



For the attention of Air Quality Division

Air Quality Division,
Department of Communications, Climate Action & Environment,
Newtown Road,
Wexford,
Y35 AP90.

29th September 2017

BÓC Ref: 17A0362 DCCAE

Re: Response to consultation on MCP Directive (Directive (EU) 2015/2193)

Dear sir / madam,

Byrne Ó Cléirigh is pleased to submit this document as part of the Department's consultation on the transposition of the Medium Combustion Plant (MCP) Directive in Ireland.

Our feedback is derived from decades of experience in providing advice to industry and regulatory authorities on the licensing of emissions from a wide range of industrial and combustion sources, including those regulated in Ireland under the Air Pollution Act and the Protection of the Environment Act (IPC and IE licensing). In this regard we are mindful of the imperative to strike the right balance between environmental protection and the regulatory burden imposed on operators in the industrial, institutional and commercial sectors.

Byrne Ó Cléirigh

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Our work is underpinned by deep expertise and experience of the regulatory, technical, management, commercial and financial dynamics of sustainable business in a wide range of industries. We focus on adding value - through the quality and rigour of our research and analysis, and the clarity and integrity of our recommendations.

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Consultation questions

1. Question 1: Should existing MCP operating less than 500 hours per year on a rolling 5 year average be exempted from the emission limit values? Please give reasons

We do not believe that such an exemption should apply. Because the air quality standard (AQS) for NO_x is set as a 1-hour average value and because health can be impacted by short term exposure to NO_x, the continuous operation of an MCP, even for periods of less than 500 hours could, in theory, give rise to local exceedances of the 1-hour AQS for NO_x.

The risk would depend on, *inter alia*, the scale of the MCP, the stack height, the air quality in the surrounding area, the age of the MCP and the mass emissions. It is our opinion that a case-by-case approach is warranted for MCPs operating less than 500 hours per annum, especially those in urban air quality zones that may be at risk of breaching the EU air quality standards for NO_x.

2. Question 2: Should Ireland apply the 1,000 hour exemption for interrupted power supply in islands? Please give reasons

This is justifiable on two grounds. Firstly, although the AQS for NO_x is based on a 1-hour average and health can be impacted by short term exposure (as discussed under above), continuous operation for periods approaching 1,000 hours is much less likely to give rise to local exceedances of AQS on rural islands, compared to urban areas, because of low background pollution levels. Ireland's islands are, in general, far removed from large urban areas.

Secondly, in the case of an interrupted power supply to an island, an increased risk of breaching the AQS must be considered in the context of the wider health benefits of restoring power to vulnerable communities. On this basis, we believe that the flexibility allowed under the Directive should be availed of by Ireland.

3. Question 3: Should Ireland apply the exceptionally cold weather extension to 1,000 hours? Please give reasons

On the basis that there may be an overriding health benefit in maintaining heat supply for vulnerable communities that are dependent on MCP(s) as a heat source, we believe that the flexibility allowed under the Directive should be availed of by Ireland.



4. Question 4: Should Ireland delay application of Annex II ELVs for certain plant over 5MW if it is heating public district heating networks? Please give reasons

In our view, this is not justified. Current and future district heating schemes are likely to be located in urban areas where heat load and population density make them commercially viable and these areas are most at risk of approaching, or exceeding, the AQS for NO_x.

5. Question 5: Should Ireland delay the application of Annex II dust ELVs for existing MCP firing mainly solid biomass in CAFÉ-compliant zones? Please give reasons

We believe that the delay is justified in areas where the current air quality is within the AQS set out in Directive 2008/50/EC and SI 180 of 2011.

6. Question 6: Should Ireland delay the application of Annex II ELVs for NO_x in respect of existing MCP >5 MW where that plant is used to drive gas compressor stations required for the safety and security of the national gas transmission system? Please give reasons

This should be considered on a case-by-case basis, subject to analysis using air dispersion modelling. Gas compressor stations are generally located in rural settings away from centres of population.

The continuous operation of gas compressor stations for long periods could give rise to local exceedances of the AQS depending on, *inter alia*, the scale of the emission and the height of the stack. On this basis, we believe that the flexibility allowed under the Directive should be availed of by Ireland, but should only be applied on the basis of case-by-case analysis using air dispersion modelling. Where the air quality in the environs is already known to be within the AQS for NO_x, the applying the flexibility to a specific MCP could be justified.

7. Question 7: Should Ireland exempt new MCP operating less than 500 hours per year on a rolling average over three years from ELVs, and why/ why not?

No, not as a general principal. The continuous operation of a new MCP with emissions greater than the MCP Directive ELVs for periods less than 500 hours could, in theory, give rise to local exceedances of the AQS. Therefore, we believe that a case-by-case approach is warranted, especially in areas that are close to, or in excess of, the AQS for NO_x.

The requirements of the (impending) Directive have been well known for several years. In our opinion, MCP manufacturers have had sufficient time to update their designs to meet the requirements. As a result we would expect that that the risk posed by new plants should be lower than that posed by existing plants. We would expect that new MCPs sold on the European market would be capable of meeting the Annex II ELVs for new plants.

8. Question 8. Do you agree the EPA should be the competent authority? If not, who should be the competent authority, and why?

We agree that the EPA should be the competent authority.



9. Question 9. What is an appropriate threshold for registration vs permitting for MCP, and why?

There is merit in applying a threshold of 5 MW_{TH} (input) as the point above which existing MCPs should be permitted rather than registered. This is already the threshold above which all existing plants will have to meet the ELVs in Annex II Part 1, in January 2025. Furthermore, there are separate ELVs in Annex II for existing MCPs above and below 5 MW_{TH}. Individual MCPs below 5 MW_{TH} should – all other things being equal – pose a lower risk to air quality than larger units.

In the case of new MCPs there is a single set of ELVs covering the MCP range from 1 to 50 MW_{TH}. On this basis, it is our view that all new MCPs greater than 1 MW_{TH} should be subject to a permit rather than registration.

10. Question 10. Are there any specific considerations that should be made for specific fuels used in MCP, e.g. solid fuels including biomass?

We do not have any comments on this question.

11. Question 11. Have you any other comments or observations to make in relation to MCP transposition?

An early indication of the Department's decisions on the above questions will be important, especially for any operators of combustion equipment contemplating investments in the next few years.

We trust that our feedback is of assistance to the Department during the transposition process.

Yours faithfully,

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