BirdLife Malta's recommendations on Terms of Reference on the Closure, Aftercare and Rehabilitation of Landfills and Excavation Voids

14th December 2021

BirdLife Malta has analysed the draft Terms of Reference on the Closure, Aftercare and Rehabilitation of Landfills and Excavation Voids present online for public consultation and would like to contribute with the following feedback.

General recommendations

First of all, there is need to say that according to the amended EU Landfill Directive, landfilling of waste should be an exception rather than a norm. This point together with the European Green Deal and Biodiversity Strategy 2030 sends a clear message to member states to develop such political measures as to minimise the landfilling of waste and restore the areas under the former dump sites. Therefore, we welcome the initiative to develop Terms of Reference on the Closure, Aftercare and Rehabilitation of Landfills and Excavation Voids in Malta.

To align with the EU Green Deal and Zero Pollution target, we suggest adding stronger emphasis on the need to stimulate the rehabilitation and reuse of landfills, particularly turning the areas into solar power stations, nature parks, etc. where there are no environmental or other constraints to such projects, as well as potential reuse of landfilled materials (there is a good example establishing of a family park on the former landfill in Marsascala when some amount of waste was used for building rubble walls). When planning a rehabilitation or restoration project, it is highly important to take into account not only environmental and technical considerations (such as spatial planning, proximity of sensitive receptors, etc.), but also legal, economic and social ones.

Given Malta's high dependency on imported energy sources, we may also suggest supporting the investigations into "waste to resource" initiatives, particularly associated with stimulating the biodegradation processes. Studies are showing that old landfills of an area over 3-6 hectares potentially can be an economic source of biogas. Therefore, a study to define which landfills have enough economic potential for biogas exploitation can be commissioned.

Specific recommendations

Point 120 of the document states that "if the conclusion is that no disposal of significant quantities of hazardous waste occurred at the site, *or that such disposal would have been unlikely*, then the site is classified as H0, requiring only minimal intervention to prepare the site for its after-use (as per G0)". Given the nature of the sites and the sensitivity of the natural environment, we believe that the precautionary approach should be applied, which means that in all cases a study should be conducted to determine whether hazardous substances are present in the landfill and in what quantities.

Point 122 says the following: "if the site investigation reveals no / *small quantities of hazardous waste* (e.g. incidental and easily visually recognisable waste, such as occasional pieces of bonded asbestos in demolition waste), then the site may also be classified as H0". The underlined phrase should be clarified, stating that only if the quantities do not exceed the WHO guidelines and/or relevant EU limits (such as EEA standards), the site can be classified as H0. In line with current EU policies already mentioned, the member states should aim to remove the waste and pollutants from the environment to reach the Zero Pollution target.

Apart from assessing such vital characteristics as hazardous waste presence, risks to groundwater/surface water sources, air pollution risks and stability of the site, it is important to assess further environmental conditions within and around the landfill, particularly in terms of habitats and protected species.

It could be the case that some landfills and quarries which are no longer in use, would have already established a degree of natural habitats, or host natural flora and fauna of ecological value. This is so especially for coastal sites or quarries where no dumping of hazardous wastes may have occurred in past years. We highly recommend that quarry sites, especially those located within or in proximity to Natura 2000 sites are seen as ideal restoration sites for the regeneration of natural habitats. Ecological surveys prior to any interventions on such quarries could establish the restoration capabilities of such quarry sites which often host water bodies, crevices and rock faces which can offer suitable habitat to a number of species: from cremnophytic flora (of which Malta hosts endemic and ecologically important species); to fauna such as bats or nesting avifauna such as the Blue Rock Thrush. Waterbodies are known to have acted as small localised nesting spots for species such as the Common Moorhen, but can potentially act as a refuge for various migratory species. Additionally, and especially for those quarry sites located in coastal areas, proximity to seabird colonies, and the potential for such quarry sites to become new nesting habitat for seabirds should not be under-estimated. Currently, BirdLife Malta has undertaken an experimental setup at the old Wied Fulija dumpsite to assess such a potential, but there are surely a number of quarry sites in closer proximity to seabird colonies (such as the quarry of north east of Wied Znuber) which might offer greater potential for such restoration possibilities, and could be seen as a way of mitigating lost habitats in the past as a result of such quarrying/landfilling activities. Accordingly sites could be catered to attract and expand the nesting habitats of *Puffinus yelkouan, Calonectris diomedea* and *Hydrobates pelagicus,* which could assist also in the respective management of Natura 2000 sites to contribute to achieving a Favourable Conservation Status for such species. Additional works on invasive species control (namely against *Rattus rattus, Rattus norvegicus*) can be required in the area to provide a safer environment for seabirds.

In essence we recommend that for those quarry/landfill sites located within or in proximity to Natura 2000 sites, or which have the potential for regeneration, are subjected to an ecological survey and a restoration plan. BirdLife Malta is happy to assist the respective competent authorities in such measures should the opportunity arise.

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