

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3809 of 9 September, 2010

LEGAL NOTICE NO. 146 OF 2010.

INTERPRETATION AND GENERAL CLAUSES ACT

**LARGE COMBUSTION PLANTS ACT 2003 (AMENDMENT)
REGULATIONS 2010**

In exercise of the powers conferred on it by section 23(g)(ii) of the Interpretation and General Clauses Act, and of all other enabling powers, and for the purposes of further transposing into the law of Gibraltar 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, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Large Combustion Plants Act 2003 (Amendment) Regulations 2010 and come into operation on the day of publication.

Amendment to the Large Combustion Plants Act 2003.

2. The Large Combustion Plants Act 2003 (the Act) is amended in accordance with the provisions of regulations 3 to 9.

Amendment to section 2 of the Act.

3. Section 2 of the Act is amended—

(a) after the definition of “emission limit value” by inserting the following definition—

““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;” and

- (b) after the definition of “multi-firing unit” by inserting the following definition–

““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;”.

Substitution of section 9 of the Act.

4. The Act is amended by substituting the following section for section 9–

“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.”.

Substitution of Schedule 1 of the Act.

5. The Act is amended by substituting the following Schedule for Schedule 1–

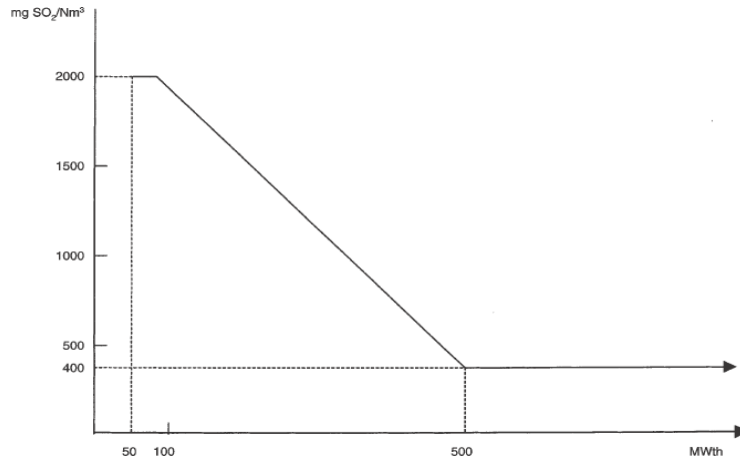
“SCHEDULE 1

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, 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.”.

Substitution of Schedule 2 of the Act.

6. The Act is amended by substituting the following Schedule for Schedule 2—

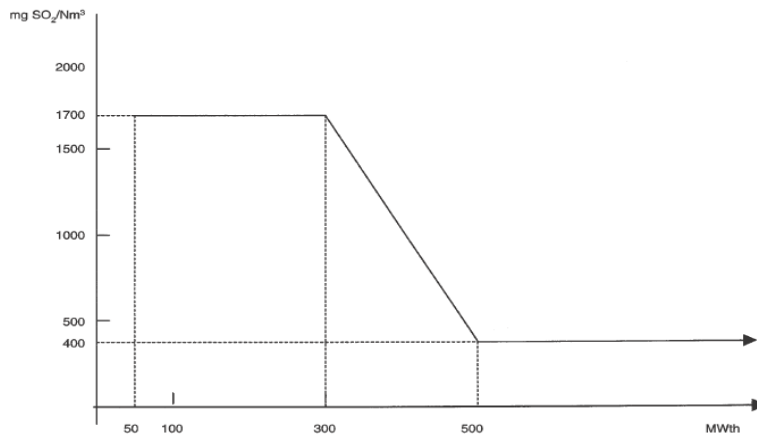
“SCHEDULE 2

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

Substitution of Schedule 3 of the Act.

7. The Act is amended by substituting the following Schedule for Schedule 3—

“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

Substitution of Schedule 4 of the Act.

8. The Act is amended by substituting the following Schedule for Schedule 4-

“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:	600
>500 MWth:	500
From 1 January 2016	
50 to 500 MWth:	600
>500 MWth:	200
Liquid:	
50 to 500 MWth:	450
>500 MWth:	400
Gaseous:	
50 to 500 MWth:	300
>500 MWth:	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 MWth	100 to 300 MWth	> 300 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.”.

Substitution of Schedule 5 of the Act.

9. The Act is amended by substituting the following Schedule for Schedule 5–

“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%)

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

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Dated 9th September, 2010.

E M BRITTO,
Minister with responsibility for the environment,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Large Combustion Plants Act 2003 in order to further transpose into the law of Gibraltar 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.

