

S.I. No. 371/2010 — Large Combustion Plants Regulations 2010.

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Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 30th July, 2010.

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and by sections 53 and 89 of the Environmental Protection Agency Act 1992 (No. 7 of 1992) and for the purpose of giving effect to Article 33 of Council Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 2001/80/EC, hereby make the following Regulations—

Citation

1. (1) These Regulations may be cited as the Large Combustion Plants Regulations 2010.

(2) The Principal Regulations and these Regulations may be cited together as the Large Combustion Plants Regulations 2003 and 2010 and shall be construed together as one.

Entry into Force

2. These Regulations shall come into effect on 27 July 2010.

Definitions

3. In these Regulations—

“geological storage of carbon dioxide” means injection accompanied by storage of CO₂ streams in underground geological formations;

“storage site” means a defined volume area within a geological formation used for the geological storage of CO₂ and associated surface and injection facilities;

“the 1992 Act” means the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“the Agency” means the Environmental Protection Agency established under section 19 of the 1992 Act.

Assessment

4. (1) In considering an application for, and the granting of, a licence or revised licence under Part IV of the 1992 Act for a combustion plant with a rated electrical output of 300 megawatts or more, the Agency shall ensure that the applicant undertakes an assessment to determine if the following conditions are met to facilitate the capture and geological storage

of carbon dioxide:

- (a) suitable storage sites are available;
- (b) transport facilities are technically and economically feasible; and
- (c) it is technically and economically feasible to retrofit for CO₂ capture.

4. (2) If the conditions in 4(1) are met, the Agency shall ensure that suitable space on the installation site for the equipment necessary to capture and compress CO₂ is set aside. The Agency shall determine whether the conditions are met on the basis of the assessment referred to in 4(1) and other available information, particularly concerning the protection of the environment and human health.



GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government,

27 July 2010

JOHN GORMLEY,

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Article 33 of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 2001/80/EC.

This requires that all combustion plants with a rated electrical output of 300 megawatts or more for which the original planning permission or operating licence comes into effect after 26 June 2009 are assessed against a number of conditions relating to the capture and storage of carbon dioxide (CO₂), including the availability of suitable storage sites, transport facilities and the ability to retrofit for CO₂ capture.