

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 3986 of 7 March, 2013**

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LEGAL NOTICE NO. OF 43 2013.

**INTERPRETATION AND GENERAL CLAUSES ACT**

**LANDFILL ACT 2002 (AMENDMENT) REGULATIONS 2013**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act and all other enabling powers, and in order to transpose Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste, the Government has made the following Regulations–

**Title and commencement.**

1. These Regulations may be cited as the Landfill Act 2002 (Amendment) Regulations 2013 and come into operation on 15 March 2013.

**Amendment to section 2.**

2. In section 2(1) of the Landfill Act 2002 after the definition of “portable battery or accumulator” insert the following definition–

““temporary storage” in relation to metallic mercury means for a period of more than 1 year but for no more than 5 years;”.

**Amendment to section.**

3. After section 5(1) of the Landfill Act 2002 insert the following subsection–

“(1A) Metallic mercury is exempted from the prohibition in paragraph (1)(a).”.

**Amendment to section 6.**

4. Section 6(3) of the Landfill Act 2002 is amended by substituting “1, 2, 6 and 7” for “1 and 2”.

**Amendment to Schedule 1.**

5. After paragraph 5 of Schedule 1 to the Landfill Act 2002 insert, the following paragraphs—

**“Specific requirements for metallic mercury.**

6.(1) The composition of metallic mercury for temporary storage must—

- (a) be of a mercury content greater than 99.9% per weight; and
- (b) have no impurities capable of corroding carbon or stainless steel, (for example, nitric acid solution, chloride salts solutions).

(2) The containers used for temporary storage of metallic mercury must—

- (a) be resistant to corrosion and shock;
- (b) have no welds in the container;
- (c) be made from either carbon steel (ASTM A36 minimum) or stainless steel (AISI 304, 316L);
- (d) be gas and liquid tight;
- (e) have an outer side resistant against the storage conditions;
- (f) have a design type that must pass the drop test and the leakproofness tests as described in Chapters 6.1.5.3 and 6.1.5.4 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria; and
- (g) be filled to a maximum fill ratio of 80% of the overall volume of the container, to ensure that sufficient ullage is available and neither leakage nor permanent

distortion of the container can occur as a result of an expansion of the liquid due to high temperature.

**Certificates for metallic mercury storage.**

- 7.(1) The containers referred to in paragraph 6 require a certificate as provided for in subparagraph (2).
- (2) Certificates must be issued if the metallic mercury and the containers fulfil the criteria set out in paragraph 6 and subparagraph (3).
- (3) Containers must—
  - (a) be visually inspected before storage and not be damaged, leaking or corroded;
  - (b) bear a durable stamp (made by punching) which must detail the following information of the container—
    - (i) the identification number;
    - (ii) the construction material;
    - (iii) the empty weight;
    - (iv) the reference of the manufacturer; and
    - (v) the date of construction.
- (4) The containers must bear a plate permanently fixed to them corresponding to the identification number of the certificate once the certificate is granted.
- (5) The certificate must include the following—
  - (a) name and address of the waste producer;
  - (b) name and address of the person responsible for the filling;
  - (c) place and date of filling;

- (d) quantity of the mercury;
  - (e) the purity of the mercury and, if relevant, a description of the impurities, including the analytical report;
  - (f) confirmation that the containers have been used exclusively for the transport and storage of mercury;
  - (g) the identification numbers of the containers;
  - (h) a certificate identification number; and
  - (i) any specific comments.
- (6) Certificates must be issued by the producer of the waste or, in default, by the person responsible for its management.”.

**Amendment to Schedule 2.**

6. After paragraph 7 of Schedule 2 to the Landfill Act 2002, insert the following paragraph—

**“Temporary storage of metallic mercury.**

8.(1) Temporary storage of metallic mercury must be separate from other waste and in containers which must be stored in collecting basins that—

- (a) are suitably coated so as to be free of cracks and gaps;
- (b) are impervious to metallic mercury; and
- (c) have a containment volume adequate for the total quantity of mercury stored,

and such containers must be stored in a storage site.

(2) The storage site referred to in subparagraph (1) must—

- (a) be provided with engineered or natural barriers that are adequate to protect the environment against mercury emissions;
- (b) have a containment volume adequate for the total quantity of mercury stored;
- (c) have floors covered with mercury-resistant sealants and a slope with a collection sump must be provided;
- (d) be equipped with a fire protection system; and
- (e) be arranged in a way to ensure that all containers are easily retrievable.”.

**Amendment to Schedule 3.**

7. After paragraph 6 of Schedule 3 to the Landfill Act 2002, insert the following paragraph—

**“Specific requirements for metallic mercury.**

- 7.(1) Temporary storage of metallic mercury must be monitored by a continuous mercury vapour monitoring system with a sensitivity of at least 0.02 milligrams of mercury per cubic metre and it must—
- (a) be installed in the storage site, with sensors positioned at ground level and head level; and
  - (b) include a visual and acoustic alert system, which must be maintained annually.
- (2) The storage site and containers must be visually inspected by the landfill permit holder at least once a month.
- (3) The operator must on detection of a leak immediately take all necessary action to—
- (a) avoid any emission of mercury to the environment; and

- (b) restore the safety of the storage of the mercury.
- (4) Any leak of mercury must be considered to have significant adverse environmental effects for the purposes of section 12(3).
- (5) Emergency plans and adequate protective equipment suitable for handling metallic mercury must be available on site.
- (6) All documents containing the information referred to in Schedule 6 and in subparagraphs (1) to (5), including—
  - (a) the certificate accompanying the container;
  - (b) records concerning the destocking and dispatch of the metallic mercury after its temporary storage; and
  - (c) the destination and intended treatment,

must be kept for at least 3 years after the termination of the storage.”.

Dated 7th March, 2013.

DR J CORTES,  
Minister with responsibility for environment  
for the Government.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Landfill Act 2002 so as to transpose Council Directive 2001/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste.

