



# CONSULTATION BRIEF ON THE MEDIUM COMBUSTION PLANTS REGULATIONS, 2017

## 1. BACKGROUND

The aim of the proposed Regulations is to transpose the obligations arising from Directive 2015/2193/EU on the limitations of emissions of certain pollutants into the air from medium combustion plants. The Medium Combustion Plants (MCP) Directive will apply to any plant or equipment where fuel is oxidised in order to generate heat which has a rated thermal input between 1 and 50 Megawatts (MW).

The purposes of this Directive is to regulate, and ultimately reduce sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and dust emissions into the air from medium combustion plants (MCPs) by setting emission limit values for new and existing installations. The Directive also lays down rules to monitor emissions of carbon monoxide (CO). The MCP Regulations seek to integrate this Directive into national law. The designated Competent Authority under the said regulations is the Environment and Resources Authority (ERA).

## 2. IMPLICATIONS

### APPLICABILITY OF MCP REGULATIONS

The MCP Regulations cover all combustion plants which burn various types of fuel with a rated thermal input (RTI) (i.e. gross fuel input) between 1 and 50MW. Thus, systems such as heaters, boilers, turbines, engines or any form of electricity generator for residential, domestic or industrial processes falling within the specified threshold will be affected. The MCP Directive fills the regulatory gap at EU level between large combustion plants (>50MWth), covered by the Industrial Emissions Directive (transposed through S.L. 549.76 to S.L. 549. 81) and small appliances (heater and boilers under 1 MWth) covered by the Ecodesign Directive (transposed through S.L. 427.64).

The Regulations include certain exceptions as listed in regulation 5, such as combustion plants already covered by the Industrial Emissions (Large Combustion Plants) Regulations (S.L. 549.78) and the Industrial Emissions (Waste Incineration) Regulations (S.L. 549.81).

### PERMITTING REQUIREMENTS

Under the MCP Regulations, existing MCPs with an RTI greater than 5MW must obtain a permit by 1<sup>st</sup> January 2024 at the latest; and those with a rated thermal input less than or equal to 5MW

must obtain a permit by 1<sup>st</sup> January 2029 at the latest. For the purpose of the Regulations an 'existing combustion plant' is defined as a combustion plant which is either:

- i. put into operation before 20<sup>th</sup> December 2018; or
- ii. for which a permit is 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.

The Regulations also require that all new MCPs obtain a permit from ERA prior to commencing operations. Regulations 7 to 10 of the MCP Regulations detail the obligations relating to permitting and registration incumbent upon both operators and ERA.

### EMISSION LIMIT VALUES

As per regulations 11 and 12, each individual MCP, existing or new, will have to meet the emission limit values (ELVs) established for the production of NO<sub>x</sub>, SO<sub>2</sub> and dust (Total Particulate Matter) set out in Schedule II of the MCP Regulations. These ELVs vary according to whether the plant is classified as existing or new, the rated thermal input of the plant and the type of fuel used. Furthermore it will be necessary to monitor (but not set a limit to) carbon monoxide (CO).

The ELVs set out in the MCP Regulations will have to be applied as from 20 December 2018 for new plants, and by 2025 or 2030 for existing plants, depending on their size.

ERA may exempt existing MCPs that do not operate more than 500 operating hours per year, as a rolling average over a period of five years, from compliance with the ELVs.

### MONITORING AND REPORTING

Operators of MCPs falling within the scope of this legislation, are required to monitor emissions in accordance with regulation 13 therein, and to keep a record of such emissions and provide the necessary information to ERA in order to enable verification of compliance.

### 3. COMMENTS

The draft MCP Regulations are available from the following links:

<<https://era.org.mt/en/Pages/Ongoing-Consultations-on-Draft-ERA-Policy.aspx>> OR  
<<http://meusac.gov.mt/eventdetails?ed=1382>>

Comments will be received by email on **[international.affairs@era.org.mt](mailto:international.affairs@era.org.mt)**, from **Tuesday, 14 November 2017**, for a period of 4 weeks, ending on **Tuesday, 12 December 2017**.