STATUTORY RULES OF NORTHERN IRELAND

2018 No. 33

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018

Made - - - - 20th February 2018

Coming into operation 20th March 2018

The Department of Agriculture, Environment and Rural Affairs, having been designated(**1**)for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment, acting in exercise of the powers conferred upon it by that section makes the following Regulations.

PART 1

General

Citation and commencement

1. These Regulations may be cited as The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 20th March 2018.

PART 2

Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

2. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(**3**) are amended as set out in this Part.

(**1**) 2008 No.301
(**2**) 1972 c.68
(**3**) S.R. 2013 No. 160, as amended by S.R. 2014 No. 304, S.R. 2015 No. 14, S.I. 2015/1973, S.R. 2015 No. 325, S.R. 2016 No. 95, and S.R. 2016 No. 309.

Regulation 2 (Interpretation: general)

3.—(1) In regulation 2(1) (Interpretation: general), in the appropriate alphabetical order, insert—

""existing medium combustion plant" means a combustion plant put into operation before 20th December 2018 or for which a permit was granted before 19th December 2017 provided that the plant is put into operation no later than 20th December 2018;"

""MCPD" means the "Medium Combustion Plant Directive" which is Directive 2015/2193/EU of the European Parliament and of the Council of the 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants(**4**);"

""medium combustion plant" means a combustion plant with a rated thermal input equal to or greater than 1 megawatt and less than 50 megawatts irrespective of the type of fuel they use and includes any combination of combustion plants referred to in article 2(2) or article 4 of the MCPD, provided that—

(a) it does not fall within Article 2(3) or (4) of the MCPD;

(b) it is not installed on an offshore platform situated on, above or below those parts of the territorial sea adjacent to Northern Ireland;"

""mobile medium combustion plant" means a medium combustion plant which is designed to move or be moved whether on roads or other land;"

""new medium combustion plant" means a medium combustion plant which is not an existing medium combustion plant;" and;

""specified generator" has the meaning given in paragraph 2 of Schedule 9B."

(2) The Interpretation Act (Northern Ireland) 1954(**5**) applies to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of Schedule 1 (activities, installations and mobile plant)

4. In Schedule 1, in Part C of section 1.1 (combustion activities), after head (a), insert—

"(b) Unless falling within head (a) of this Part, burning any fuel or fuels in a medium combustion plant with a net rated thermal input of 1 megawatt or more but less than a rated thermal input of 20 megawatts.

(c) Unless falling within another head in this part, the operation of a specified generator."

Amendment of Schedule 3 (prescribed date and transitional arrangements)

5.—(1) In Schedule 3 Part 2 (Part B and Part C installations and mobile plant), in paragraph 5, after sub paragraph (3) insert—

"(2) In the case of an installation or mobile plant, carrying out only an activity falling within head (c) of Part C of section 1.1 of Schedule 1, for—

(a) a new medium combustion plant, the prescribed date is 20th December 2018;

(b) an existing medium combustion plant with a rated thermal input greater than 5 megawatts, the prescribed date is 1st January 2024; and

(c) an existing medium combustion plant with a rated thermal input of less than or equal to 5 megawatts, the prescribed date is 1st January 2029."

(**4**) OJ L 313, 28.11.2015, p.1.
(**5**) 1954 c.33

Schedule 9A (Medium Combustion Plant: Medium Combustion Plant Directive)

6. After Schedule 9 insert—

"SCHEDULE 9A Regulation 7

Medium Combustion Plant

PART 1

General

Application

1. This Schedule applies—

(a) in relation to every new medium combustion plant from 20th December 2018;

(b) in relation to every existing medium combustion plant from the date specified in paragraph 5 of Part 2 of Schedule 3, as appropriate.

Interpretation

2. When interpreting the MCPD for the purposes of this Schedule—

(a) an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;

(b) the competent authority is the enforcing authority;

(c) "general binding rule" means a rule published under regulation 16.

Applications for the grant of a permit

3.—(1) The enforcing authority must ensure that every application for the grant of a permit—

(a) includes the information specified in Annex I to the MCPD;

(b) specifies which (if any) of paragraphs 7 to 11 of Part 2 of this Schedule is considered relevant to the application.

(2) Subject to sub-paragraph (3), the enforcing authority must start the procedure for determining an application for the grant of a permit within one month of the operator providing the information referred to in sub-paragraph (1) and must inform the operator of the start of the procedure.

(3) Sub-paragraph (2) applies only when the operator has submitted an application that complies with sub-paragraph (1).

Exercise of relevant function

4.—(1) The enforcing authority must exercise its relevant functions so as to ensure compliance with the following provisions of the MCPD—

(a) Article 4;

(b) Articles 5(1) and (2);

(c) Article 5(6);

(d) Article 6(1);

(e) Article 6(2);

(f) Article 6(7);

(g) Article 6(13);

(h) Article 7 (except Article 7(8));

(i) Articles 8(2) and (3); and

(i) Article 9.

(2) In exercising its relevant functions, the enforcing authority must ensure that there is no persistent emission of dark smoke, where "dark smoke" has the meaning given in section 2(3) of Clean Air (Northern Ireland) Order 1981(**6**).

(3) In exercising its relevant functions so as to ensure compliance with Article 6(1), (2), (7) or (13) of the MCPD, the enforcing authority must ensure that permits include emission limit values set in accordance with the provisions of Part 2 of this Schedule.

PART 2

Emission Limit Values

Interpretation of this Part

5. In this Part—

"Ambient Air Quality Directive" means Directive 2008/50/EC of the European Parliament and of the Council of 21st May 2008 on ambient air quality and cleaner air for Europe(**7**);

"Annex I" means Annex I of the MCPD;

"Annex II" means Annex II of the MCPD;

"biomass", "dust", "emission limit value", "micro isolated system", "nitrogen oxides", "operating hours", "small isolated system" and "zone" have the respective meanings given in Article 3 of the MCPD; and

any reference to emissions expressed in mg/Nm^3 is to those emissions defined in accordance with Annex II.

Emission limit values

6.—(1) Sub-paragraphs (2) to (4) apply, subject to paragraphs 7 to 11.

(2) From 20th December 2018, emissions into the air of sulphur dioxide, nitrogen oxides and dust from a new medium combustion plant must not exceed the emission limit values set out in Part 2 of Annex II (but with the modification that footnote (3) in Table 2 of that Part is to be read as if for "may be" there were substituted "are").

(3) From 1st January 2025, emissions into the air of sulphur dioxide, nitrogen oxides and dust from an existing medium combustion plant with a rated thermal input greater than 5 megawatts must not exceed the emission limit values set out in Tables 2 and 3 of Part 1 of Annex II.

(4) From 1st January 2030, emissions into the air of sulphur dioxide, nitrogen oxides and dust from an existing medium combustion plant with a rated thermal input of less than or equal to

(**6**) S.I. 1981/158
(**7**) OJ No L 152, 11.6.2008, p1

5 megawatts must not exceed the emission limit values set out in Tables 1 and 3 of Part 1 of Annex II.

Limited operating hours – existing medium combustion plants

7.—(1) An existing medium combustion plant which operates for no more than 500 operating hours per year, is not required to comply with the emission limit values set out in Tables 1, 2, and 3 of Part 1 of Annex II, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(2) An existing medium combustion plant, is not required to comply with the emission limit values set out in Tables 1, 2, and 3 of Part 1 of Annex II where it operates for no more than 1000 operating hours per year to provide backup power production in islands connected to an electricity transmission system or distribution system, in the event of an interruption of the main power supply to an island, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1.

(3) Where an existing medium combustion plant firing solid fuels falls within sub-paragraph (1) or sub-paragraph (2), an emission limit value for dust of 200mg/Nm^3 applies.

(4) For the purposes of sub-paragraph (2, "transmission system" and "distribution system" have the meanings given in Article 3 of The Electricity (Northern Ireland) Order 1992(**8**).

Limited operating hours – new medium combustion plants

8.—(1) A new medium combustion plant which operates for no more than 250 operating hours per year, is not required to comply with the emission limit values set out in Part 2 of Annex II, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(2) Where a new medium combustion plant firing solid fuels falls within sub-paragraph (1), an emission limit value for dust of 100mg/Nm^3 applies.

Small and micro isolated systems

9. Existing medium combustion plants which are part of a small isolated system or a micro isolated system are only required to comply with the emission limit values set out in Tables 1, 2 and 3 of Part 1 of Annex II from 1st January 2030.

Plant at gas compressor stations

10. An existing medium combustion plant—

(a) with a rated thermal input greater than 5 megawatts; and

(b) which is used to drive gas compressor stations required to ensure the safety and security of a national gas transmission system;

is not required to comply with the emission limit values for nitrogen oxides set out in Table 3 of Part 1 of Annex II before 1st January 2030.

Temporary derogations

11.—(1) This sub-paragraph applies in relation to a medium combustion plant which normally uses low sulphur fuel, where the operator is unable to comply with the relevant emission limit

(**8**) S.I.1992 No. 231 (N.I. 1)