils” means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, and also mineral lubricating oils, oils for turbines and hydraulic oils.

(2) All other terms shall have the same meaning as that assigned to them in the Waste Management (Permit and Control) Regulations, 2001.

3. No person shall:

Prohibitions.

(a) discharge waste oils into inland surface water, ground water, territorial sea water and drainage systems;

(b) deposit and, or discharge of waste oils to the soil and any uncontrolled discharge of residues resulting from the processing of waste oils;

(c) Process waste oils causing air pollution which exceeds the level prescribed by existing regulations.

4. The Competent Authority shall establish a waste oils collection scheme.

Competent authority to set up scheme.

5. No person may collect Waste oils unless such person holds a valid permit in accordance with the Waste Management (Permit and Control) Regulations, 2001.

Permit requirement for collection of waste oils.

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Mixing of waste oils
with PCBs and
PCTs.

6. (1) Holders and collectors of waste oils, shall not, during storage and collection, mix waste oils with PCBs and PCTs within the meaning of the Waste Management (Polychlorinated Biphenyls and Polychlorinated Terphenyls) Regulations, 2002.

(2) Except as provided for in regulation 11(2), the provisions of the Waste Management (Polychlorinated Biphenyls and Polychlorinated Terphenyls) Regulations, 2002 shall apply to waste oils containing more than 50 ppm of PCB/PCT.

Preferred options.

7. (1) If a person holding waste oils is unable to comply with the provisions of these regulations, in particular with regulation 3, such person shall immediately inform the Competent Authority and place the waste oils at the disposal of an authorised undertaking or undertakings.

(2) The Competent Authority shall, where technical, economic and organisational constraints so allow, order that waste oils shall be regenerated in accordance with regulation 12:

Provided that where because of the above constraints, waste oils are burned, this shall be carried out under environmentally acceptable conditions, in accordance with regulation 13.

(3) The Competent Authority shall, where because of technical, economic and organisational constraints, and where neither waste oils regeneration nor burning is feasible, order that waste oils may be disposed of under such conditions that human health and the environment are safeguarded.

Permit for disposal
of waste oils.

8. (1) No person may dispose of waste oils unless such person holds a valid permit in accordance with the Waste Management (Permit and Control) Regulations, 2001.

(2) The Competent Authority may grant a permit to may be granted to undertakings which regenerate waste oils or use waste oils as fuel, only where the Competent Authority has been satisfied that all appropriate environmental and health protection measures have been taken, including use of the best available technology where the cost is not excessive.

(3) The Competent Authority shall inspect these undertakings periodically, particularly as regards their compliance with the conditions of their permit.

9. Undertakings generating 500 litres or more of waste oils per year shall require a permit in accordance the Waste Management (Permit and Control) Regulations, 2001: Permit requirement for generators of waste oils.

Provided that such undertakings shall:

(a) keep a record of the quantity, quality, origin and location of such oils and of their despatch and receipt, including the dates of the latter,

(b) record any other information requested by the Competent Authority, and

(c) make this information available to the Competent Authority on request.

10. Any undertaking which collects, holds and, or disposes of waste oils must convey any information concerning the collection and, or disposal of waste oils or their residues to the Competent Authority on request. Undertakings to convey information.

11. (1) Undertakings carrying out regeneration of waste oils shall take measures in such manner that: Regeneration.

(a) the operation of the regeneration plant will not cause avoidable damage to the environment, in particular by ensuring that the risks associated with the quantity of residues of regeneration and with the toxic and dangerous character of such residues are reduced to a minimum and that the residues are properly disposed of;

(b) the base oils derived from regeneration are not hazardous and do not contain more than 50 ppm polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

(2) The Competent Authority may allow the regeneration of waste oils containing PCBs or PCTs if the regeneration processes make it possible either to destroy the PCBs and PCTs or to reduce them so that the regenerated oils do not contain PCB/PCT beyond a maximum limit which in no case may exceed 50 ppm.

12. (1) Undertakings that use waste oils as fuels shall require a permit from the Competent Authority. Combustion.

(2) Without prejudice to the provisions of the Combating of Air Pollution from Industrial Plants Regulations, 2001 and of L.N. 211 of 2001.

regulation 7, where waste oils are used as fuel, to the Competent Authority shall take measures to ensure that operation of the plant will not cause any significant level of air pollution, in particular by the emission of substances listed in Schedule 1.

(3) Of Any person who combusts oils in plants with a thermal input of 3 MW or more based on the lower heating value (LHV), shall observe the emission limit values set in Schedule 1. The combustion of waste oils in plants with a thermal input of less than 3 MW based on the lower heating value (LHV) shall be subject to adequate control, as required by the Competent Authority.

(4) Any person who disposes of the residues from the combustion of waste oils shall do so as indicated by the Competent Authority:

Provided that the waste oils used as fuel shall not contain PCB/PCT in concentrations beyond 50 ppm.

(5) The Competent Authority shall ensure that the limit values set out in Schedule 1 are being observed by means of an appropriate system of control of concentrations of pollutants in waste oils, or mixtures of waste oils and other fuels, intended for combustion taking account of the technical characteristics of the plant.

(6) The Competent Authority shall establish a control system in the case of plants where emissions of substances listed in Schedule 1 may arise additionally from heating products, an established control system shall be set up to ensure that the proportion of these substances arising from the combustion of waste oils does not exceed the limit values fixed in Schedule 1.

Reference method
of measurement.

13. The Competent Authority shall use European standards EN 12766-1 and EN 12766-2 and subsequently upgraded versions as the reference method of measurement to determine the PCB/PCT content of waste oils.

Offences.

14. 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 of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

15. 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 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 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.

16. (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
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.

(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.

17. Schedule 1 to these regulations is being published in the English language with the English text of these regulations. Language of
Annexes.

SCHEDULE 1

Emission limit values ⁽¹⁾ for certain substances emitted as a result of the combustion of waste oils in plants with a thermal input of 3 MW (LHV) or more

Pollutant	Limit value mg/N m ³	
Cd	0.5	
Ni	1	
	<i>Either</i>	<i>Or</i>
Cr	1.5	
Cu	1.5	5
V	1.5	
Pb	5	
Cl ⁽²⁾	100	
F ⁽³⁾	5	
SO ₂	—	
Dust (total)	—	

⁽¹⁾ These limit values, which may not be exceeded when waste oils are burned, indicate the mass concentration of emissions of the aforementioned substances in waste gas, in terms of the volume of waste gas in the standard state (273 degrees K; 1,013 hPa), after deduction of the water vapour moisture content, and of a 3 % oxygen content by volume in waste gas.

In the case of the second subparagraph of regulation 12(5) the oxygen content will be that which corresponds to normal operating conditions in the particular process concerned.

⁽²⁾ Inorganic gaseous compounds of chlorine expressed as hydrogen chloride.

⁽³⁾ Inorganic gaseous compounds of fluorine expressed as hydrogen fluoride.