

The EU Medium Combustion Plant Directive

New Emission Controls to affect Power, Manufacturing and Real Estate Sectors

The European Medium Combustion Plant (MCP) Directive will come into force on 18 December following its official publication in the Official Journal (EU/2015/2193). It places controls on combustion plants of between 1MW and 50MW. Transposition of the MCP Directive into national laws is required by 19 December 2017. Larger plants are already regulated by the Large Combustion Plant Directive and the Industrial Emissions Directive. The MCP Directive is a further new instrument aimed at reducing air pollution in the EU from smaller scale emitters which increasingly contribute to poor air quality. In particular the Directive aims to address continued failures to meet World Health Organisation air quality standards.

The key requirements of the Directive are set out below.

Permits and Registration

Each operator of a MCP must be subject to a permit issued by the relevant national authority, or be registered with that authority.

Permitting or registration applies immediately to new MCPs. For existing MCPs, the requirements are being phased in:

- Plants over 5MW must be subject to permitting or be registered by 1 January 2024; and
- For smaller plants the deadline is 1 January 2029.

Operators also have various monitoring and reporting duties.

Emission Limit Values

MCPs will have to comply with emission limit values for SO₂, NO_x and particulates (dust). The strictest limits are placed on new MCPs from 20 December 2018. Existing plants are subject to less strict limits, again on a phased basis:

- Plants over 5 MW are subject to emission limits from 1 January 2025; and
- Smaller plants will have to comply with emission limits (generally the least strict limits of all) from 1 January 2030.

Derogations and Exceptions

Existing MCPs which operate for less than 500 hours per year (on a rolling average) can be exempted from the emission limits provided that such plants comply with a 200mg/NM₃ limit for particulates from solid fuel plants. A similar derogation applies for new plants (with a 100mg/NM₃ limit for particulates from solid fuel plant).

Additional derogations apply until 1 January 2030 for:

- Plants over 5MW where at least 50% of useful heat produced is provided to district heating systems;
- Solid biomass plant;
- Plant used to drive certain gas compressor stations; and

- Small and micro isolated systems.

Two other derogations apply in the case of low-sulphur fuel and gaseous fuel plant suffering significant interruptions to supply.

In areas where Member States are not meeting Air Quality Directive limit values, they will have to consider applying more stringent limits on MCPs.

MCP plants covered by the Large Combustion Plant Directive

The Directive is not intended to cover plants covered by the Large Combustion Plant (LCP) Directive. The LCP Directive regulates individual plants of 50MW or more (and also other smaller plant, including MCPs, which share a common stack with an LCP).

Comment

While various manufacturing and other industrial processes are specifically excluded from the requirements of the Directive, most other forms of stationary combustion plant will be covered. This may impact significantly on energy-from-waste plant and manufacturers who operate combustion plant to power or heat their facilities. The impact will also not be limited to industrial facilities. Building owners with large back-up generation or boiler plant could also be caught by the provisions. More generally, existing operators will need to keep the deadlines in mind given the need to build in sufficient time for required plant upgrades or replacement.

Contacts



Nigel Howorth
Partner

Environment & Planning
T: +44 20 7006 4076
E: first.last
@cliffordchance.com



James Shepherd
Senior Associate

Environment & Planning
T: +44 20 7006 4582
E: james.shepherd
@cliffordchance.com



Michael Coxall
Senior Professional Support Lawyer

Environment & Planning
T: +44 20 7006 4315
E: michael.coxall
@cliffordchance.com

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