

L.N. 150 of 2013

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

**Waste Management (Landfill) (Amendment)
Regulations, 2013**

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

1. The title of these regulations is the Waste Management (Landfill) (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Waste Management (Landfill) Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 504.53

2. Regulation 1 of the principal regulations shall be amended as follows:

Amends regulation 1 of the principal regulations.

(a) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

S.L. 504.37 "(2) These regulations provide additional measures, procedures and guidance to those in the Waste Regulations, to prevent or reduce as far as possible negative effects on the environment in particular the pollution of surface water, groundwater, soil and air, and the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole life-cycle of the landfill."; and

(b) immediately after sub-regulation (3) thereof, there shall be added the following new sub-regulation:

"(4) These regulations bring into effect the provisions of Council Directive 1999/31/EC* of 26 April 1999 on the landfill of waste and Council Directive 2011/

*OJ L 182, 16.7.1999, p 1.

97/EU* amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste."

Amends
regulation 14 of
the principal
regulations.

3. Regulation 14 of the principal regulations shall be amended as follows:

(a) sub-regulations (1) to (4) thereof shall be re-numbered as sub-regulations (2) to (5) respectively; and

(b) immediately before sub-regulation (2) thereof, as renumbered, there shall be added the following new sub-regulation:

"(1) The established criteria and procedures for the acceptance of waste at landfills pursuant to Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC** shall be applied."

Amends
Schedule 1 to
the principal
regulations.

4. Immediately after paragraph 7 of Schedule 1 to the principal regulations, there shall be added the following new paragraph:

"8. Temporary storage of metallic mercury

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

- Metallic mercury shall be stored separately from other waste.

- Containers shall be stored in collecting basins suitably coated so as to be free of cracks and gaps and impervious to metallic mercury with a containment volume adequate for the quantity of mercury stored.

- The storage site shall be provided with engineered or natural barriers that are adequate to protect the environment against mercury emissions and a containment volume adequate for the total quantity of mercury stored.

- The storage site floors shall be covered with

*OJ L 328, 10.12.2011, p. 49-52.

**OJ L 11, 16.1.2003, p. 27.

mercury-resistant sealants. A slope with a collection sump shall be provided.

- The storage site shall be equipped with a fire protection system.

- Storage shall be arranged in a way to ensure that all containers are easily retrievable."

5. Immediately after paragraph 5 of Schedule 2 to the principal regulations there shall be added the following new paragraphs:

Amends
Schedule 2 to
the principal
regulations.

"6. On site verification

On-site verification ensures that the waste is the same as the waste that was subject to basic characterisation and compliance testing, and that the waste is correctly described in the accompanying document.

In this regard the landfill operator is to:

- check the relevant waste documentation;
- visually inspect the waste entering the landfill, unless it is not practicable to see the waste due to the vehicle or container in which the waste is delivered;
- periodically take samples and the same samples are to be kept for a period of at least one year;
- keep a register of the waste deposited including the location of hazardous waste.

7. Records

The operator shall keep records of the required information, including test results, for a period of three years, including basic characterisation and compliance testing of the waste.

8. Specific requirements for metallic mercury

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

A. Composition of the mercury

Metallic mercury shall comply with the following

specifications:

- mercury content greater than 99,9% per weight;
- no impurities capable of corroding carbon or stainless steel (e.g. nitric acid solution, chloride salts solutions).

B. Containment

Containers used for the storage of metallic mercury shall be corrosion and shock-resistant. Welds shall therefore be avoided. The containers shall comply in particular with the following specifications:

- container material: carbon steel (ASTM A36 minimum) or stainless steel (AISI 304, 316L),
- containers shall be gas and liquid tight,
- the outer side of the container shall be resistant against the storage conditions,
- the design type of the container shall successfully 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.

The maximum filling ratio of the container shall be 80% by volume 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.

C. Acceptance procedures

Only containers with a certificate complying with the requirements set out in this Section shall be accepted.

Acceptance procedures shall comply with the following:

- only metallic mercury which fulfils the minimum acceptance criteria set out above shall be accepted,
- containers shall be visually inspected before

storage. Damaged, leaking or corroded containers shall not be accepted,

- containers shall 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,

- containers shall bear a plate permanently fixed to the container mentioning the identification number of the certificate.

D. Certificate

The certificate indicated in subsection C shall include the following elements:

- name and address of the waste producer,
- name and address of the responsible for the filling,
- place and date of filling,
- quantity of the mercury,
- the purity of the mercury and, if relevant, a description of the impurities, including the analytical report,
- confirmation that the containers have been used exclusively for the transport/storage of mercury,
- the identification numbers of the containers,
- any specific comments.

Certificates shall be issued by the producer of the waste or, in default, by the person responsible for its management."

6. Immediately after paragraph 5 of Schedule 3 to the principal regulations there shall be added the following new paragraph:

Amends
Schedule 3 to
the principal
regulations.

"6. Specific requirements for metallic mercury

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

A. Monitoring, inspection and emergency requirements

A continuous mercury vapour monitoring system with a sensitivity of at least 0,02 mg mercury/m³ shall be installed in the storage site. Sensors shall be positioned at ground level and head level. This shall include a visual and acoustic alert system. The system shall be maintained annually.

The storage site and containers shall be visually inspected by an authorised person at least once a month. Where leaks are detected, the operator shall immediately take all necessary action to avoid any emission of mercury to the environment and restore the safety of the storage of the mercury. Any leaks shall be considered to have significant adverse environmental effects as referred to in regulation 15(2).

Emergency plans and adequate protective equipment suitable for handling metallic mercury shall be available on site.

B. Record keeping

All documents containing the information referred to in paragraph 6 of Schedule 2 and in point A of this paragraph, including the certificate accompanying the container, as well as records concerning the destocking and dispatch of the metallic mercury after its temporary storage and the destination and intended treatment shall be kept for at least 3 years after the termination of the storage."

