STATUTORY RULES OF NORTHERN IRELAND

2003 No. 210

EUROPEAN COMMUNITIES

The Large Combustion Plants Regulations (Northern Ireland) 2003

Made - - - -	*2nd April 2003*
Coming into operation	*25th April 2003*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the control of air pollution, in exercise of the powers conferred by that section, and of all other powers enabling it in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Large Combustion Plants Regulations (Northern Ireland) 2003 and shall come into operation on 25th April 2003.

Interpretation

2. In these Regulations –

"the 1997 Order" means the Industrial Pollution Control (Northern Ireland) Order 1997;

"the 2003 Regulations" means the Pollution Prevention and Control Regulations (Northern Ireland) 2003;

"authorisation" means an authorisation granted under Article 6 of the 1997 Order for a prescribed process under that Order;

"chief inspector" means the person appointed by the Department as chief inspector under Article 16 of the 1997 Order and regulation 8 of the 2003 regulations;

"combustion plant" means a combustion plant as defined in Article 2 of the Directive and to which the Directive applies;

"the Directive" means Council Directive 2001/80/EC(**3**) on the limitation of emissions of certain pollutants into the air from large combustion plants;

"new plant" has the meaning given in Article 2(9) of the Directive; and

(**1**) S.I.1988/785
(**2**) 1972 c. 68
(**3**) O.J. No. L309, 27.11.2001, p. 1

"permit" means a permit granted under regulation 10 of the 2003 Regulations.

Authorisation to operate new plants

3. Where a new plant was subject on 27th November 2002 to an authorisation but the plant is not put into operation before 28th November 2003, the authorisation shall cease to authorise the operation of that plant until such time as it is varied by the chief inspector pursuant to Article 10 or 11 of the 1997 Order or replaced by a permit under regulation 10 of the 2003 Regulations so as to give effect in relation to the plant to the requirements of the Directive.

Deemed conditions in authorisations and permits

4.—(1) Where on 25th April 2003 –

(a) a new plant is subject to an authorisation; and

(b) the plant benefits from the derogation in Article 5(1) of Council Directive 88/609/EEC(**4**) on the limitation of emissions of certain pollutants into the air from large combustion plants by virtue of operating between 2000 and 2200 hours a year,

any condition in the authorisation applying that derogation shall, in so far as it applies that derogation, cease to have effect and the relevant emission limit values prescribed in Articles 4(1) and 17(2) of the Directive shall apply to that plant.

(2) Paragraph (1) shall cease to apply in relation to any authorisation which is varied by the chief inspector under Article 10 or 11 of the 1997 Order so as to give effect to Article 5(1) of the Directive.

(3) Where a combustion plant is subject to an authorisation on 25th April 2003, the authorisation shall be read as containing the following additional condition –

"In the event of malfunction or breakdown of the abatement equipment, the operator shall, if a return to normal operation is not achieved within 24 hours, reduce or close down operations or use low polluting fuels, or take such other steps as the chief inspector requires. The cumulative duration of unabated operation in any twelve month period shall not, unless agreed in advance by the chief inspector, exceed 120 hours."

(4) Paragraph (3) shall cease to apply in relation to any authorisation which is varied by the chief inspector under Article 10 or 11 of the 1997 Order so as to give effect to Article 7(1) of the Directive.

(5) Where a new plant is subject to an authorisation on 25th April 2003, the authorisation shall be read as containing the following additional condition –

"The values of the 95% confidence intervals of a single measured result shall not exceed the following percentages of the emission limit values:

Sulphur dioxide	20%
Nitrogen oxide	20%
Dust	30%

The validated hourly and daily average values shall be determined from the measured valid hourly average values after having subtracted the value of the confidence interval specified above.

Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the continuous measurement system shall be invalidated".

(**4**) O.J. No. L336, 7.12.88, p. 1