

SCHEDULES

[^{F1}SCHEDULE 9B **N.I.**

Regulation 7

Specified generators

Textual Amendments

- F1** Sch. 9B inserted (20.3.2018) by The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/33), regs. 1, 7

Application **N.I.**

1. This Schedule applies in relation to every specified generator from the permitting date.

Interpretation – specified generators **N.I.**

- 2.—(1) In this Schedule “specified generator” means—
 - (a) a generator, other than an excluded generator, with a rated thermal input—
 - (i) more than or equal to 1 megawatt and less than 50 megawatts; or
 - (ii) in the case of a generator used to meet a capacity agreement or an agreement to provide balancing services, less than 50 megawatts; or
 - (b) where two or more generators falling within paragraph (a)(i) or (ii) are operated—
 - (i) on the same site;
 - (ii) by the same operator; and
 - (iii) for the same purpose,those generators together;
 - (c) where two or more generators, other than excluded generators—
 - (i) are operated as set out in paragraph (b)(i) to (iii); and
 - (ii) together have a rated thermal input more than or equal to 1 megawatt and less than 50 megawatts, even if one or more of the generators has a rated thermal input of less than 1 megawatt,those generators together.
- (2) For the purposes of paragraph (1)—

“excluded generator” means—

 - (a) generators subject to the provisions of Chapter II or Chapter III of the Industrial Emissions Directive,
 - (b) back-up generators operated for the purpose of testing for no more than 50 hours per year,

“generator” means any combustion plant which is used for the purpose of generating electricity, but does not include any generator that is mobile unless it is connected to—

 - (a) an electricity transmission system or distribution system, or

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(b) other apparatus, equipment or appliances at a site, if these are part of the complete infrastructure of the site;

“mobile” means any apparatus, equipment or appliance which is—

(a) constructed or adapted for being transported from place to place, or

(b) portable, and designed or intended to be moved from place to place.

Interpretation – relevant dates and permitting dates **N.I.**

3.—(1) The “relevant date” in relation to a generator means—

(a) 1st January 2019, in the case of a new generator;

(b) 1st October 2019, in the case of an existing generator with a rated thermal input greater than 5 megawatts and less than 50 megawatts which—

(i) has an emission of nitrogen oxides of equal to or greater than 500mg/ Nm³; and

(ii) operates for more than 50 hours per year;

(c) 1st January 2025, in the case of an existing generator with a rated thermal input greater than 5 megawatts and less than 50 megawatts which—

(i) has an emission of nitrogen oxides of less than 500mg/ Nm³; or

(ii) operates for less than or equal to 50 hours per year;

(d) 1st January 2030, in the case of an existing generator with a rated thermal input equal to or less than 5 megawatts.

(2) The “permitting date”—

(a) in relation to a specified generator falling within paragraph 2(1)(a), is the relevant date in relation to that specified generator;

(b) in relation to a specified generator falling within paragraph 2(1)(b) or (c), is the earliest of the relevant dates in relation to the generators comprising that specified generator.

(3) For the purposes of sub-paragraph (1)—

“existing generator” means a generator with a rated thermal input equal to or greater than 1 megawatt and less than 50 megawatts which came into operation before 1st December 2016, or;

“new generator” means any specified generator which is not an existing generator.

(4) For the purposes of this paragraph, in the case of a generator which is comprised in a specified generator falling within paragraph 2(1)(b) or (c), the generator is deemed to have the total rated thermal input of all the generators comprised in the specified generator.

Interpretation - general **N.I.**

4. In this Schedule—

“back-up generator” means a generator operated for the sole purpose of maintaining power supply at a site during an on-site emergency;

“balancing services” means any services procured by the transmission system operator in order to balance demand and supply, and to ensure the security and quality of electricity supply;

“capacity auction” means a capacity auction conducted under Chapter F [of the Capacity Market Code] for allocating Awarded Capacity to Capacity Market Units and includes T-1 Auctions, T-2 Auctions, T-3 Auctions and T-4 Auctions;

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“capacity market framework agreement” means the agreement (including an Accession Deed) under which a person becomes bound by this Code;

“distribution system” has the meaning given in Article 3 of The Electricity (Northern Ireland) Order 1992;

“emission limit value” means the permissible maximum quantity of a substance contained in the waste gases from a generator which may be discharged into the air during a given period;

“nitrogen oxides” means nitric oxide and nitrogen dioxide;

“transmission system” has the meaning given in Article 3 of The Electricity (Northern Ireland) Order 1992;

“transmission system operator” means the person or persons operating the transmission system for Northern Ireland; and

any reference to emissions expressed in mg/Nm³ is to those emissions defined in accordance with Annex II of the Medium Combustion Plant Directive.

Permit conditions: general **N.I.**

5.—(1) Subject to paragraph 6, the enforcing authority must exercise its relevant functions in relation to specified generators so as to ensure that they are operated, from the relevant date, in such a way that—

- (a) there is compliance with an emission limit value for nitrogen oxides of 190mg/Nm³;
- (b) where secondary abatement is required to ensure compliance with the requirement in paragraph (a), the emission limit value for nitrogen oxides is met—
 - (i) in the case of an existing generator or a new generator which was, but has ceased to be, an existing generator, within 20 minutes of the specified generator commencing operation, or;
 - (ii) in the case of any other new generator, within 10 minutes of the specified generator commencing operation,and in every case emissions must be monitored at least every three years;
- (c) there is no persistent emission of dark smoke, where “dark smoke” has the meaning given in paragraph 3(1) of the Clean Air (Northern Ireland) Order 1981.

(2) Where compliance with air quality aspects of an environmental quality standard requires stricter conditions for the operation of a specified generator, or a generator comprised in a specified generator falling within paragraph 2(1)(b) or (c), from the permitting date the enforcing authority must include additional or stricter measures in the permit to comply with those standards, including a stricter emission limit value than that specified in sub-paragraph (1)(a).

(3) In the case of a specified generator falling within paragraph 2(1)(b) or (c), the requirements of sub-paragraph (1) must be met by every generator comprising that specified generator from the relevant date relating to that generator.

Exceptions to permit conditions **N.I.**

6.—(1) Paragraph 5 does not apply in relation to—

- (a) a specified generator used at a site to which it is not reasonably practicable to supply mains power;
- (b) a specified generator that is a back-up generator for which the operator has demonstrated to the enforcing authority a genuine need to carry out routine testing for more than 50 hours per year.

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(2) Paragraph 5 does not apply—

- (a) until 1st January 2025 in relation to an existing generator—
 - (i) with a rated thermal input greater than 5 megawatts but not more than 50 megawatts;
 - (ii) with nitrogen oxide emissions of 500mg/Nm³ or greater;
 - (iii) which operates for more than 50 hours per year;
- (b) in relation to an existing generator—
 - (i) falling within sub-paragraph (2)(a);
 - (ii) that is operated only for the purpose of a capacity market framework agreement entered into before 1st December 2016;for the period in which that capacity agreement remains in force, or until 1st January 2025, whichever is later.

(3) Where a specified generator falls within sub-paragraphs (1) or (2), the enforcing authority must exercise its functions from the relevant date to ensure that the generator will not give rise to an exceedance of the limit values for nitrogen dioxide specified in the case of a generator operated in Northern Ireland, in Schedule 2 to the Air Quality Standards (Northern Ireland) Regulations 2010.

(4) Paragraph 5 does not apply in relation to an existing generator—

- (a) with a rated thermal input greater than 5 megawatts and less than 50 megawatts which—
 - (i) has an emission of nitrogen oxides of less than 500mg/Nm³; or
 - (ii) operates for no more than 50 hours per year; or
- (b) with a rated thermal input greater than or equal to 1 megawatt but no greater than 5 megawatts;

where it is operated only for the purpose of a capacity market framework agreement entered into before 1st December 2016, during the period in which that capacity market framework agreement remains in force.

(5) Paragraph 5 does not apply in relation to an existing generator with a rated thermal input of less than 1 megawatt where it is operated only for the purpose of a capacity market framework agreement entered into before 1st December 2016, during the period in which that capacity market framework agreement remains in force.

(6) In the case of a generator comprised in a specified generator falling within paragraph 2(1) (b) or (c)—

- (a) the generator is deemed to have the total rated thermal input of all the generators comprised in the specified generator for the purposes of sub-paragraphs (2), (4) and (5), and;
- (b) “relevant date” in sub-paragraph (3) means the relevant date relating to that generator.]

Changes to legislation:

There are currently no known outstanding effects for the The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, SCHEDULE 9B.