

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3355 of 31 July, 2003

LEGAL NOTICE NO. 81 OF 2003

PUBLIC HEALTH ACT

INTERPRETATION AND GENERAL CLAUSES ACT

**PUBLIC HEALTH (AIR QUALITY LIMIT VALUES)
(AMENDMENT) RULES 2003**

In exercise of the powers conferred on him by section 337 of the Public Health Act and section 23 of the Interpretation and General Clauses Act and of all other enabling powers and in order to transpose Council Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air, the Governor has made the following Rules:

Title.

1. These rules may be cited as the Public Health (Air Quality Limit Values) (Amendment) Rules 2003.

Amendments of the Public Health (Air Quality Limit Values) Rules 2002.

2.(1) The Public Health (Air Quality Limit Values) Rules 2002 are amended as follows.

(2) In rule 2 under the definition of “relevant pollutants”, substitute “sulphur dioxide, nitrogen dioxides and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide” for “sulphur dioxide, nitrogen dioxides and oxides of nitrogen, particulate matter and lead;”.

(3) In rule 7(6) –

- (a) at the end of paragraph (b) delete “and”;
- (b) after paragraph (c) add–
 - “(d) the sampling and analysis of benzene; and

(e) the analysis of carbon monoxide,”.

(4) In rule 7(9) substitute “sulphur dioxide, nitrogen dioxide, oxides of nitrogen, benzene and carbon monoxide” for “sulphur dioxide, nitrogen dioxide and oxides of nitrogen”.

(5) Insert a new rule 11 as follows–

“Designation of Competent Authority.

11. The Minister is designated as the competent authority for the purposes of article 3 (implementation and responsibilities) of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management.”.

(6) After rule 13(3) insert –

“ (3A) Information on ambient concentrations of benzene, as an average value over the last 12 months, shall be updated–

- (a) where practicable on a monthly basis;
- (b) in all other cases, as a minimum on a three-monthly basis.

(3B) Information on ambient concentrations of carbon monoxide, as a maximum running average over eight hours, shall be updated –

- (a) where practicable on an hourly basis;
- (b) in all other cases, as a minimum on a daily basis.”.

(7) In Schedule 1 after Part IV insert–

“PART V

BENZENE

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
--	-------------------------	--------------------	----------------------------	---

Limit value for the protection of human health	Calendar year	5µg/m ³	5µg/m ³ reducing on 1 January 2006 and every 12 months thereafter by 1 µg/m ³ to reach 0 µg/m ³ by 1 January 2010	1 January 2010
--	---------------	--------------------	--	----------------

PART VI

CARBON MONOXIDE

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of Tolerance</i>	<i>Date by which limit value is to be met</i>
Limit value for the protection of human health	Maximum daily 8-hour mean	10mg/m ³	6 mg/m ³ reducing on 1 January 2003 and every 12 months thereafter by 2 mg/m ³ to reach 0 mg/m ³ by 1 January 2005	1 January 2005

The maximum daily 8-hour mean concentration shall be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. Each 8-hour average so calculated shall be assigned to the day on which it ends, i.e. the first calculation period for any one day shall be the period from 17:00 on the previous day to 01:00 on that day; the last calculation period for any one day shall be the period from 16:00 to 24:00 on that day.”.

(8) In Part I of Schedule 2 after table (d) insert—

“(e) **BENZENE**

	<i>Annual Average</i>
Upper assessment threshold	70% of limit value (3.5 (g/m ³))

Lower assessment threshold	40% of limit value (2 (g/m ³))
----------------------------	--

(f) **CARBON MONOXIDE**

	<i>Eight-hour average</i>
Upper assessment threshold	70% of limit value (7mg/m ³)
Lower assessment threshold	50% of limit value (5mg/m ³)

”
(9) In the first paragraph of Part II of Schedule 2 substitute “An assessment threshold will be deemed to have been exceeded if it has been exceeded during at least three separate years out of the previous five years.” for “An assessment threshold will be deemed to have been exceeded if during those five years the total number of exceedances of the numerical concentration of the threshold is more than three times the number of exceedances allowed in each year.” .

(10) In Schedule 3–

(a) for the title of that Schedule there is substituted–

“LOCATION OF SAMPLING POINTS FOR THE MEASUREMENT OF RELEVANT POLLUTANTS IN AMBIENT AIR”;

(b) in Part II in the fifth indent after “for nitrogen dioxide” insert “and carbon monoxide”; and

(c) in Part II in the sixth indent substitute “for particulate matter, lead and benzene” for “for particulate matter and lead”.

(11) In Schedule 4, Part I, (a) Diffuse sources, column 3 substitute “For SO₂, NO₂, benzene and carbon monoxide” for “For SO₂ and NO₂”.

(12) At the end of Part I of Schedule 5 insert–

“The following data-quality objectives, for allowed uncertainty of assessment methods, and of minimum time coverage and of data capture of measurement are provided to guide quality-assurance programmes.

	<i>Benzene</i>	<i>Carbon monoxide</i>
<i>Fixed measurements</i>		
Uncertainty	25%	15%
Minimum data capture	90%	90%
Minimum time coverage	35% urban background and traffic sites (distributed over the year to be representative of various conditions for climate and traffic) 90% industrial sites	
<i>Indicative measurements</i>		
Uncertainty	30%	25%
Minimum data capture	90%	90%
Minimum time coverage	14% (one day's measurement a week at random, evenly distributed over the year, or 8 weeks evenly distributed over the year)	14% (one measurement a week at random, evenly distributed over the year, or 8 weeks evenly distributed over the year)
<i>Modelling</i>		
Uncertainty:		
Eight-hour averages	–	50%
Annual averages	50%	–
Objective estimation		
Uncertainty	100%	75%

The uncertainty (on a 95% confidence interval) of the assessment methods shall be evaluated in accordance with the 'Guide to the Expression of Uncertainty of Measurements' (ISO 1993) or the methodology of ISO 5725:1994. The percentages for uncertainty in the above table are given for

individual measurements averaged over the period considered by the limit value, for a 95% confidence interval. The uncertainty for the fixed measurements should be interpreted as being applicable in the region of the appropriate limit value.

The uncertainty for modelling and objective estimation is defined as the maximum deviation of the measured and calculated concentration levels, over the period considered, by the limit value, without taking into account the timing of the events.

The requirements for minimum data capture and time coverage do not include losses of data due to the regular calibration of the normal maintenance of the instrumentation.

The Minister may allow for random measurements to be made instead of continuous measurements for benzene if the uncertainty, including the uncertainty due to random sampling, meets the quality objective of 25%. Random sampling must be spread evenly over the year in order to avoid the skewing of results.”.

(13) In Schedule 6 –

(a) for the title of the Schedule substitute-

“REFERENCE METHODS FOR ASSESSMENT OF CONCENTRATIONS OF RELEVANT POLLUTANTS”;

(b) at the end of the Schedule insert–

“PART V

Reference method for the sampling and analysis of benzene.

The reference method for the measurement of benzene will be a pumped sampling method on a sorbent cartridge followed by gas chromatographic determination.

PART VI

Reference method for the analysis of carbon monoxide.

The reference method for the measurement of carbon monoxide will be a non-dispersive infra-red spectrometric (NDIR) method.”

Dated the 31st day of July, 2003.

By Command,

D G BLUNT

Deputy Governor.

EXPLANATORY MEMORANDUM

These rules amend the Public Health (Air Quality Limit Values) Rules 2002 which transpose into Gibraltar law the Air Quality Framework Directive (1996/62/EC) and the First Daughter Directive (1999/30/EC). These rules transpose into Gibraltar law the requirements of the Second Daughter Directive.

The existing rules provide for the assessment and monitoring of certain airborne pollutants and for establishing objectives for ambient air pollution and for the dissemination of information to the public. Public alert and action plans in relation to high levels of the specified pollutants are also provided for in the existing rules.

These rules do not alter the framework instituted by the existing rules. These rules provide for benzene and carbon monoxide to be included in the list of pollutants which require monitoring, reduction and public notification and action plans.

