



## **User Guidelines for the Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, 2018**

### **1. Introduction**

The Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, 2018 (MCP Regulations), transpose the obligations arising from Directive 2015/2193/EU on the limitations of emissions of certain pollutants into the air from medium combustion plants (MCPs). The aim of the directive, and subsequently, of the MCP Regulations, 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 MCPs by imposing an obligation to require a permit to operate a MCP and also sets emission limit values for new and existing installations. The Regulations also lay down rules to monitor emissions of carbon monoxide (CO).

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 MCP Regulations fall under the Environment Protection Act (Chapter 549 of the Laws of Malta) and consist of 19 regulations, which tackle the following:

- i. scope and aim of the regulations
- ii. definitions of terms contained therein
- iii. applicability and non-applicability of the regulations
- iv. the obligation to hold a permit and its review procedure
- v. emission limit values and exemptions to such limits
- vi. the obligations of operators of MCPs
- vii. compliance and inspections
- viii. reporting
- ix. offences, penalties and fees

The regulations also include five schedules (I-V) which form a substantive part of the legislation. Schedule I lists the information to be provided by the operator to the competent authority, Schedule II outlines the emission limit values, Schedule III relates to the monitoring of emissions and assessment of compliance, Schedule IV outlines the template for an issuing of a derogation as per regulation 12(8), and Schedule V lists the schedule of fees.

The Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, 2018, were published in the Government Gazette on the 3<sup>rd</sup> April 2018, and are available from the following link:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28999&l=1>

## 2. Sectors covered by these regulations

The MCP Regulations apply to any combustion plant with a rated thermal input (RTI) higher than 1 but less than 50 Megawatts (MW). Combustion plant is defined therein as any technical apparatus in which fuels are oxidised in order to use the heat thus generated. 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 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).

## 3. Overview of obligations

Operators of MCPs are required to obtain a permit under the MCP Regulations, the requirements and procedure of which are outlined in regulations 7 to 10 of the Regulations. 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 an RTI **less than or equal to 5MW** must obtain a permit by **1<sup>st</sup> January 2029** at the latest. **All new MCPs must obtain a permit prior to commencing operations.** Permits are to be obtained from the Environment and Resources Authority (ERA) and the relevant application form may be downloaded from era.org.mt.

Operators are also obliged to adhere to the certain **emission limit values (ELVs)**, as specified in regulations 11 and 12 and Schedule II, for the production of NO<sub>x</sub>, SO<sub>2</sub> and dust (Total Particulate Matter). These ELVs imposed vary according to whether the plant is classified as existing or new, the RTI of the plant and the type of fuel used. The ELVs must be applied from **20 December 2018 for new plants**, and by **2025 or 2030 for existing plants**, depending on their size. Certain exemptions to the ELVs are listed in regulation 12, for instance, the competent authority 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.

In case of any planned changes to the MCP which may affect the applicable emission limit values, the operator is obliged to inform the competent authority, which may amend the permit accordingly.

Operators of MCPs are required to **monitor emissions** in accordance with regulation 13 therein, including the monitoring of carbon monoxide, and to **keep a record** of such emissions and provide the necessary information to the competent authority in order to enable verification of compliance in accordance with regulation 14.

Finally, operators shall pay the applicable fees listed in regulation 19 and Schedule V of the MCP Regulations. These fees are payable to ERA in respect of permit applications including for the variation, transfer, renewal, surrender or derogation thereof.

## 4. Compliance with the regulations

ERA shall ensure compliance with the MCP Regulations in accordance with the law, and regulations 14 and 15 therein allow for the carrying out of inspections and monitoring of installations in this regard as deemed necessary. Regulations 16 to 18 contain the details relating to offences and penalties in case of noncompliance with the MCP Regulations.

#### **5. Further Information**

Individuals who require further guidance may contact ERA:

Email: [env.permitting@era.org.mt](mailto:env.permitting@era.org.mt)

Telephone: 22923690

**N.B. These Guidelines shall be considered solely as an interpretative and explanatory document, and are not intended to be an exhaustive description of the instrument nor a substitute or legislative supplement to it.**