

APPENDIX 1: PROPOSED CONTENTS OF AN EMISSION REDUCTION BILL

Air Quality Improvement Area

The trigger for a range of air quality measure would be the designation of an area as an ‘Air Quality Improvement Area’, where the levels of air pollution in an area exceed World Health Organisation Air Quality Guidelines. Within such an area the following provisions will apply.

Gas Boilers

The installation of boilers with a rated heat output of under 1 megawatt would be prohibited unless they comply with an emissions limit to be set by the Secretary of State. The provision would close the regulatory gap by including boilers which are not currently captured by the Medium Combustion Plant Directive. Installing or permitting the installation of a boiler in contravention of this provision would be an offence.

Non-Road Mobile Machinery

This would include mobile generators and construction equipment such as excavators. Unless the amount of NOx and PM emitted by such machinery was below a limit set by the Secretary of State or the type of machinery had been exempted, their operation within an air quality improvement area would be an offence.

Stationary Generators

The proposals would prohibit the installation of stationary generators with a rated thermal input of less than 1 megawatt unless the amount of NO_x and PM emitted was below a limit to be set by the Secretary of State. The installation of a stationary generator in contravention of this provision would be an offence.

Additionally, it is intended that, in the case of existing generators, their operation during specified periods would be prohibited, except in an emergency.

Solid Fuel Boilers

It is proposed that it would be an offence to install or permit the installation of a solid fuel boiler unless the amount of NO_X and PM emitted by the boiler were less than an amount to be set by the Secretary of State.

Combined Cooling, Heat and Power Plants

The installation of combined cooling, heat and power plants would be prohibited unless the amount of NO_X and PM emitted were less than an amount specified to be set by the Secretary of State. Installing or permitted the installation of such a plant would be an offence.

Penalties and Defences

Offences would be punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

It would be a defence to show that, where a limit is exceeded, the plant was designed, or the person reasonably believed it to have been designed, to comply with the NO_X or PM limit, it had not been modified other than in accordance with the manufacturers' instructions and it had been properly maintained.

Stationary Idling

It is proposed to increase the penalty for stationary idling of a vehicle from £20 to £100.

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