

6.marts 2018

Fortsætter eksisterende §12-dispensation for fjernvarmeanlæg ?

Spørgsmål

Ældre fjernvarmeværker kan have en eksisterende dispensation i henhold til §12 i Bekendtgørelse om begrænsning af visse luftforurenende emissioner fra store fyringsanlæg, BEK nr. 513 af 22/05/2016. I bekendtgørelsen står, at dispensationen fra overholdelse af emissionsgrænseværdierne for SO₂, NO_x og støv i bekendtgørelsens bilag 1 gælder frem til 31. december 2022.

Der kom nye BAT-konklusioner for store fyringsanlæg den 17. august 2017, som skal være udmøntet i de berørte virksomheders miljøgodkendelser **senest** udmøntet den 17. august 2021.

Gælder dispensationen for fjernvarmeværkerne fortsat?

Svar

EU kommissionen har tidligere udsendt to spørgsmål og svar, hvoraf det fremgik, at undtagelserne for fjernvarmeanlæg gælder perioden ud, dvs. til slutningen af 2022: <http://ec.europa.eu/environment/industry/stationary/ied/faq.htm>

Miljøstyrelsen gør opmærksom på, at fjernvarmeværker med en undtagelse af SO₂, NO_x og støv skal overholde alle øvrige (relevante) BAT-konklusioner senest den 17. august 2021. Fra den 31. december 2022 skal emissionsgrænseværdier fastsat efter BAT-konklusionerne for SO₂, NO_x og støv være overholdt.

Kopi af EU kommissionens spørgsmål og svar:

IED III.3 - How should combustion plants covered by the time limited derogations under Articles 33, 34 and 35 of the IED be regulated when those derogations come to an end?

Operators of combustion plants that opt for the '**limited life time derogation**' (article 33) must declare not to operate the plant for more than 17,500 operating hours after 1 January 2016 and not beyond 31 December 2023. Such plants have the choice to stop operating after having reached the maximum number of operating hours or otherwise before that date or, if the operator intends to continue operation, to meet the emission limit values set out in Annex V, part 2 (as they will need a new permit to allow further operation).

Those combustion plants being subject to article 34 ('**small isolated system**') must, from 1 January 2020, fulfil the Emission Limit Values (ELVs) in Annex V, part 1.

Those combustion plants subject to article 35 ('**district heating plants**') must, from 1 January 2023, fulfil the ELVs set out in Annex V, part 1.

It should be noted that Annex V, part 1 includes less stringent limit values for plants operating less than 1500 hours per year as a rolling average over 5 years, while Annex V, part 2 does not include specific limit values for such plants.

IED.III.8: What is the relationship between IED Chapters II and III, in particular between the provisions of Article 15(4) providing for a general derogation from BAT conclusions, and the specific derogations applicable to large combustion plants?

- For combustion plants benefitting from the time-limited and specific derogation provisions of Articles 32 to 35, Article 15(3) does not apply for certain air pollutants and these plants are not required, for those air pollutants, to comply in addition with the conditions for the derogation set out in Article 15(4);
- Combustion plants which do not benefit from time-limited and specific derogations pursuant to the Articles 32 to 35 are obliged to meet the requirements as set out in compliance with Article 15(3). However the national authorities may in certain cases and if all conditions set out there are met grant a derogation according to Article 15(4);
- Article 18 is applicable under all derogation regimes.