

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 2956

26 January 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

CONSULTATION ON THE DRAFT AMENDMENTS TO THE WASTE TYRE REGULATIONS, 2017

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 69(1)(b), (e) and (ee), 72 and 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), give notice of my intention to amend the Waste Tyre Regulations, 2017, published under Government Notice R.1064, in Government Gazette 41157, on 29 September 2017, as set out in the Schedule hereto.

Members of the public are invited to submit, within thirty (30) days of publication of this notice in the Government Gazette, written representations or objections to the proposed amendments to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
Private Bag X447
PRETORIA
0001

By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083

By email at: jsibande@dffe.gov.za.

Any enquiries in connection with the draft Notice can be directed to Mr Jeremia Sibande at Tel.: 012 399 9832

The draft Notice can also be accessed at <http://sawic.environment.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates—
 - “**the Regulations**” means the National Environmental Management: Waste Act: Waste Tyre Regulations, 2017, published under Government Notice R.1064, in *Government Gazette* 41157, on 29 September 2017; and
 - “**the Act**” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by –
 - (a) the insertion, after the definition of “**collection points**”, of the following definitions:
 - “**Implementer(s)**” means a registered company, appointed by the Waste Management Bureau in terms of a valid Memorandum of Agreement, for the purpose of implementing the Industry Waste Tyre Management Plan;
 - “**Industry Advisory Committee**” means the Committee established in terms of regulation 11A of these Regulations;
 - “**legacy stockpile**” means a waste tyre stockpile which was in existence on or before 30 November 2012;
 - (b) the insertion, after the definition of “**micro -collector**” of the following definitions:
 - “**micro-depot**” means a facility with the capacity to store more than 100m² of waste tyre that is registered with the competent authority and being smaller than 500m² that is used by micro collectors for storage of waste tyres;
 - “**micro-depot operator**” means a person or entity responsible for the operation of a micro-depot;
 - (c) the insertion, after the definition of “**pre-processing**” of the following definition:
 - “**processing**” means waste tyre reuse, recycling, and recovery that involves the conversion of waste tyres into materials that can be used to create new products;
 - (d) the substitution of the definition of “**waste tyre management plan**” with the following definition:
 - “**waste tyre management plan**” means an industry waste management plan for the waste stream of waste tyres as contemplated in section 28 or 29 of the Act, which has been approved by the Minister and published in the Gazette;
 - (e) the insertion, after the definition of “**waste tyre management plan**” of the following definition:
 - “**waste tyre processor**” means a registered person or facility that is engaged in the reuse, recycling, or recovery of waste tyres;
 - (f) the insertion, after the definition of “**waste tyre**” of the following definitions:
 - “**waste tyre export permit**” means an authorisation issued by the Minister in writing for the export of waste tyres in whatever form;
 - “**waste tyre depot operator**” means a registered person or entity responsible for the operation of a facility that is used for the temporary storage of waste tyres;
 - (g) the deletion after the definition of “**waste tyre stockpile owner**”, of the following definition:
 - “**waste tyre processor**” means a person or facility that is engaged in the commercial re-use, recycling or recovery of waste tyres;
 - (h) the substitution for the definition of “**waste tyre stockpile abatement plan**” of the following definition:
 - “**waste tyre stockpile abatement plan**” means a plan, prepared by a legacy stockpile owner, indicating the manner and timeframe in which the stockpile will be removed;
 - (i) the insertion, after the definition of “**waste tyre stockpile owner**” of the following definition:

“waste tyre storage site owner.” means the owner, possessor, or the person in control of a waste tyre storage site; and

- (j) the substitution for the definition of **“waste tyre transporter”** of the following definition:
“waste tyre transporter” means a registered person who conveys or transports waste tyres between any of the following: a producer, a micro depot, a depot, a tyre dealer, a collection point, or a waste tyre processor.

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is hereby amended by the substitution for regulation 4, of the following regulation:

“4. Prohibitions

- (1) No person may –
- (a) manage waste tyres in a manner which does not comply with these Regulations;
 - (b) recover or dispose of a waste tyre in a manner that is likely to cause pollution of the environment or harm to health and well-being;
 - (c) dispose of a waste tyre at a waste disposal facility;
 - (d) recover any financial contribution in terms of a waste tyre management plan from
 - (e) subscriber to the plan, unless authorised by law; or
 - (f) export waste tyres in whatever form unless the exportation of such waste tyres is authorised by the Minister in writing.
- (2) A waste tyre transporter may not sell waste tyres to third parties, and may only collect mutilated tyres from collection points.”

Amendment of regulation 5 of the Regulations

4. Regulation 5 of the Regulations is hereby amended by the addition after paragraph (j) in subregulation (1), of the following paragraphs:

“(k) A micro-depot operator.”

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is hereby amended by:
- (a) the substitution above regulation 6 for the words **“PART 2”**, of the words **“PART 3”**;
 - (b) the addition after subregulation 6(3), of the following regulation:
“6A All tyre producers must on a quarterly basis, at the same time that their declarations are submitted to the South African Revenue Service, submit to the Bureau the very same declaration in respect of the quantity and types of tyres produced or imported.”

Amendment of regulation 7 of the Regulations

6. Regulation 7 of the Regulations is hereby amended by:
- (a) the substitution above regulation 7 for the words **“PART 3”**, of the words **“PART 4”**;
 - (b) the substitution for subregulations (1) and (2), of the following subregulations:
“(1) A legacy stockpile owner who had not already submitted a waste tyre stockpile abatement plan in terms of the repealed Regulations contemplated in regulation 13(a), must submit such a plan to the Minister for approval.”
“(2) A legacy stockpile owner may not add to the stockpile after the commencement of these Regulations.”
 - (c) The substitution for subregulation (3)(h) of the following subregulation:
“(h) identify the waste tyre processor who will accept the waste tyres;”
 - (d) The substitution for subregulation (3)(j) of the following subregulation:

- “(j) be accompanied by copies of agreements with waste tyre processors, which indicate their acceptance of the waste tyres and of the financial arrangements made; and”
- (e) the addition after subregulation (3), of the following subregulation:
 - “(4) A legacy stockpile owner may not sell tyres, unless this is part of the approved waste tyre stockpile abatement plan.”.

Amendment of regulation 10 of the Regulations

7. Regulation 10 of the Regulations is hereby amended by –

- (a) The substitution for subregulation (2) of the following subregulation:
 - “(2) Any other waste tyre storage area must not exceed 50 000m².”;
- (b) The substitution for subregulation (3) of the following subregulation:
 - “(3) A waste tyre storage plan must be developed by a waste tyre depot operator;”
- (c) The substitution for paragraph (c) of subregulation 4 of the following paragraph:
 - “(c) made available on request to an official of the national or provincial department responsible for environmental affairs, to an official of the municipality or to an official of the Bureau.”;
- (d) The addition after subregulation (7), of the following subregulation:
 - “(8) Tyre dealers, the implementer(s) of a waste tyre management plan or the Bureau, may temporarily store waste tyres at licenced waste disposal sites identified and approved by the Bureau, provided that the waste disposal site is licensed for this purpose.”.

Insertion of regulation 10A

8. The following regulations are inserted after Regulation 10:

“10A. Reporting and keeping of records

- (1) A depot operator must keep records on a daily basis of the number and types of tyres entering and exiting the depot and the number and types of tyres temporarily stored in the depot;
- (2) A depot operator must report on a monthly basis to the Bureau on the number and types of tyres entering and exiting the depot and on the number and types of tyres temporarily stored in the depot in the format requested by the Bureau from time to time;
- (3) A depot operator must report to the Bureau on a monthly basis on all tyres pre-processed in the format requested by the Bureau from time to time.
- (4) A processor must report to the Bureau on a monthly basis on the amount of waste tyres processed in the format requested by the Bureau from time to time.
- (5) A holder of a waste tyre export permit issued, must report to the Bureau on a monthly basis in the format requested by the Bureau from time to time, on all waste tyres, in whatever form, that were exported, the destination thereof, and for what purpose they are being used for.”

Amendment of regulation 11 of the Regulations

9. Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (1)(a) of the following subregulation:

- (1) A person is guilty of an offence if that person contravenes or fails to comply with-
 - (a) A provision of regulations 4, 5, 6, 6A, 7(1), 7(2), 7(4), 9(5), 10(1) to (4), (6), and 7, 10A or”

Insertion of regulation 11A of the Regulations

10. The following regulation is inserted after regulation 11:

“11A. Industry Advisory Committee

- (1) The Bureau must establish an Industry Advisory Committee upon approval of the Waste Tyre Management Plan to support the implementation of the plan.

- (2) The Industry Advisory Committee's role is advisory in nature and its advice must be considered by the Implementer(s) and the Bureau.
- (3) The Industry Advisory Committee must collaborate with the Implementer(s) to ensure the effective management of waste tyres in line with the objectives of the Waste Tyre Management Plan and the achievement of its targets.
- (4) Members of the Industry Advisory Committee may include representatives of, but are not limited to the following organisations:
 - (a) Tyre Importers Association of South Africa (TIASA);
 - (b) Retail Motor Industry (RMI);
 - (c) Tyre, Equipment, Parts Association (TEPA);
 - (d) South African Tyre Manufacturers Conference (SATMC);
 - (e) Black Business Council (BBC);
 - (f) Business Unity South Africa (BUSA);
 - (g) Department of Small Business Development (DSBD);
 - (h) National Treasury;
 - (i) SALGA (South African Local Government Association);
 - (j) RASA (Recycling Association of South Africa);
 - (k) Waste tyre processing companies in the form of an association;
 - (l) Micro-collectors in the form of an association; and
 - (m) Waste RDI Roadmap Implementation Unit (WRIU) from the Department of Science and Innovation.
- (5) The role of the Industry Advisory Committee is to:
 - (a) serve as a communication platform between members organisations and the Implementer(s);
 - (b) provide advice and guidance to the Implementer(s) on the functioning and operations of the waste tyre and waste tyre processing industry;
 - (c) provide input into the business plan of the Implementer(s) to the Bureau to secure budgetary allocation for the implementation of the Waste Tyre Management Plan;
 - (d) contribute to solutions to overcome challenges experienced during the implementation of the Waste Tyre Management Plan;
 - (e) share knowledge and information with the Implementer(s) as and when required; and
 - (f) review progress reports before they are submitted to the Bureau by the Implementer(s)."

Amendment of regulation 12 of the Regulations

11. Regulation 12 of the Regulations is hereby amended by the substitution for regulation 12 of the following regulation:

"12. Arrangements in the event that a waste tyre management plan expires, is withdrawn, or is terminated, or is not in operation, or there is no implementer to implement a waste tyre management plan.

- (1) In the event that a waste tyre management plan expires, or is withdrawn, or is terminated for whatsoever reason, or is not in operation, or at the time there exists no other feasible industry waste tyre management plan in terms of section 28 or 29 of the Actf, or there is no Implementer appointed or in existence to implement the waste tyre management plan, or is willing or capable to implement the waste tyre management plan —
 - (a) the Bureau will be responsible to facilitate, supervise, control and manage waste tyres for the interim period until a new industry waste tyre management plan is approved in terms of sections 28 or 29 of the Act, or the industry waste tyre management plan commenced, or an Implementer(s) is available to take over the implementation of the plan.; and

- (b) the Bureau may, in accordance with the provisions of these Regulations and in facilitating, supervising and controlling the management of the waste tyres, issue instructions in writing for the management of waste tyres on such terms and conditions, which instructions must be complied with within the time frame stated in such instruction.
- (2) All persons that were registered with the waste tyre management plan upon the expiry, withdrawal or termination thereof, or when there is no Implementer(s) appointed or in existence to implement the waste tyre management plan, or is willing or capable to implement the waste tyre management plan, must in the interim register with the Bureau.
- (3) The Bureau must establish an Interim Industry Advisory Committee with all affected industry to deal with governance and operational matters pertaining to the management of waste tyres during this transitional period until a new industry waste tyre management plan is approved in terms of section 28 or 29 of the Act, or the industry waste tyre management plan commenced, or an Implementer(s) is available to take over the implementation of the plan."