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L.N. 101 of 2018

ENVIRONMENT PROTECTION ACT (CAP. 549)

Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, 2018

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change, after consultation with the Environment and Resources Authority, has made the following regulations:-

1. The title of these regulations is the Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, 2018. Citation.

2. (1) These regulations transpose the provisions of Directive 2015/2193/EU of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants. Scope.

(2) These regulations lay down rules to control emissions of sulphur dioxide (SO_2), nitrogen oxides (NO_x) and dust into the air from medium combustion plants, and thereby reduce emissions to air and the potential risks to human health and the environment from such emissions.

(3) These regulations also lay down rules to monitor emissions of carbon monoxide (CO).

3. For the purposes of these regulations and unless the context otherwise requires the following definitions shall apply: Definitions.

"the Act" means the Environment Protection Act; Cap. 549.

"the Authority" or "competent authority" means the Environment and Resources Authority as established in article 6 of the Act;

"biomass" means any of the following:

a) products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content;

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b) the following waste:

(i) vegetable waste from agriculture and forestry;

(ii) vegetable waste from the food processing industry, if the heat generated is recovered;

(iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered;

(iv) cork waste;

(v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste;

"combustion plant" means any technical apparatus in which fuels are oxidised in order to use the heat thus generated;

"diesel engine" means an internal combustion engine which operates according to the Diesel cycle and uses compression ignition to burn fuel;

"dual fuel engine" means an internal combustion engine which uses compression ignition and operates according to the Diesel cycle when burning liquid fuels and according to the Otto cycle when burning gaseous fuels;

"dust" means particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions;

"emission" means the discharge of substances from a combustion plant into the air;

"emission limit value" means the permissible quantity of a substance contained in the waste gases from a combustion plant which may be discharged into the air during a given period and shall be expressed at standard conditions according to the

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following equation:

$$[P]_s = \frac{T}{273.15} \times \frac{101.3}{P} \times \frac{100}{100 - W} \times \frac{20.94 - O_s}{20.94 - O_M} \times [P]_M$$

Where:

$[P]_s$ is the mass concentration of the pollutant at standard conditions.

$[P]_M$ is the mass concentration of the pollutant measured at the temperature T in Kelvin (K), at the Pressure P in kilopascal (kPa), at the percentage flue gas water vapour content W and at the flue gas oxygen content of O_M.

T is the actual flue gas temperature in K.

P is the actual flue gas pressure in kPa.

W is the percentage water vapour content of the flue gas.

O_s is the standard oxygen content by volume in the flue gas, which shall be 6% for medium combustion plants using solid fuels, 3% for medium combustion plants, other than engines and gas turbines, using liquid and gaseous fuels and 15% for engines and gas turbines.

O_M is the measured oxygen content in the flue gas.

"engine" means a gas engine, diesel engine or dual fuel engine;

"existing combustion plant" means a combustion plant put into operation before 20 December 2018 or for which a permit was granted before 19 December 2017 pursuant to the Ambient Air Quality Regulations provided that the plant is put into operation no later than 20 December 2018; S.L. 549.59.

"fuel" means any solid, liquid or gaseous combustible material;

"gas engine" means an internal combustion engine which operates according to the Otto cycle and uses spark ignition to burn fuel;

"gas oil" means:

a) any petroleum-derived liquid fuel falling within CN codes 2710 19 25, 2710 19 29, 2710 19 47, 2710 19 48, 2710 20 17 or 2710 20 19; or

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b) any petroleum-derived liquid fuel of which less than 65% by volume (including losses) distils at 250°C and of which at least 85% by volume (including losses) distils at 350°C by the ASTM D86 method;

"gas turbine" means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine; this includes both open cycle and combined cycle gas turbines, and gas turbines in cogeneration mode, all with or without supplementary firing;

"heavy fuel oil" means:

a) any petroleum-derived liquid fuel falling within CN codes 2710 19 51 to 2710 19 68, 2710 20 31, 2710 20 35, or 2710 20 39; or

b) any petroleum-derived liquid fuel, other than gas oil, which, by reason of its distillation limits, falls within the category of heavy oils intended for use as fuel and of which less than 65 % by volume (including losses) distils at 250 °C by the ASTM D86 method. If the distillation cannot be determined by the ASTM D86 method, the petroleum product is likewise categorised as a heavy fuel oil;

"micro isolated system" or "MIS" means any system with consumption less than 500 GWh in the year 1996, where there is no connection with other systems;

"natural gas" means naturally occurring methane with no more than 20% (by volume) of inerts and other constituents;

"new combustion plant" means a combustion plant other than an existing combustion plant;

"nitrogen oxides" (NO_x) means nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide (NO_2);

"operating hours" means the time, expressed in hours, during which a combustion plant is operating and discharging emissions into the air, excluding start-up and shut-down periods;

"operator" means any natural or legal person who operates or controls the combustion plant, or to whom decisive economic power over the technical functioning of the plant has been delegated;

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"permit" means an authorisation issued by the competent authority to operate all or part of an installation falling within the scope of these regulations;

"rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the combustion plant multiplied by the net heat value of the fuel expressed as megawatts thermal (MW_{Th});

"refinery fuel" means solid, liquid or gaseous combustible material from the distillation and conversion steps of the refining of crude oil, including refinery fuel gas, syngas, refinery oils and pet coke;

"small isolated system" or "SIS" means any system with consumption of less than 3 000 GWh in the year 1996, where less than 5% of annual consumption is obtained through interconnection with other systems;

"waste" means "waste" as defined in the Waste Regulations; S.L. 549.63.

"zone" means "zone" as defined in the Ambient Air Quality Regulations; S.L. 549.59.

4. (1) These regulations shall apply to combustion plants with a rated thermal input equal to or greater than 1 MW and less than 50 MW (hereinafter referred to as 'medium combustion plants'), irrespective of the type of fuel they use. Applicability.

(2) These regulations shall also apply to a combination formed by new medium combustion plants pursuant to regulation 6 including a combination where the total rated thermal input is equal to or greater than 50 MW, unless the combination forms a combustion plant covered by the Industrial Emissions (Large Combustion Plants) Regulations. S.L. 549.78.

5. (1) These regulations shall not apply to: Non-applicability.

(a) combustion plants covered by the Industrial Emissions (Large Combustion Plants) Regulations and the Industrial Emissions (Waste Incineration) Regulations; S.L. 549.78. S.L. 549.81.

(b) combustion plants covered by the Measures Against the Emission of Gaseous and Particulate Pollutants from Internal Combustion Engines to be Installed in Non-Road Mobile Machinery Regulations; S.L. 427.85.

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(c) on-farm combustion plants with a total rated thermal input less than or equal to 5 MW, that exclusively use unprocessed poultry manure, as referred to in Article 9(a) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council, as a fuel;

(d) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials;

(e) combustion plants in which the gaseous products of combustion are used for direct gas-fired heating used to heat indoor spaces for the purpose of improving workplace conditions;

(f) post-combustion plants designed to purify the waste gases from industrial processes by combustion, and which are not operated as independent combustion plants;

(g) any technical apparatus used in the propulsion of a vehicle, ship or aircraft;

(h) gas turbines and gas and diesel engines, when used on offshore platforms

(i) facilities for the regeneration of catalytic cracking catalysts;

(j) facilities for the conversion of hydrogen sulphide into sulphur;

(k) reactors used in the chemical industry;

(l) coke battery furnaces;

(m) cowpers;

(n) crematoria;

(o) combustion plants firing refinery fuels alone or with other fuels for the production of energy within mineral oil and gas refineries;

(p) recovery boilers within installations for the production of pulp.

(2) These regulations shall not apply to research activities, development activities, or testing activities relating to medium

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combustion plants. Prior notification to the competent authority and subsequent approval by the competent authority is required for such an exemption.

Aggregation.

6. (1) A combination formed by two or more new medium combustion plants shall be considered to be a single medium combustion plant for the purposes of these regulations and their rated thermal input shall be added together for the purpose of calculating the total rated thermal input of the plant, where:

(a) the waste gases of such medium combustion plants are discharged through a common stack; or

(b) taking into account technical and economic factors, the waste gases of such medium combustion plants could, in the judgement of the competent authority, be discharged through a common stack.

Stack height.

(2) The minimum chimney heights for the installations within the scope of regulation 4 shall not be less than those calculated according to the guidelines issued by any other regulating entities:

Provided that the chimney height shall in no case be less than 3 meters above roof level.

(3) The provisions of sub-regulation (2) may be reviewed if it results to the Authority through studies by the operator upon request of the Authority, that chimney height requires to be increased so as to enable in-stack monitoring and provided further that this review does not lead to any exceedances of the limit values or target values in Schedule 7 of the Ambient Air Quality Regulations. S.L. 549.59.

Permits.

7. (1) No new medium combustion plant shall be operated without a permit.

(2) (a) As of1 January 2024, no existing medium combustion plant with a rated thermal input greater than 5 MW shall be operated without a permit.

(b) As of 1 January 2029, no existing medium combustion plant with a rated thermal input of less than or equal to 5 MW shall be operated without a permit.

Obligation to hold a permit.

8. (1) Medium combustion plants falling within the scope of these regulations as defined in regulation 4 shall be permitted by the Authority.

(2) Any authorisation granted under the Act or any regulations thereunder may be combined with the permit required under sub-

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regulation (1) to form a single permit provided such permit contains the information required under these regulations.

(3) The permit referred to in sub-regulation (2) will include the type, frequency and format of information concerning events of non-compliance to be provided by operators to the competent authority.

(4) (a) Operators of new medium combustion plants referred to in sub-regulation (1) shall notify the Authority and apply for a permit from the Authority prior to commencement of operations.

(b) Operators of existing medium combustion plants listed under sub-regulation (1) with a rated thermal input greater than 5 MW shall apply for a permit with the Authority by the end of June 2023. Such plant shall not be operated after 31st December 2023 unless duly permitted by the Authority.

(c) Operators of existing medium combustion plants listed under sub-regulation (1) with a rated thermal input of less than or equal to 5 MW shall apply for a permit with the Authority by the end of June 2028. Such plant shall not be operated after 31st December 2028 unless duly permitted by the Authority.

(d) An application for a permit with the competent authority shall be carried out using the application form published by the Authority on its website. Such application shall be accompanied by the information listed in the First Schedule.

(5) An application for a permit shall be deemed to be duly made when the applicant fulfils the requirements of sub-regulation (4)(d).

(6) Decision by the Authority shall be communicated in writing to the operator.

(7) Permits granted by the competent authority shall be valid for a prescribed period commencing on the date on which the official endorsement by the Authority is issued.

(8) The competent authority may request a bank guarantee to ensure compliance with the conditions laid down in a permit.

(9) The Authority shall give specific reasons upon refusal of a permit.

Application for renewal.

(10) An application for renewal of the permit shall be submitted to the Authority within the time-frame stipulated in the permit and on

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the form provided by the Authority. This form shall be accompanied by:

(a) any other relevant documentation requested on the form; and

(b) the permit fee as established by the Authority.

Review.

9. (1) The competent authority may add, amend, substitute or revoke any condition in a permit in the following cases:

(a) where the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new values need to be included in the permit; or

(b) where the operational safety requires other techniques to be used; or

(c) where it is necessary to comply with new or revised environmental legislation enacted under the Act; or

(d) where the validity of a permit has elapsed; or

(e) as the Authority deems fit in accordance to these regulations

The Authority shall inform the operator in writing of such changes which shall be put into effect within a time frame stipulated by the Authority.

(2) The competent authority shall start the procedure for granting a permit to the medium combustion plant within one month of the operator providing the information referred to in regulation 8(4).

(3) The competent authority shall hold a register with information on each medium combustion plant including the information listed in the First Schedule and the information obtained pursuant to regulation 10. Existing medium combustion plants shall be included in the register from the date when granted a permit in accordance with these regulations. The competent authority shall make the information contained in the register available to the public, including via the internet, in accordance with the Freedom of Access to Information on the Environment Regulations.

S.L. 549.39.

(4) For medium combustion plants which are part of an installation covered by the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, the requirements of this

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regulation shall be deemed to be fulfilled through compliance with those regulations.

Changes to medium combustion plants.

10. (1) The operator shall inform the competent authority, without undue delay, of any planned change to the medium combustion plant which would affect the applicable emission limit values.

(2) The competent authority shall update the permit, as appropriate, accordingly and the plant shall not commence or resume operations unless such an update is issued.

Emission limit values.
S.L. 549.77.

11. (1) Without prejudice to the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, where applicable, the emission limit values set out in the Second Schedule to these regulations shall apply to medium combustion plants.

(2) Where a medium combustion plant simultaneously uses two or more fuels, the emission limit value for each pollutant shall be calculated by:

(a) taking the emission limit value relevant for each individual fuel as set out in the Second Schedule;

(b) determining the fuel-weighted emission limit value, which is obtained by multiplying the individual emission limit value referred to in point (a) by the thermal input delivered by each fuel, and dividing the product of multiplication by the sum of the thermal inputs delivered by all fuels; and

(c) aggregating the fuel-weighted emission limit values.

Existing medium combustion plants.

(3) From 1 January 2025, emissions into the air of SO_2, NO_x and dust from an existing medium combustion plant with a rated thermal input greater than 5 MW shall not exceed the emission limit values set out in Tables 2 and 3 of Part 1 of the Second Schedule.

(4) From 1 January 2030, emissions into the air of SO_2, NO_x and dust from an existing medium combustion plant with a rated thermal input of less than or equal to 5 MW shall not exceed the emission limit values set out in Tables 1 and 3 of Part 1 of the Second Schedule.

New medium combustion plants.

(5) From 20 December 2018, emissions into the air of SO_2, NO_x and dust from a new medium combustion plant shall not exceed the emission limit values set out in Part 2 of the Second Schedule.

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Exemptions from complying with the Emission Limit Values. Existing plants.

12. (1) Existing medium combustion plants which do not operate more than 500 operating hours per year, as a rolling average over a period of five years may be exempted by the competent authority from compliance with the emission limit values set out in Tables 1, 2 and 3 of Part 1 of the Second Schedule.

(2) The competent authority may extend the limit referred to in sub-regulation (1) to 1,000 operating hours for backup power production in connected islands in the event of an interruption of the main power supply to an island in cases of emergency or extraordinary circumstances. In such cases, an emission limit value for dust of 200 mg/Nm^3 shall apply for plants firing solid fuels.

(3) Existing medium combustion plants which are part of SIS or MIS shall comply with the emission limit values set out in Tables 1, 2 and 3 of Part 1 of the Second Schedule from 1 January 2030.

(4) (a) Until 1 January 2030, the competent authority may exempt existing medium combustion plants with a rated thermal input greater than 5 MW from compliance with the emission limit values set out in the Second Schedule provided that at least 50% of the useful heat production of the plant, as a rolling average over a period of five years, is delivered in the form of steam or hot water to a public network for district heating. In the event of such exemption, the emission limit values set by the competent authority shall not exceed 1,100 mg/Nm^3 for SO_2 and 150 mg/Nm^3 for dust.

(b) Until 1 January 2030, the competent authority may exempt medium combustion plants firing solid biomass as the main fuel, which are situated in zones where, according to assessments under the Ambient Air Quality Regulations, S.L. 549.59. conformity with the limit values of those regulations is ensured, from compliance with the emission limit values for dust set out in the Second Schedule. In the event of such exemption, the emission limit values set by the competent authority shall not exceed 150 mg/Nm^3 for dust.

(c) The competent authority shall in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved.

(5) Until 1 January 2030, the competent authority may exempt existing medium combustion plants with a rated thermal input greater than 5 MW and which are used to drive gas compressor stations required to ensure the safety and security of a national gas transmission system, from compliance with the emission limit values for NO_x set out in Table 3 of Part 1 of the Second Schedule.

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New plants.

(6) The competent authority may exempt new medium combustion plants which do not operate more than 500 operating hours per year, as a rolling average over a period of three years, from compliance with the emission limit values set out in Part 2 of the Second Schedule. In the event of such exemption, an emission limit value for dust of 100 mg/Nm^3 shall apply for plants firing solid fuels.

Competent authority may impose stricter limit values. S.L. 549.59.

(7) In zones or parts of zones not complying with the air quality limit values laid down in Ambient Air Quality Regulations**,** the competent authority shall assess the need to apply, for individual medium combustion plants in those zones or parts of zones, stricter emission limit values than those set out in these regulations, as part of the development of air quality plans referred to in regulation 33 of the S.L. 549.59. Ambient Air Quality Regulations, provided that applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

Emergency Considerations.

(8) (a) The competent authority may grant a derogation for a maximum period of six months from the obligation to comply with the emission limit values provided for in sub-regulations 11(3), 11(4) and 11(5) for SO_2 in respect of a medium combustion plant which normally uses low-sulphur fuel, in cases where the operator is unable to comply with those emission limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

(b) The competent authority may grant a derogation from the obligation to comply with the emission limit values provided for in sub-regulations 11(3), 11(4) and 11(5) in cases where a medium combustion plant using only gaseous fuel has to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas and, for this reason, would need to be equipped with secondary abatement equipment. The period for which such derogation is granted shall not exceed ten days except where the operator demonstrates to the satisfaction of the competent authority that a longer period is justified.

(c) In the cases mentioned in this regulation, the operator shall request the Director responsible for the Environment in writing for the derogation provided for in the above sub-regulations as soon as the cases in question arise. In doing so the operator shall forward all the relevant technical information requested by the competent authority. The competent authority shall at its discretion issue a temporary derogation according to the provisions of this sub-regulation in accordance with the notification referred to in the Forth Schedule. The competent authority shall update the register and publish this notification together with all the information forwarded by the operator on its

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website.

Obligations of the operator.

13. (1) Operators shall monitor emissions in accordance with Part 1 of the Third Schedule.

(2) For medium combustion plants using multiple fuels, the monitoring of emissions shall be done while firing a fuel or fuel mix that is likely to result in the highest level of emissions and during a period representing normal operating conditions.

(3) The operator shall keep a record of and process all monitoring results in such a way as to enable the verification of compliance with the emission limit values in accordance with the rules set out in Part 2 of the Third Schedule.

(4) For medium combustion plants using secondary abatement equipment in order to meet the emission limit values, the operator shall keep a record of, or information proving, the effective continuous operation of that equipment.

(5) (i) The operator of a medium combustion plant shall keep the following:

(a) the permit issued by the competent authority and, if relevant, its updated version and related information;

(b) the monitoring results and information referred to in sub-regulations (3) and (4);

(c) where applicable, a record of operating hours as referred to in regulations 12(1), 12(2) and 12(6);

(d) a record of the type and quantities of fuels used in the plant and of any malfunctions or breakdown of secondary abatement equipment;

(e) a record of the events of non-compliance and the measures taken, as referred to in sub-regulation (7).

(ii) The data and information referred to in sub-regulation 5 (b) to (e) shall be kept for a period of at least six years.

(6) The operator shall, without undue delay, make available the data and information listed in sub-regulation (5) to the competent authority upon its request. The competent authority shall also make such a request if a member of the public requests access to the data or information listed in sub-regulation (5).

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(7) In the event of non-compliance with the emission limit values set out in the Second Schedule, the operator shall take the measures necessary to ensure that compliance is restored within the shortest possible time, without prejudice to the measures required under regulation 14. In the event of non-compliance the procedure referred to in regulation 14(6) shall apply.

(8) The operator shall provide the competent authority with all necessary assistance to enable it to carry out any inspections and site visits, to take samples and to gather any information necessary for the performance of its duties for the purposes of these regulations.

(9) The operator shall keep the periods of start-up and shut-down of the medium combustion plant as short as possible.

Compliance and Inspections.

14. (1) Further to articles 73 and 74 of the Act, the Authority shall carry out inspections and monitoring of installations falling within the scope of these regulations as deemed necessary.

(2) The competent authority shall set up a system of environmental inspections of installations to ascertain compliance with these regulations.

(3) In fulfilling its compliance checks the Authority shall ensure that the valid values for emissions monitored are in accordance with the Third Schedule and do not exceed the emission limit values set out in the Second Schedule or any other limit value set by the Authority in the permit.

(4) When drawing up such a system of environmental inspections the Authority may utilise information based on environmental risks, records of the operator's compliance with conditions and the participation of the operator in the European Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No. 1221/2009 or ISO 14001.

(5) Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance.

(6) In the event of non-compliance and without prejudice to sub-regulation 13(7) the competent authority shall require the operator to take any measures necessary to ensure that compliance is restored without undue delay.

(7) Where non-compliance causes a significant degradation of local air quality, the operation of the medium combustion plant shall

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be suspended until compliance is restored and following notification from the Authority. Operations of the medium combustion plants shall resume upon further notification by the Authority including confirmation that any corrective action requested by the Authority have been addressed.

Reporting.

15. The Authority may require the operator to submit periodic reports as part of the obligations arising out of the permit issued by the Authority.

Offences.

16. Any person who:

(a) fails to comply with any provision of these regulations; or

(b) fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(c) operates a medium combustion plant falling within the scope of these regulations without a permit; or

(d) contravenes a condition in an environmental permit; or

(e) fails to comply with any notice issued under the Act; or

(f) provides incorrect values, data or other information pertaining to the relevant activity; or

(g) does not report a breach of a condition in the permit; or

(h) conspires or attempts to conspire, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement, to contravene the provisions of these regulations, or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of these regulations, or to contravene any restriction, prohibition or requirement by or under the said regulations,

shall be guilty of an offence against these regulations.

Penalties.

17. Any person who commits or attempts to commit an offence against these regulations shall, on conviction, be liable:

(a) in the case of a first offence, a fine (*multa*) of not less than one-thousand five hundred euro (€1,500) but not exceeding

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three thousand euro (€3,000), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

(b) in the case of a second or subsequent offence, a fine (multa) of not less than three thousand euro (€3,000) to but not exceeding six thousand euro (€6,000), or imprisonment not exceeding two years, or both such fine and imprisonment.

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the competent authority as a result of the said offence, to undertake mitigation or prevention measures in order to address offence-related damages, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*, if applicable.

Applicability of the Criminal Code. Cap. 9.

18. The provisions of articles 23 and 30(1) of the Criminal Code shall *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authorisation shall in no case be for less than one year.

Fees.

19. (1) The competent authority shall charge fees in respect of applications including for the variation, transfer, renewal, surrender or derogation thereof, as contained in the Fifth Schedule.

(2) An application fee for any new permit, variation, transfer, renewal, surrender or derogation thereof shall be paid to the competent authority on submission of application.

(3) The competent authority shall not process any application for a permit unless the fees due to the Authority have been paid. This shall also apply to any fees relative to a previous permit in respect of an installation or any technically connected installation.

(4) No refund shall be granted once an application for a permit (or variation, transfer, renewal, surrender or derogation thereof) has been submitted to the Authority.

(5) In the case where an application for a permit (or variation, transfer, renewal, surrender or derogation thereof) is refused by the competent authority, the fees paid shall not be refunded.

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First Schedule
(Regulations 8 and 9)

Information To Be Provided By The Operator To The Competent Authority

1. Rated thermal input (MW) of the medium combustion plant;
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant);
3. The yearly fuel burn by fuel type;
4. The yearly waste gas flow rate;
5. Type and share of fuels used according to the fuel categories laid down in the Second Schedule;
6. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018;
7. Sector of activity of the medium combustion plant or the facility in which it is applied (NACE code);
8. Expected number of annual operating hours of the medium combustion plant and average load in use;
9. Where the option of exemption under regulation 12(1), regulation 12(2) or regulation 12(6) is used, a declaration signed by the operator that the medium combustion plant will not be operated more than the number of hours referred to in those sub-regulations;
10. Name and registered office of the operator and, in the case of stationary medium combustion plants, the address where the plant is located;
11 Site plan showing the precise location of the medium combustion plant and the associated emission point;
12. The GIS coordinates of all the points at which pollutants are discharged into the atmosphere as well as the stack heights.
13. Details of the full nature and extent of the activity;
14. Any other details and documents as may be required from time to time by the Authority.

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Second Schedule
(Regulations 11, 12, 13 and 14)

EMISSION LIMIT VALUES REFERRED TO IN REGULATION 11

All emission limit values set out in this schedule are defined at a temperature of 273,15 K, a pressure of 101,3 kPa and after correction for the water vapour content of the waste gases and at a standardised O_2 content of 6% for medium combustion plants using solid fuels, 3% for medium combustion plants, other than engines and gas turbines, using liquid and gaseous fuels and 15% for engines and gas turbines.

PART 1
Emission limit values for existing medium combustion plants

Table 1

Emission limit values (mg/Nm^3) for existing medium combustion plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW, other than engines and gas turbine.

Pollutant	Solid biomass	Other solid fuels	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	200[(1),(2)]	1100	–	350	–	200[(3)]
NO_x	650	650	200	650	250	250
Dust	50	50	–	50	–	–

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) 300 mg/Nm^3 in the case of plants firing straw.

(3) 400 mg/Nm^3 in the case of low calorific gases from coke ovens in the iron and steel industry.

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Table 2

Emission limit values (mg/Nm^3) for existing medium combustion plants with a rated thermal input greater than 5 MW, other than engines and gas turbines.

Pollutant	**Solid biomass**	**Other solid fuels**	**Gas oil**	**Liquid fuels other than gas oil**	**Natural gas**	**Gaseous fuels other than natural gas**
SO_2	200(1),(2)	400(3)	–	350(4)	–	35(5),(6)
NO_x	650	650	200	650	200	250
Dust	30(7)	30(7)	–	30	–	–

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) 300 mg/Nm^3 in the case of plants firing straw.

(3) 1100 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

(4) Until 1 January 2030, 850 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW firing heavy fuel oil.

(5) 400 mg/Nm^3 in the case of low calorific gases from coke ovens, and 200 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(6) 170 mg/Nm^3 in the case of biogas.

(7) 50 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

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Table 3

Emission limit values (mg/Nm^3) for existing engines and gas turbines

Pollutant	Type of medium combustion plant	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	Engines and gas turbines	–	120	–	15(1),(2)
NO_x	Engines	190(3),(4)	190(3),(5)	190(6)	190(6)
	Gas Turbines(7)	200	200	150	200
Dust	Engines and gas turbines	–	10(8)	–	–

(1) 60 mg/Nm^3 in the case of biogas.

(2) 130 mg/Nm^3 in the case of low calorific gases from coke ovens, and 65 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(3) 1 850 mg/Nm^3 in the following cases:

- for diesel engines he construction of which commenced before 18 May 2006;

- for dual fuel engines in liquid mode.

(4) 250 mg/Nm^3 in the case of engines with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

(5) 250 mg/Nm^3 in the case of engines with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW; 225 mg/Nm^3 in the case of engines with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

(6) 380 mg/Nm^3 for dual fuel engines in gas mode.

(7) Emission limit values are only applicable above 70 % load.

(8) 20 mg/Nm^3 in the case of plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW.

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PART 2
Emission limit values for new medium combustion plants

Table 1

Emission limit values (mg/Nm^3) for new medium combustion plants other than engines and gas turbines

Pollutant	Solid biomass	Other solid fuels	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	200(1)	400	–	350(2)	–	35(3),(4)
NO_x	300(5)	300(5)	200	300(6)	100	200
Dust	20(7)	20(7)	–	20(8)	–	–

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) Until 1 January 2025, 1 700 mg/Nm^3 in the case of plants which are part of SIS or MIS.

(3) 400 mg/Nm^3 in the case of low calorific gases from coke ovens, and 200 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(4) 100 mg/Nm^3 in the case of biogas.

(5) 500 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

(6) Until 1 January 2025, 450 mg/Nm^3 when firing heavy fuel oil containing between 0,2 % and 0,3 % N and 360 mg/Nm^3 when firing heavy fuel oil containing less than 0,2 % N in the case of plants which are part of SIS or MIS

(7) 50 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW; 30 mg/Nm^3 in the case of plants with a total rated thermal input greater than 5 MW and less than or equal to 20 MW.

(8) 50 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

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Table 2

Emission limit values (mg/Nm^3) for new engines and gas turbines

Pollutant	**Type of medium combustion plant**	**Gas oil**	**Liquid fuels other than gas oil**	**Natural gas**	**Gaseous fuels other than natural gas**
SO_2	Engines and gas turbines	–	120(1)	–	15(2)
NO_x	Engines(3),(4)	190(5)	190(5),(6)	95(7)	190
	Gas Turbines(8)	75	75(9)	50	75
Dust	Engines and gas turbines	–	10(10),(11)	–	–

(1) Until 1 January 2025, 590 mg/Nm^3 for diesel engines which are part of SIS or MIS.

(2) 40 mg/Nm^3 in the case of biogas.

(3) Engines running between 500 and 1 500 hours per year may be exempted from compliance with those emission limit values if they are applying primary measures to limit NO_x emissions and meet the emission limit values set out in footnote (4).

(4) Until 1 January 2025 in SIS and MIS, 1 850 mg/Nm^3 for dual fuel engines in liquid mode and 380 mg/Nm^3 in gas mode; 1 300 mg/Nm^3 for diesel engines with ≤ 1 200 rpm with a total rated thermal input less than or equal to 20 MW and 1 850 mg/Nm^{3}for diesel engines with a total rated thermal input greater than 20 MW; 750 mg/Nm^3 for diesel engines with > 1 200 rpm.

(5) 225 mg/Nm^3 for dual fuel engines in liquid mode.

(6) 225 mg/Nm^3 for diesel engines with a total rated thermal input less than or equal to 20 MW with ≤ 1 200 rpm.

(7) 190 mg/Nm^3 for dual fuel engines in gas mode.

(8) These emission limit values are only applicable above 70 % load.

(9) Until 1 January 2025, 550 mg/Nm^3 for plants which are part of SIS or MIS.

(10) Until 1 January 2025, 75 mg/Nm^3 for diesel engines which are part of SIS or MIS.

(11) 20 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW

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Third Schedule
(Regulations 13 and 14)

MONITORING OF EMISSIONS AND ASSESSMENT OF COMPLIANCE

PART 1
Monitoring of emissions by the operator

1. Periodic measurements shall be required at least:

— every three years for medium combustion plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW;

— every year for medium combustion plants with a rated thermal input greater than 20 MW.

2. As an alternative to the frequencies referred to in point 1, in the case of medium combustion plants which are subject to regulation 12(1), regulation 12(2) or regulation 12(6), periodic measurements may be required at least each time the following numbers of operating hours have elapsed:

— three times the number of maximum average annual operating hours, applicable pursuant to regulation 12(1), regulation 12(2) or regulation 12(6), for medium combustion plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW,

— the number of maximum average annual operating hours, applicable pursuant to regulation 12(1), regulation 12(2) or regulation 12(6), for medium combustion plants with a rated thermal input greater than 20 MW.

The frequency of periodic measurements shall in any case not be lower than once every five years.

3. Measurements shall be required only for:

(a) pollutants for which an emission limit value is laid down in these regulations for the plant concerned;

(b) CO for all plants.

4. The first measurements shall be carried out within four months of the grant of a permit to the plant, or of the date of the start of the operation, whichever is the latest.

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5. As an alternative to the measurements referred to in items 1, 2 and 3(a), as regards SO_2, other procedures, verified and approved by the competent authority, may be used to determine the SO_2 emissions.

6. As an alternative to the periodic measurements referred to in item 1, the competent authority may require continuous measurements.

In the case of continuous measurements, the automated measuring systems shall be subject to checking by means of parallel measurements with the reference methods at least once per year and the operator shall inform the competent authority about the results of those checks.

7. Sampling and analysis of polluting substances and measurements of process parameters as well as any alternatives used as referred to under items 5 and 6 shall be based on methods enabling reliable, representative and comparable results. Methods complying with harmonised EN standards shall be presumed to satisfy this requirement. During each measurement, the plant shall be operating under stable conditions at a representative even load. In this context, start-up and shut-down periods shall be excluded.

PART 2
Assessment of compliance

1. In the case of periodic measurements, the emission limit values referred to in regulation 11 and regulation 12 shall be regarded as having been complied with if the results of each of the series of measurements or of the other procedures defined and determined in accordance with the rules laid down by the competent authority, do not exceed the relevant emission limit value.

2. In the case of continuous measurements, compliance with the emission limit values referred to in regulation 11 and regulation 12 shall be regarded as having been complied with if:

(a) no validated monthly average value exceeds the relevant emission limit values set out in the Second Schedule;

(b) no validated daily average value exceeds 110% of the relevant emission limit values set out in the Second Schedule;

(c) no validated daily average value exceeds 150% of the

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relevant emission limit values set out in the Second Schedule in cases of combustion plants composed only of boilers using coal;

(d) 95% of all the validated hourly average values over the year do not exceed 200% of the relevant emission limit values set out in the Second Schedule.

Validated averages are determined as set out in point 3 below.

3. The validated average values are determined as follows:

(a) At the emission limit value level, the values of the 95% confidence intervals of a single measured result shall not exceed the following percentages of the emission limit values:

Carbon monoxide	10%
Sulphur dioxide	20%
Nitrogen oxides	20%
Dust	30%

(b) 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 in point (a) above.

Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system shall be invalidated. If more than 10 days over a year are invalidated for such situations the competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system.

4. For the purpose of the calculation of the average emission values, the values measured during the periods referred to in regulation 11(2) and regulation 12(8) as well as during the start-up and shut-down periods shall be disregarded.

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Forth Schedule
(Regulation 12)

Derogation As Per Regulation 12(8)

Notification of a temporary derogation from compliance with Medium Combustion Plants Emission Limit Values.

In view of the written request by [person submitting the request] on behalf of [operator], dated [date], I [Name of Director], in my capacity as Director of Environment Protection have examined all the information handed by [operator] together with the above mentioned request and have decided to allow for a derogation from [type of derogation to be applied to plant] for the [name of the plant] operated by [name of operator] having its registered address at [registered address of the operator] and subject to the Permit [permit number] issued on the [date of issue of the permit] for a period not exceeding [time]. This derogation is subject to the following conditions:

[Signature]

[Name, SURNAME]

Director of Environment Protection

Attached a copy of the request for derogation and technical information related to the case.

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Fifth Schedule
REGULATION 19: SCHEDULE OF FEES

	Fees					
Rated thermal input (MW_{TH})	**≥1≤5**	**>5≤10**	**>10≤20**	**>20≤30**	**>30≤40**	**>40<50**
Fee for new permit	€500	€800	€1,500	€2,700	€3,500	€4,500
Fee for transfer of ownership or variation	10 % of the application fee for new permit [1.]					
Fee for renewal or surrender	25 % of the application fee for new permit					
Fee for derogation	40% of the application fee for new permit [2.]					

1. The fee for a variation shall not be payable if the variation is imposed by the competent authority and not requested by the operator.

2. The fee for derogation shall be paid in addition to the fee for new permit.

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