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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 161**

**ENVIRONMENTAL PROTECTION**

**The Landfill (Amendment) Regulations (Northern Ireland) 2013**

*Made* - - - - *6th June 2013*  
*Coming into operation* *4th July 2013*

The Department of the Environment is designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to the prevention and limitation of the effects of accidents involving dangerous substances <sup>(2)</sup>.

The Department makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 and Article 4 of the Environment (NI) Order 2002<sup>(3)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Landfill (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 4<sup>th</sup> July 2013.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations “the principal Regulations” means the Landfill Regulations (Northern Ireland) 2003<sup>(5)</sup>.

**Amendment of the principal Regulations**

3.—(1) In Regulation 2(2) of the principal Regulations—

(a) insert the following definition at the appropriate place—

““the Directive” means Council Directive [99/31/EC](#) of 26<sup>th</sup> April 1999 on the landfill of waste as amended by Council Directive [2011/97/EU](#) of 5<sup>th</sup> December 2011 as regards specific criteria for the storage of metallic mercury considered as waste;”;

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(1) 1972 C.68

(2) S.I. 1998 No. 1750

(3) S.I. 2002 No. 3153 (N.I.7)

(4) 1954 c.33 (NI)

(5) S.R. 2003/496 as relevantly amended by S.R. 2004 No. 297 and S.R. 2009 No. 159

- (b) for the words from “and other expressions used in these Regulations” to the end substitute the words “and other expressions used in these Regulations and the Directive shall have the same meaning as in the Directive.”
- (2) In regulation 9 of the principal Regulations, in paragraph (1), for sub-paragraph (a) substitute—
  - “(a) any waste in liquid form other than—
    - (i) sludge; and
    - (ii) metallic mercury,but including waste water;”.
- (3) Schedules 1 to 3 (amendments to Schedules 1 to 3 of the principal Regulations) have effect.

**Amendment of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000**

**4.** In Regulation 3 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000(6), in paragraph (3), for sub-paragraph (d) substitute—

- “(d) waste landfill sites except—
  - (i) tailing ponds or dams and other operational tailings disposal facilities containing dangerous substances, in particular when any such facilities are used in connection with the chemical and thermal processing of minerals;
  - (ii) sites used for the storage of metallic mercury in accordance with a permit issued under Part 2 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 or, as the case may be, Part 2 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.”.

Sealed with the Official Seal of the Department of the Environment on 6<sup>th</sup> June 2013.

(L.S.)

*Wesley Shannon*  
A senior officer of the Department of the  
Environment

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(6) S.R. 2000 No. 93. Regulation 3(3)(d) was substituted by regulation 2(3)(a) of S.R. 2005 No. 305.

SCHEDULE 1

Regulation 3(3)

AMENDMENT TO SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

1. After paragraph 16 of Schedule 1 to the principal Regulations, insert the following paragraph—

**“Criteria relating to metallic mercury waste**

16A.—(1) The following criteria shall apply to the acceptance of metallic mercury at landfill for temporary storage for more than one year.

(2) Metallic mercury must comply with the following specifications—

- (a) the mercury content must be greater than 99.9%; and
- (b) it must not contain any impurities capable of corroding carbon or stainless steel.

(3) Containers used for the storage of metallic mercury must be corrosion and shock resistant and must not contain welds.

(4) The container must comply with the following specifications—

- (a) it must be made of carbon steel (ASTM A36 minimum) or stainless steel (AISI 304 316L);
- (b) it must be gas and liquid tight;
- (c) the outer side must be resistant to storage conditions;
- (d) its design type must pass the drop test and the leak proofness test 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;
- (e) the maximum filling ratio must be 80% by volume to ensure that—
  - (i) sufficient ullage is available;
  - (ii) neither leakage nor permanent distortion of the container can occur as a result of expansion of the liquid.

(5) Only a container which is accompanied by a certificate stating that it complies with the requirements of this paragraph may be accepted.

(6) Containers must be visually inspected before storage.

(7) Damaged, leaking or corroded containers must not be accepted.

(8) Containers must bear a durable stamp (made by punching) mentioning the identification number of the container, the construction material, its empty weight, the reference of the manufacturer and the date of construction.

(9) Containers must bear a plate permanently fixed to the container mentioning the identification number of the certificate.

(10) The certificate referred to in sub-paragraph (5) must include the following—

- (a) the name and address of the waste producer,
- (b) the name and address of the person responsible for filling the container,
- (c) the place and date of filling,
- (d) the quantity of mercury,
- (e) the purity of the mercury and, if relevant, a description of the impurities, including an analytical report used to determine the impurities present,
- (f) confirmation that the containers have been used exclusively for the transport or storage of mercury,

*Status: This is the original version (as it was originally made).*

- (g) the identification numbers of the containers, and
- (h) any specific comments.

(11) Certificates must be issued by the producer of the waste or, in the absence of the producer, by the person responsible for its management.”.

## SCHEDULE 2

Regulation 3(3)

### AMENDMENT TO SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

1. After paragraph 7 of Schedule 2 to the principal Regulations, add the following paragraph—
  - “8.—(1) This paragraph applies to the temporary storage of metallic mercury for more than one year.
  - (2) Metallic mercury must be stored separately from other waste.
  - (3) Containers must be stored in collecting basins which are coated to ensure that they are free of cracks and gaps and impervious to metallic mercury.
  - (4) Containers must have a containment volume which is adequate for the quantity of mercury stored.
  - (5) The storage site must be provided with engineered or natural barriers which are adequate to protect the environment against mercury emissions.
  - (6) The storage site must have a containment volume adequate for the total quantity of mercury stored.
  - (7) The floors of the storage site must—
    - (a) contain a slope with a collection sump; and
    - (b) be covered with mercury resistant sealers.
  - (8) The storage site must be equipped with a fire protection system.
  - (9) Storage must be arranged in such a way to ensure that the containers are not easily retrievable.”.

## SCHEDULE 3

Regulation 3(3)

### AMENDMENT TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

1. After paragraph 5 of Schedule 3 to the principal Regulations, add the following paragraph—
  - “6.—(1) This paragraph applies to the temporary storage of metallic mercury for more than one year.
  - (2) A continuous mercury monitoring system with a sensitivity of at least 0.02 mg mercury/m<sup>3</sup> must be installed in the storage site.
  - (3) Sensors must be positioned at ground level and head level and must include a visual and acoustic alert system.
  - (4) The mercury monitoring system must be maintained annually.
  - (5) The storage site must be visually inspected at least once a month by a person authorised by the operator to do so.

- (6) If a leak is detected, the operator must—
    - (a) take all necessary action to avoid any emission of mercury to the environment; and,
    - (b) ensure the safe storage of the mercury.
  - (7) Any leak identified must be treated as having significant adverse environmental effects and regulation 14(3) and (4) apply accordingly.
  - (8) All of the following documents must be prepared and retained for a minimum of three years following termination of the storage namely—
    - (a) documents containing the information referred to in paragraph 16A of Schedule 1;
    - (b) documents containing the information referred to in sub-paragraphs (2) to (7) of this paragraph;
    - (c) the certificate referred to in paragraph 16A(5) of Schedule 1;
    - (d) records relating to the de-stocking and dispatch of the metallic mercury following its temporary storage;
    - (e) records relating to the destination and intended treatment of the metallic mercury after the termination of the temporary storage.”.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive 2011/97/EU (OJNo. L 328, 10.12.11, p 49) which amends Council Directive [1999/31/EC](#) on the landfill of waste (OJ No. L 182, 16.7.99, p 1) (“the Landfill Directive”) as regards specific criteria for the storage of metallic mercury. The aim of Directive 2011/97/EU is to specify safe storage conditions for metallic mercury considered as waste.

Regulation 3(1) amends the Landfill Regulations (Northern Ireland) 2003 ([S.R. 2003/496](#)) by inserting a definition of “the Directive” as the Landfill Directive so as to take account of that Directive’s amendment by Council Directive 2011/97/EU. Regulation 3(2) and (3) amends those Regulations to allow the temporary storage of metallic mercury as waste for more than 12 months.

Regulation 4 amends the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 ([S.R. 2000/93](#)) to bring sites used for the temporary storage of metallic mercury within the scope of those Regulations.

An impact assessment has not been produced for this Rule as no impact on the private, voluntary or public sectors is foreseen.