

COVID-19 regulatory position statement

Emissions to air from Large Combustion Plant in the Transitional National Plan

Version 5 Published June 2021

Important

You need a permit under the Pollution Prevention Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to operate a Part A 1.1 combustion activity. That is an activity with a rated thermal input of 50MW or more, known as Large Combustion Plant (LCP).

From 1 July 2020, LCP currently in the Transitional National Plan (TNP) must meet emission limit values (ELVs) for emissions to air set out in Chapter III, Annex V of the Industrial Emissions Directive when the TNP ends.

Your permit includes these new Annex V ELVs as well as the ELVs you are currently required to meet until that date.

If you cannot complete the upgrade of your TNP LCP to meet the new Annex V ELVs by 1 July 2020, as a result of COVID 19 then you can continue to operate under the pre 1 July 2020 NO_x ELVs set out in table 2.2.1.2 of your permit for a further period as agreed in writing with the Chief Inspector, but not later than 31 December 2021.

You must get written agreement from the Chief Inspector of the Industrial Pollution and Radiochemical Inspectorate (IPRI) within the Northern Ireland Environment Agency (NIEA) before you use this COVID-19 RPS. Contact your site inspector or regulatory officer to get this agreement.

When this COVID-19 RPS applies

This COVID-19 RPS only applies to LCP currently in the TNP.

This COVID-19 RPS only applies when you cannot complete the upgrade of your TNP LCP because coronavirus is causing a lack of availability of:

- * Original Equipment Manufacturer equipment, for example transportation restrictions
- * contractor, engineering or manufacturing resource

You must be able to demonstrate that you have taken all reasonable steps to comply with the new Annex V ELVs by 1 July 2020. Reasonable steps include:

- * contingency planning to avoid or minimise disruption to your business because of coronavirus
- * response planning to minimise the impact and duration of not complying with your permit or licence because of coronavirus

This COVID-19 RPS does not apply to any other activity, even if it is under the same legislation. You may still need other permits or licences for other activities you carry out.

Conditions you must comply with

Before you use this COVID-19 RPS you must email the Chief Inspector with:

- * your original upgrade plan
- * details of how coronavirus has caused the delay
- * the steps you are taking to revise your upgrade plan
- * the steps you are taking to minimise emissions to the environment
- * your proposals to cap the mass emissions of oxides of nitrogen at a level equivalent to meeting the Annex V ELVs

You must continue to:

- * comply with the pre 1 July 2020 ELVs for NO_x in table 2.2.1.2 and the annual mass allowances in table 2.2.1.3 in your permit
- * monitor and report NO_x emissions against the pre 1 July 2020 ELVs in table 2.2.1.2 unless covered by another COVID-19 RPS
- * send us monthly updates to show your progress in upgrading your LCP and mass emissions of oxides of nitrogen
- * comply with all the other requirements in your environmental permit

You must keep records that show why you needed to use this COVID-19 RPS. For example, records of:

- * staff absences
- * contractors being unavailable
- * supply chain failures

You must keep these records for 3 years after this COVID-19 RPS has expired, including any extensions to it. You must make them available to the Chief Inspector on request.

Enforcement

A COVID-19 RPS means that the Chief Inspector will not normally take enforcement action against you provided:

- * your activity meets the description set out in this COVID-19 RPS
- * you comply with the conditions set out in this COVID-19 RPS
- * your activity does not, and is not likely to, cause environmental pollution or harm human health

* you have taken all reasonable steps to comply with your permit.

If you operate under this COVID-19 RPS, but think you may no longer be able to comply with its conditions, you must tell the Chief Inspector immediately.

The Chief Inspector will monitor how operators use and comply with this COVID-19 RPS through its proportionate, risk-based inspection and monitoring activity.

When to check back

This COVID-19 RPS will be withdrawn on 31 December 2021 unless we extend it. After this date you must comply with your permit including the new Annex V ELVs.

Contact the Chief Inspector (IPRI)

You must notify your IPRI site inspector and email the Chief Inspector before you use this COVID-19 RPS.

Email: ipri@daera-ni.gov.uk

Put this wording in the title of your email:

☐ Transitional National Plan COVID-19 RPS – for action

You must receive written agreement from the Chief Inspector before you use this COVID-19 RPS.

[RPS]: Regulatory position statement

[TNP]: Transitional National Plan

[LCP]: Large Combustion Plant

[ELVs]: Emission limit values