
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 4

Ongoing obligations for participants

CHAPTER 2

Ongoing obligations relating to the use of biogas to generate heat and the production of biomethane for injection

Biogas produced from gasification or pyrolysis

40.—(1) This regulation applies to a participant producing biogas using gasification or pyrolysis and generating heat from that biogas in an accredited RHI installation.

(2) The participant may only use solid biomass or waste as feedstock to produce the biogas.

(3) Where the participant uses waste as feedstock—

(a) paragraphs (2), (3), (6) and (7) of regulation 37 apply to the proportion of solid biomass contained in the waste used for feedstock in the same way as for the proportion of solid biomass contained in waste used to generate heat; and

(b) paragraphs (4) and (5) of regulation 37 apply.

(4) Where the participant uses solid biomass (not being solid biomass contained in waste) as feedstock—

(a) paragraphs (2), (3), (4) and (7) of regulation 38 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used to generate heat; and

(b) paragraphs (5) and (6) of regulation 38 apply.

(5) Where the Authority so requests, the participant must arrange for samples of the waste or solid biomass used (or to be used) as feedstock in the biogas production plant, or of any gas or other substance produced as a result of the use of such waste or solid biomass, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.

[^{F1}Biogas produced from feedstock derived from fossil fuel

40A.—(1) This regulation applies to—

(a) a participant producing biogas from anaerobic digestion in an accredited RHI installation; or

(b) a participant producing biomethane for injection from biogas made from anaerobic digestion.

(2) The participant may use feedstock derived from fossil fuel only where the contribution of that fossil fuel to the energy content of the biogas does not exceed 10%.

Status: Point in time view as at 01/04/2021.

Changes to legislation: There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, CHAPTER 2. (See end of Document for details)

- (3) For the purposes of paragraph (2)—
- (a) the percentage of the energy content of biogas from the fossil fuel component of the feedstock is to be determined by the Authority for every quarterly period;
 - (b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority’s satisfaction the percentage of the energy content of biogas from feedstock derived from fossil fuel; and
 - (c) the percentage of the energy content of biogas from feedstock derived from fossil fuel is the energy content of the fossil fuel expressed as a percentage of the energy content of the biogas used in that quarterly period to generate heat or produce biomethane.
- (4) Without prejudice to paragraph (3)(b), in determining the percentage of the energy content of biogas from feedstock derived from fossil fuel, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates the contribution of feedstock derived from fossil fuel to the energy content of the biogas.
- (5) Where the Authority so requests, the participant must arrange for samples of the fuel used (or to be used) in the accredited RHI installation or in the production of biomethane, or of any gas or other substance produced as the result of the use of such fuel, to be taken by a person (and analysed in a manner) specified by the Authority, and for the results of that analysis to be made available to the Authority in such form as the Authority may require.]

Textual Amendments

- F1** Reg. 40A inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **17**

Participants generating heat from biogas

41.—(1) This regulation applies to a participant generating heat from biogas in an accredited RHI installation to whom regulation 40 does not apply.

(2) Subject to regulation 74, a participant using biogas produced by anaerobic digestion may only use biogas which—

- (a) is or was produced from one or more of the following feedstocks—
 - (i) solid biomass;
 - (ii) solid waste;
 - (iii) liquid waste; and
- (b) is not landfill gas.

(3) The participant may use fossil fuel [^{F2}(not being feedstock derived from fossil fuel)] in the accredited RHI installation only in accordance with paragraphs (5) and (6) of regulation 38.

[^{F3}(4) The participant may use feedstock derived from fossil fuel in the accredited RHI installation only in accordance with regulation 40A.]

Textual Amendments

- F2** Words in [reg. 41\(3\)](#) inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **18(a)**
- F3** [Reg. 41\(4\)](#) inserted (1.4.2021) by [The Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme \(Amendment\) Regulations 2021 \(S.I. 2021/76\)](#), regs. 1(4)(b), **18(b)**

Biomethane producers

42.—(1) This regulation applies to a participant producing biomethane for injection.

(2) A participant producing biomethane for injection from biogas made by gasification or pyrolysis may only use biogas made using solid biomass or waste as feedstock.

(3) Where waste is used as feedstock, paragraphs (2) and (3)(c) of regulation 37 apply to the proportion of solid biomass contained in waste used as feedstock in the same way as for the proportion of solid biomass contained in waste used to generate heat.

(4) Where solid biomass is used as feedstock, paragraphs (2), (3), and (4)(c) of regulation 38 apply to the contamination of solid biomass used for feedstock in the same way as for solid biomass contaminated with fossil fuel used by participants to generate heat.

(5) A participant producing biomethane for injection from biogas made by anaerobic digestion must comply with regulation 41(2).

(6) The participant must provide measurements in such format as the Authority may request which satisfy the Authority of all of the following—

- (a) the gross calorific value and volume of biomethane injected;
- (b) the gross calorific value and volume of any propane contained in the biomethane;
- (c) the kWh of biomethane injected together with supporting meter readings and calculations;
- (d) the kWhth of heat supplied to the biogas production plant (other than heat contained in feedstock to produce biogas by anaerobic digestion) which made the biogas used in any quarterly period to produce biomethane for injection;
- (e) any heat supplied to the biomethane production process.

(7) The participant must keep, and provide to the Authority upon request, copies or details of agreements with third parties with whom the participant contracts to carry out any of the processes undertaken to turn the biogas into biomethane and to arrange for its injection.

(8) The participant must keep and provide upon request written evidence including invoices, receipts, contracts and such other information as the Authority may specify in relation to biogas purchased and feedstock used in the production of the biogas used to produce biomethane.

Status:

Point in time view as at 01/04/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Heat Incentive Scheme Regulations 2018, CHAPTER 2.