

LARGE COMBUSTION PLANTS ACT 2003**Revoked by LN. 2013/042 as from 28.2.2013****Principal Act**

Act. No. 2003-18	<i>Commencement</i>	1.8.2003
	<i>Assent</i>	

Amending enactments	Relevant current provisions	Commencement date
LN. 2010/146	ss. 2, 9 Sch. 1, 2, 3, 4 & 5	9.9.2010
2011/172	s. 11A	29.9.2011

EU Legislation/International Agreements involved:

Directive 85/337/EEC
Directive 89/369/EEC
Directive 2000/60/EC
Directive 2001/80/EC
Directive 2004/35/EC
Directive 2006/12/EC
Directive 2008/1/EC
Directive 2009/31/EC
Regulation (EC) No 1013/2006

English sources:

None cited

ARRANGEMENT OF SECTIONS

Section

1. Title.
2. Interpretation.
3. Application.
4. Licences.
5. Combined generation of heat and power.
6. Breakdown.
7. Interruption of fuel supply.
8. Multi-firing unit.
9. Stacks.
10. Extensions and changes.
11. Monitoring.
- 11A. Capture of carbon dioxide.
12. Bordering states and Community information.
13. Repeal.
14. Penalties.
15. Offences by corporations etc.
16. Defences.
17. Regulations.

SCHEDULE 1

EMISSION LIMIT VALUES FOR SO₂ Solid fuel

SCHEDULE 2

EMISSION LIMIT VALUES FOR SO₂ Liquid fuels

SCHEDULE 3

EMISSION LIMIT VALUES FOR SO₂ Gaseous fuels

SCHEDULE 4

EMISSION LIMIT VALUES FOR NO_x (MEASURED AS NO₂)

SCHEDULE 5

EMISSION LIMIT VALUES FOR DUST

SCHEDULE 6

METHODS OF MEASUREMENT OF EMISSIONS

AN ACT TO TRANSPOSE INTO THE LAW OF GIBRALTAR IN PART THE PROVISIONS OF DIRECTIVE 2001/80/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 23 OCTOBER 2001 ON THE LIMITATION OF EMISSIONS OF CERTAIN POLLUTANTS INTO THE AIR FROM LARGE COMBUSTION PLANTS.

Title.

1. This Act may be cited as the Large Combustion Plants Act 2003.

Interpretation.

2. In this Act, unless the context otherwise requires—

“the Authority” means the Environmental Agency which is the body designated as being responsible for performing the duties of the Authority set out in this Act;

“biomass” means products consisting of any whole or part of a vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content and the following waste used as a fuel—

- (a) vegetable waste from agriculture and forestry;
- (b) vegetable waste from the food processing industry, if the heat generated is recovered;
- (c) 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;
- (d) cork waste; and
- (e) 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 heat which is generated as a consequence;

“the Directive” means Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants;

“emission” means the discharge of substances from the combustion plant into the air;

“emission limit value” means the permissible quantity of a substance contained in the waste gases from the combustion plant which may be discharged into the air during a given period calculated in terms of mass per volume of the waste gases expressed in mg/Nm³, assuming an oxygen content by volume in the waste gas of 3% in the case of liquid and gaseous fuels, 6% in the case of solid fuels and 15% in the case of gas turbines;

“existing plant” means any combustion plant for which the original construction licence or, in the absence of a procedure for the grant of such licences, the original operating licence was granted before 1 July 1987;

“fuel” means any solid, liquid or gaseous combustible material used to fire a combustion plant, with the exception of –

- (a) waste covered by the Public Health (Offensive Trades) Rules in the implementation of Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants; and
- (b) specified hazardous waste as defined in section 192A of the Public Health Act 1950 and as described in section 5 of the Specified Hazardous Waste (Incineration Plants) Act 1998.

“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;

“the Minister” means the Minister with responsibility for the environment;

“multi-firing unit” means any combustion plant which may be fired simultaneously by two or more types of fuel;

““new plant” means any combustion plant for which the original construction licence or, in the absence of a procedure for the grant of such licences, the original operating licence was granted on or after 1 July 1987;

“rate of desulphurisation” means the ratio of the quantity of sulphur which is not emitted into the air at the combustion plant site over a given

period to the quantity of sulphur contained in the fuel which is introduced into the combustion plant facilities and which is used over the same period;

“operator” means any natural or legal person who operates the combustion plant, or who is the manager responsible for the undertaking operating the plant;

“waste gases” means gaseous discharge containing solid, liquid or gaseous emission the volumetric flow rates of which shall be expressed in cubic metres per hour at standard temperature (273k) and pressure (101.3kPa) after correction for the water vapour content, hereinafter referred to as (Nm³/h).

Application.

3.(1) Subject to sub-sections (2) to (4), this Act shall apply to combustion plants in respect of which the rated thermal input is not less than 50MW, irrespective of whether the fuel used is in solid, liquid or gaseous form.

(2) This Act shall apply only to combustion plants designed for production of energy with the exception of those which make direct use of the products of combustion in manufacturing processes.

(3) This Act shall not apply to the following—

- (a) combustion plants in which the products of combustion are used for the direct heating, drying, or other treatment of objects or materials including reheating furnaces and furnaces for heat treatment;
- (b) post-combustion plants which is to say any technical apparatus designed to purify the waste gases by combustion which is not operated as an independent combustion plant;
- (c) facilities for the regeneration of catalytic cracking catalysts;
- (d) facilities for the conversion of hydrogen sulphide into sulphur;
- (e) reactors used in the chemical industry;
- (f) coke battery furnaces;
- (g) cowpers;
- (h) any technical apparatus used in the propulsion of a vehicle, ship or aircraft;

- (i) gas turbines used on offshore platforms; and
- (j) plants powered by diesel, petrol or gas engines, irrespective of the fuel used.

(4) Where two or more separate new plants which are installed in such a way that, taking technical and economic factors into account, their waste gases could, in the opinion of the Authority, be discharged through a common stack, the combination formed shall be treated as a single unit.

Licences.

4.(1) No person shall operate a combustion plant without a licence from the Authority or other than in accordance with a licence granted to him by the Authority.

(2) A licence shall contain conditions relating to the compliance with the emission limit values laid down in Schedules 1 to 5.

Combined generation of heat and power.

5.(1) A licence shall not be granted until the Authority has received an analysis of the technical and economic feasibility of providing for the combined generation of heat and power from the applicant and the applicant has provided any further analysis that the Authority has requested.

(2) The licence conditions may require the combined generation of heat and power if—

- (a) the analysis provided under the previous sub-section confirms the technical and economic feasibility of providing for the combined generation of heat and power; and
- (b) the market and distribution situation is appropriate.

Breakdown.

6.(1) Subject to sub-section (2), a licence shall contain conditions specifying procedures to be carried out relating to malfunction or breakdown of the abatement equipment; and in particular shall provide that—

- (a) in the event of a breakdown—
 - (i) if a return to normal operation is not achieved within 24 hours, the Authority shall require the operator to reduce

or close down operations or to operate the plant using low polluting fuels;

(ii) the Authority shall be notified within 48 hours;

(b) the cumulative duration of unabated operation in any twelve month period shall not exceed 120 hours.

(2) The Authority may allow the limits of 24 hours and 120 hours specified in the previous sub-section to be exceeded where, in its judgement—

(a) there is an overriding need to maintain energy supplies; or

(b) the plant with the breakdown would be replaced for a limited period by another plant which would cause an overall increase in emissions.

Interruption of fuel supply.

7.(1) The Authority may allow a suspension for a maximum of six months from the obligation to comply with the emission limit values for sulphur dioxide provided for in a licence in respect of a plant which normally uses low-sulphur fuel, in cases where the operator is unable to comply with these limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

(2) There shall be no breach of a licence where a plant which normally uses only gaseous fuel, and which would otherwise need to be equipped with a waste gas purification facility, has to resort, exceptionally, to the use of other fuels because of a sudden interruption in the supply of gas, if-

(a) the duration of the period of the use of the other fuels does not exceed 10 days except where there is an overriding need to maintain energy supplies; and

(b) the Authority is informed of the matter immediately.

Multi-firing unit.

8.(1) In the case of a combustion plant with a multi-firing unit involving the simultaneous use of two or more fuels, the emissions limit values set in the licence shall be calculated as follows—

(a) by taking the emission limit value relevant for each individual fuel and pollutant corresponding to the rated thermal input of the combustion plant as set out in Schedules 1 to 5;

- (b) by determining fuel-weighted emission limit values which are obtained by multiplying the above individual emission limit value by the thermal input delivered by each fuel, the product of multiplication being divided by the sum of the thermal inputs delivered by all fuels; and then
- (c) by aggregating the fuel-weighted limit values.

(2) In the case of multi-firing plants using the distillation and conversion residues from crude-oil refining for own consumption, alone or with other fuels, the provisions for the fuel with the highest emission limit value (determinative fuel) shall apply, notwithstanding sub-section (1) if during the operation of the combustion plant the proportion contributed by that fuel to the sum of the thermal inputs delivered by all fuels is at least 50%.

(3) Subject to sub-section (4), in the case of combustion plants where the proportion of the determinative fuel is lower than 50%, the emission limit value shall be calculated on a pro rata basis of the heat input supplied by the individual fuels in relation to the sum of the thermal inputs delivered by all fuels as follows—

- (a) by taking the emission limit value relevant for each individual fuel and pollutant corresponding to the rated heat input of the combustion plant, as set out in Schedules 1 to 5;
- (b) by calculating the emission limit value of the determinative fuel (fuel with the highest emission limit value laid down in Schedules 1 to 5 for that fuel and, in the case of two fuels having the same emission limit value, the fuel with the higher thermal input) obtained by multiplying the emission limit value for that fuel by a factor of two, and subtracting from this product the emission limit value of the fuel with the lowest emission limit value;
- (c) by determining the fuel-weighted emission limit values, which are obtained by multiplying the calculated fuel emission limit value by the thermal input of the determinative fuel and the other individual emission limit values by the thermal input delivered by each fuel, the product of multiplication being divided by the sum of the thermal inputs delivered by all fuels; and then
- (d) by aggregating the fuel-weighted emission limit values.

(4) Subject to sub-section (5), as an alternative to the provisions of sub-section (3), an emission limit value for sulphur dioxide of 1,000 mg Nm³ may be applied, averaged over all new combustion plants forming part of a

refinery with the exception of gas turbines, irrespective of the fuel combinations used.

(5) The Authority shall direct that the alternative set out in sub-section (4) is not available if the application of that provision leads to an increase in emissions from other combustion plants.

(6) In the case of combustion plants with a multi-firing unit involving the alternative use of two or more fuels, when granting a licence, the emission limit values set out in Schedules 1 to 5 corresponding to each fuel used shall be applied.

Stacks.

9.(1) Subject to subsections (2) and (3), waste gases from combustion plants shall be discharged in a controlled fashion by means of a stack.

(2) A licence issued under this Act shall lay down the conditions as to discharge.

(3) The Authority shall, in particular, ensure that the stack height is calculated in such a way as to safeguard health and the environment.

Extensions and changes.

10.(1) Where a licence is granted to extend a combustion plant by at least 50MW, the emission limit value to be applied to the new part of the plant shall be fixed in relation to the thermal capacity of the entire plant except in the case referred to in section 8(2).

(2) Where an operator is envisaging a change in operation which, in the opinion of the Authority, may have a significant negative effect on human beings or the environment, the emission limit values laid down in Schedules 1 to 5 shall apply.

Monitoring.

11.(1) An operator shall monitor the level of emissions in accordance with the provisions of this section.

(2) The level of emissions from combustion plants and all other values required shall be measured in accordance with Schedule 6.

(3) The licensee shall inform the Authority of the results of the monitoring measurements, the checking of the measuring equipment, and the individual measurements and of all other measurements carried out in order to assess compliance with this Act.

(4) In cases where only discontinuous measurements or other appropriate procedures for determination are required the emission limit values set out in Schedules 1 to 5 shall be regarded as having been complied with if the results of each of the series of measurements or of other procedures defined and determined according to the Authority do not exceed the emission limit values.

(5) Subject to sub-section (6), emission limit values for operating hours within a calendar year shall be regarded as having been complied with if–

- (a) no validated daily average value exceeds the relevant figures set out in Schedules 1 to 5;
- (b) 95% of all the validated hourly average values over the year do not exceed 200% of the relevant figures set out in Schedules 1 to 5.

(6) For the purposes of sub-section (5)–

- (a) validated average values are determined as set out in Schedule 6, paragraphs 10 and 11; and
- (b) the periods referred to in sections 6 and 7 and start up and shut down periods are disregarded.

Capture of carbon dioxide.

11A.(1) If the conditions in subsection (2)(a) are met on the basis of the assessment referred to in subsection (2)(b), together with other available information, particularly concerning the protection of the environment and human health, the Authority shall ensure that a licence contains the condition that suitable space on the installation site for the equipment necessary to capture and compress carbon dioxide is set aside.

(2) For the purposes of subsection (1)–

- (a) the conditions are–
 - (i) the combustion plant has a rated electrical output of 300 megawatts or more
 - (ii) the original operating licence under section 4 is granted after 25 June 2011;
- (b) the operator has assessed whether–

- (i) suitable storage sites are available,
- (ii) transport facilities are technically and economically feasible;
- (iii) it is technically and economically feasible to retrofit for carbon dioxide capture.

Bordering states and Community information.

12.(1) In the event that a licence is granted under this Act for the construction of a combustion plant which is likely to have a significant effect on the environment in another member State, the Authority may direct that it shall be consulted so that it can ensure that all appropriate information is exchanged and that consultation takes place in accordance with the Town Planning (Applications) Regulations 1993.

(2) The Authority may direct any person in possession of the information required for the purpose of meeting obligations under the Directive to supply that information to the Authority for onward transmission to the European Commission.

Repeal.

13. Sections 93A to 93F of the Public Health Act are repealed.

Penalties.

14. Any person who contravenes the provisions of this Act shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.

Offences by corporations etc.

15.(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-section (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

(3) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(4) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Defences.

16. In any proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Regulations.

17. The Minister may make regulations for the purposes of implementing this Act and the Directive.

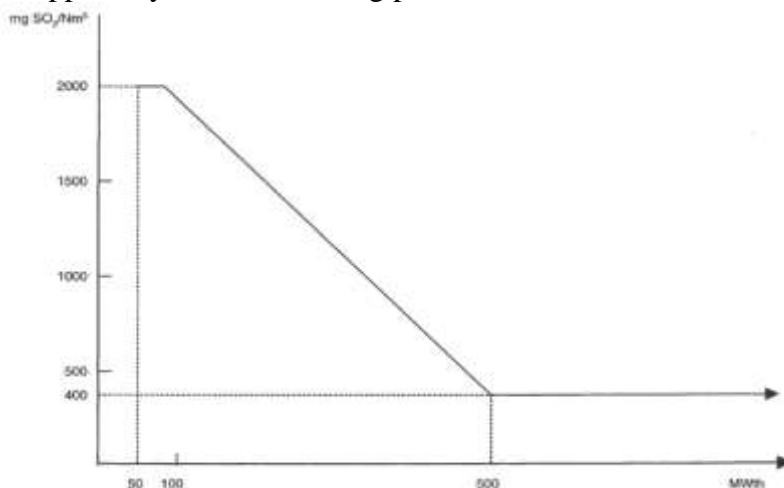
SCHEDULE 1

Sections 4(2), 8(1), (3) and (6), 10(2) and 11(4) and (5)

EMISSION LIMIT VALUES FOR SO₂

Solid fuel

A. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 6%) to be applied by new and existing plants:



NB. Where the emission limit values above cannot be met due to the characteristics of the fuel, a rate of desulphurisation of at least 60% shall be achieved in the case of plants with a rated thermal input of less than or equal to 100 MWth, 75% for plants greater than 100 MWth and less than or equal to 300 MWth and 90% for plants greater than 300 MWth. For plants greater than 500 MWth, a desulphurisation rate of at least 94% shall apply or of at least 92% where a contract for the fitting of flue gas desulphurisation or lime injection equipment has been entered into, and work on its installation has commenced, before 1 January 2001.

B. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 6%) to be applied by new plants with the exception of gas turbines:

Type of fuel	50 to 100 MWth	100 to 300 MWth	> 300 MWth
Biomass	200	200	200
General case	850	200	200

NB Where the emission limit values above cannot be met due to the characteristics of the fuel, installations shall achieve 300 mg/Nm³ SO₂,

2003-18

Revoked

Large Combustion Plants

or a rate of desulphurisation of at least 92% shall be achieved in the case of plants with a rated thermal input of less than or equal to 300 MWth and in the case of plants with a rated thermal input greater than 300 MWth a rate of desulphurisation of at least 95% together with a maximum permissible emission limit value of 400 mg/Nm³ shall apply.”.

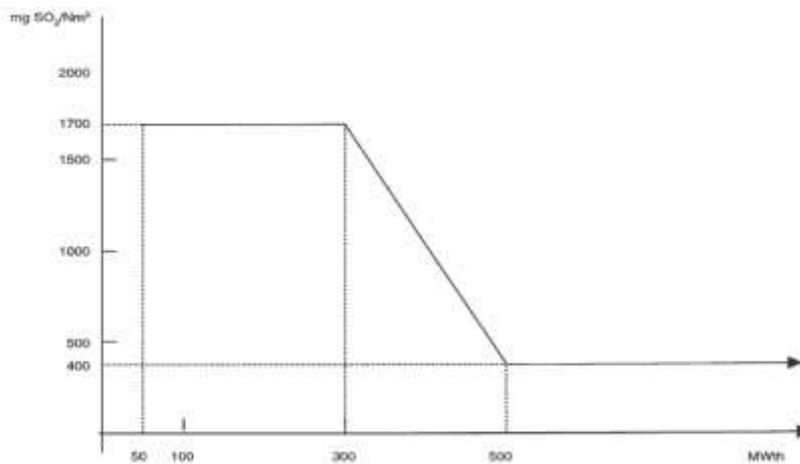
SCHEDULE 2

Sections 4(2), 8(1), (3) and (6), 10(2) and 11(4) and (5)

EMISSION LIMIT VALUES FOR SO₂

Liquid fuels

A. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 3%) to be applied by new and existing plants:



B. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 3%) to be applied by new plants with the exception of gas turbines:

50 to 100 MWth	100 to 300 MWth	> 300 MWth
850	400 to 200 (linear decrease)	200

SCHEDULE 3

Sections 4(2), 8(1), (3) and (6), 10(2) and 11(4) and (5)

EMISSION LIMIT VALUES FOR SO₂**Gaseous fuels**

A. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 3%) to be applied by new and existing plants:

Type of fuel	Limit values (mg/Nm ³)
Gaseous fuels in general	35
Liquefied gas	5
Low calorific gases from gasification of refinery residues, coke oven gas, blast-furnace gas	800
Gas from gasification of coal	(¹)

(¹) The Council will fix the emission limit values applicable to such gas at a later stage on the basis of proposals from the Commission to be made in the light of further technical experience.

B. SO₂ emission limit values expressed in mg/Nm³ (O₂ content 3%) to be applied by new plants:

Gaseous fuels in general	35
Liquefied gas	5
Low calorific gases from coke oven	400
Low caloric gases from blast furnace	200

SCHEDULE 4

Sections 4(2), 8(1), (3) and (6), 10(2) and 11(4) and (5)

EMISSION LIMIT VALUES FOR NO_x (MEASURED AS NO₂)

A. NO_x emission limit values expressed in mg/Nm³ (O₂ content 6% for solid fuels, 3% for liquid and gaseous fuels) to be applied by new and existing plants:

Type of fuel:	Limit values (mg/Nm ³)
Solid ⁽¹⁾ , ⁽²⁾ : 50 to 500 MWth: >500 MWth: From 1 January 2016 50 to 500 MWth: >500 MWth:	600 500 600 200
Liquid: 50 to 500 MWth: >500 MWth:	450 400
Gaseous: 50 to 500 MWth: >500 MWth:	300 200

⁽¹⁾ Until 31 December 2015 plants of a rated thermal input greater than 500 MW, which from 2008 onwards do not operate more than 2000 hours a year (rolling average over a period of five years), shall, in the case of plant licensed in accordance with section 4, be subject to a limit value for nitrogen oxide emissions (measured as NO₂) of 600 mg/Nm³.

From 1 January 2016 such plants, which do not operate more than 1500 hours a year (rolling average over a period of five years), shall be subject to a limit value for nitrogen oxide emissions (measured as NO₂) of 450 mg/Nm³.

⁽²⁾ Until 1 January 2018 in the case of plants that in the 12 month period ending on 1 January 2001 operated on, and continue to operate on, solid fuels whose volatile content is less than 10%, 1200 mg/Nm³ shall apply.

B. NO_x emission limit values expressed in mg/Nm³ to be applied by new plants with the exception of gas turbines:

Solid fuels (O₂ content 6%)

Type of fuel	50 to 100	100 to 300	> 300
--------------	-----------	------------	-------

	MWth	MWth	MWth
Biomass	400	300	200
General case	400	200	200

Liquid fuels (O₂ content 3%)

50 to 100 MWth	100 to 300 MWth	> 300 MWth
400	200	200

Gaseous fuels (O₂ content 3%)

	50 to 300 MWth	> 300 MWth
Natural gas (note 1)	150	100
Other gases	200	200

Gas Turbines

NO_x emission limit values expressed in mg/Nm³ (O₂ content 15%) to be applied by a single gas turbine unit (the limit values apply only above 70% load):

	> 50 MWth (thermal input at ISO conditions)
Natural gas (Note 1)	50 (Note 2)
Liquid fuels (Note 3)	120
Gaseous fuels (other than natural gas)	120

Gas turbines for emergency use that operate less than 500 hours per year are excluded from these limit values. The operator of such plants is required to submit each year to the Authority a record of such used time.

Note 1: Natural gas is naturally occurring methane with not more than 20% (by volume) of inerts and other constituents.

Note 2: 75 mg/Nm³ in the following cases, where the efficiency of the gas turbine is determined at ISO base load conditions:

- gas turbines, used in combined heat and power systems having an overall efficiency greater than 75%;

- gas turbines used in combined cycle plants having an annual average overall electrical efficiency greater than 55%;
- gas turbines for mechanical drives.

For single cycle gas turbines not falling into any of the above categories, but having an efficiency greater than 35% - determined at ISO base load conditions - the emission limit value shall be $50 \cdot \eta / 35$ where η is the gas turbine efficiency expressed as a percentage (and at ISO base load conditions).

Note 3: This emission limit value only applies to gas turbines firing light and middle distillates.”.

SCHEDULE 5

Sections 4(2), 8(1), (3) and (6), 10(2) and 11(4) and (5)

EMISSION LIMIT VALUES FOR DUST

A. Dust emission limit values expressed in mg/Nm³ (O₂ content 6% for solid fuels, 3% for liquid and gaseous fuels) to be applied by new and existing plants:

Type of fuel	Rated thermal input (MW)	Emission limit values (mg/Nm ³)
Solid	≥ 500	50 ⁽²⁾
	< 500	100
Liquid ⁽¹⁾	all plants	50
Gaseous	all plants	5 as a rule 10 for blast furnace gas 50 for gases produced by the steel industry which can be used elsewhere

⁽¹⁾ A limit value of 100 mg/Nm³ may be applied to plants with a rated thermal input of less than 500 MWth burning liquid fuel with an ash content of more than 0,06%.

⁽²⁾ A limit value of 100 mg/Nm³ may be applied to plants licensed pursuant to section 4 with a rated thermal input greater than or equal to 500 MWth burning solid fuel with a heat content of less than 5800 kJ/kg (net calorific value), a moisture content greater than 45% by weight, a combined moisture and ash content greater than 60% by weight and a calcium oxide content greater than 10%.

B. Dust emission limit values expressed in mg/Nm³ to be applied by new plants with the exception of gas turbines:

Solid fuels (O₂ content 6%)

50 to 100 MWth	> 100 MWth
50	30

Liquid fuels (O₂ content 3%)

50 to 100 MWth	> 100 MWth
50	30

Gaseous fuels (O₂ content 3%)

2003-18

Revoked

Large Combustion Plants

As a rule	5
For blast furnace gas	10
For gases produced by the steel industry which can be used elsewhere	30

SCHEDULE 6

Section 11(6)

METHODS OF MEASUREMENT OF EMISSIONS

A. Procedures for measuring and evaluating emissions from combustion plants.

1. Subject to paragraph (2), the Authority shall require continuous measurements of concentrations of SO₂, NO_x, and dust from waste gases from each combustion plant with a rated thermal input of 100 MW or more.
2. Continuous measurements are not required in the following cases—
 - (a) for combustion plants with a life span of less than 10000 operational hours;
 - (b) for SO₂ and dust from natural gas burning boilers or from gas turbines firing natural gas;
 - (c) for SO₂ from gas turbines or boilers firing oil with known sulphur content in cases where there is no desulphurisation equipment;
 - (d) for SO₂ from biomass firing boilers if the operator can prove that the SO₂ emissions can under no circumstances be higher than the prescribed emission limit values.
3. Where continuous measurements are not required, discontinuous measurements shall be required at least every six months. As an alternative, appropriate determination procedures, which must be verified and approved by the Authority, may be used to evaluate the quantity of the above mentioned pollutants present in the emissions. Such procedures shall use relevant CEN standards as soon as they are available. If CEN standards are not available ISO standards, national or international standards which will ensure the provision of data of an equivalent scientific quality shall apply.
4. In the case of plants which must comply with the desulphurisation rates fixed by Schedule 1, the requirements concerning SO₂ emission measurements established under paragraphs 1 to 3 shall apply and the sulphur content of the fuel which is introduced into the combustion plant facilities must be regularly monitored.
5. The Authority shall be informed of substantial changes in the type of fuel used or in the mode of operation of the plant and shall decide whether the

monitoring requirements laid down in paragraphs 1 to 3 are still adequate or require adaptation.

6. The continuous measurements carried out in compliance with paragraph 1 shall include the relevant process operation parameters of oxygen content, temperature, pressure and water vapour content. The continuous measurement of the water vapour content of the exhaust gases shall not be necessary, provided that the sampled exhaust gas is dried before the emissions are analysed.

7. Representative measurements, i.e. sampling and analysis, of relevant pollutants and process parameters as well as reference measurement methods to calibrate automated measurement systems shall be carried out in accordance with CEN standards as soon as they are available. If CEN standards are not available ISO standards, national or international standards which will ensure the provision of data of an equivalent scientific quality shall apply.

8. Continuous measuring systems shall be subject to control by means of parallel measurements with the reference methods at least every year.

9. The values of the 95% confidence intervals of a single measured result shall not exceed the following percentages of the emission limit values-

Sulphur dioxide	20%
Nitrogen oxides	20%
Dust	30%

10. 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 paragraph 9.

11. Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the continuous measurement system shall be invalidated. If more than ten days over a year are invalidated for such situations the Authority shall require the operator to take adequate measures to improve the reliability of the continuous monitoring system.

B. Determination of total annual emissions of combustion plants

12. Until and including 2003 the Authority shall obtain determination of the total annual emissions of SO₂ and NO_x from combustion plants. When continuous monitoring is used, the operator of the combustion plant shall add up separately for each pollutant the mass of pollutant emitted each day, on the basis of the volumetric flow rates of waste gases. Where continuous

monitoring is not in use, estimates of the total annual emissions shall be determined by the operator to the satisfaction of the Authority.

13. The Authority shall ensure that the Commission is provided with details of the total annual SO₂ and NO_x emissions of combustion plants at the same time as the communication required under paragraph 17 concerning the total annual emissions of existing plants.

14. The Authority shall establish, starting in 2004 and for each subsequent year, an inventory of SO₂, NO_x and dust emissions from all combustion plants with a rated thermal input of 50 MW or more. The Authority shall obtain for each plant operated under the control of one operator at a given location the following data—

- (a) the total annual emissions of SO₂, NO_x and dust (as total suspended particles); and
- (b) the total annual amount of energy input, related to the net calorific value, broken down in terms of the five categories of fuel: biomass, other solid fuels, liquid fuels, natural gas, other gases.

15. The Authority shall ensure that a summary of the results of the inventory that shows the emissions from refineries separately shall be made available to the Commission every three years within twelve months from the end of the three-year period considered. The yearly plant-by-plant data shall be made available if requested.

C. Determination of the total annual emissions of existing plants until and including 2003.

16. The Authority shall establish, if any combustion plants commence to operate in Gibraltar in 2003, a complete emission inventory for combustion plants covering SO₂ and NO_x:

- (a) on a plant by plant basis for plants above 300 MWth and for refineries;
- (b) on an overall basis for other combustion plants to which this Act applies.

17. The Authority shall ensure that the results of the inventory referred to in paragraph 16 are made available to the Commission in a conveniently aggregated form within nine months from the end of the year considered. The methodology used for establishing such emission inventories and the detailed base information shall be made available to the Commission at its request.

2003-18

Revoked

Large Combustion Plants
