
STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 4

Ongoing obligations for participants

CHAPTER 1

Ongoing obligations relating to the use of solid biomass to generate heat

Participants using solid biomass contained in waste

37.—(1) This regulation applies to a participant generating heat in an accredited RHI installation from solid biomass contained in waste.

(2) The proportion of solid biomass contained in the waste must be a minimum of 10%.

(3) For the purposes of paragraph (2)—

- (a) the proportion of solid biomass contained in the waste 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 proportion of the energy content of the waste used in any quarterly period which is composed of fossil fuel, to enable the Authority to determine the proportion of solid biomass in accordance with sub-paragraph (c);
- (c) the proportion of solid biomass is the energy content of the waste used in any quarterly period to generate heat less the energy content of any fossil fuel of which that waste is in part composed, expressed as a percentage of the energy content of that waste.

(4) The participant may use fossil fuel (other than fossil fuel mentioned in paragraph (3)(c)) in an accredited RHI installation for the following permitted ancillary purposes only—

- (a) cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature;
- (b) the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature;
- (c) the ignition of fuels of low or variable calorific value;
- (d) emission control;
- (e) in relation to accredited RHI installations which are CHP systems, standby generation or the testing of standby generation capacity.

(5) The energy content of the fossil fuel used during any quarterly period for the permitted ancillary purposes specified in paragraph (4) must not exceed 10% of the energy content of all the fuel used by that accredited RHI installation or where the installation is a CHP system, by a combustion unit which supplies energy to that installation from solid biomass contained in waste, to generate heat during that quarterly period.

(6) Without prejudice to paragraph (3)(b), when determining the proportion of solid biomass contained in waste, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates what proportion of the energy content of the waste is composed of fossil fuel.

(7) Where the participant produces to the Authority—

- (a) data published by an allocating authority, a waste disposal authority or a waste collection authority, demonstrating that the proportion of municipal waste used by that participant which is composed of fossil fuel is unlikely to exceed 50%; and
- (b) evidence that the municipal waste used has not been subject to any process before being used that is likely to have materially increased that proportion,

the Authority may accept this as sufficient evidence for the purposes of paragraph (3)(b) of the fact that the proportion of the municipal waste used which is composed of fossil fuel is no more than 50%.

(8) Where the Authority so requests, the participant must arrange for samples of the waste used (or to be used) in the accredited RHI installation, or of any gas or other substance produced as the result of the use of such waste, 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.