1991 No. 449

EUROPEAN COMMUNITIES

CLEAN AIR

The Large Combustion Plants (Control of Emissions) Regulations (Northern Ireland) 1991

Made . . . . . *8th October 1991*

Coming into operation . . *1st November 1991*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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 makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Large Combustion Plants (Control of Emissions) Regulations (Northern Ireland) 1991, and shall come into operation on 1st November 1991.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

"the chief inspector" means the person constituted as such pursuant to section 10(1) of the Alkali &c Works Regulation Act 1906(**d**) and includes a deputy appointed under section 10(5) of that Act;

"the Department" means the Department of the Environment for Northern Ireland;

"emission" means the discharge of substances into the air;

"operator" means a person who operates the combustion plant, or who has been delegated decisive economic power over it;

"permitted levels" in relation to a plant means the maximum permitted emission levels specified for that plant in the register in relation to the years specified in the register;

(**a**) S.I. 1988/785
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) 1906 c. 14

"plant" has the same meaning as "existing plant" in Council Directive 88/609/EEC on the limitation of emission of pollutants from large combustion plants(**a**) and does not include any plant to which that Directive does not apply;

"the register" means the register of permitted levels for plants in Northern Ireland issued by the Department in accordance with the United Kingdom Plan, as it applies to Northern Ireland and as revised from time to time, for the reduction of emissions into the air, made by the Secretary of State on 20th December 1990 pursuant to section 3(5) of the Environmental Protection Act 1990(**b**); and any reference in these regulations to the register means that register as revised from time to time in accordance with the said Plan, or revised in pursuance of regulation 5.

Maximum emission levels for existing plants

3. It shall be the duty of the operator of a plant to ensure that the emissions of sulphur dioxide and oxides of nitrogen from that plant do not exceed the permitted levels.

Duty of operator to monitor and provide information to chief inspector

4. The operator shall monitor the emissions of sulphur dioxide and oxides of nitrogen from the plant by methods approved by the chief inspector and shall inform the chief inspector in writing—

(*a*) within 14 days from the end of each month, of the quantity of each of those substances emitted from that plant during that month;

(*b*) forthwith, when the emissions of either of those substances from that plant amount to 85 per cent. of the permitted level; and

(*c*) as soon as practicable, of—

(i) any change in circumstances relating to energy demand, the availability of fuel, or

(ii) any other difficulty likely to affect the operation of that plant,

which is liable to cause a permitted level to be exceeded.

Variation of plant emission levels

5.—(1) Subject to paragraph (2), the operator may at any time during the years specified in the register request the chief inspector in writing to vary the permitted levels for the plant at such time and in such manner as may be requested, and the chief inspector shall, as soon as practicable—

(*a*) advise the operator in writing whether he agrees to all or any part of that request; and

(*b*) arrange for the register to be revised by the Department in accordance with any such agreement.

(**a**) O.J. No. L336, 7.12.88, p. 1
(**b**) 1990 c. 43