



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10670

Regulasiekoerant

Vol. 618

2 December
Desember 2016

No. 40470

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ISSN 1682-5843



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 1493

02 DECEMBER 2016

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

AMENDMENTS TO THE WASTE TYRE REGULATIONS, 2009

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby amend the Waste Tyre Regulations, 2009, in terms of section 69(1)(b) and (ee) read with section 80(2) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

General Explanatory Note:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definition

1. In these regulations "the Regulations" means the Waste Tyre Regulations, 2009, published under Government Notice No. R.149 of 13 February 2009.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

- (a) by the substitution for the definition of "Act" of the following definition:

" **the Act**" means the **[Environment Conservation Act, 1989 (Act No. 73 of 1989)]** National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);;

- (b) by the deletion of the definitions of "Minister", "recovery", "recycle", "re-use" and "temporary storage";

- (c) by the insertion after the definition of "part worn tyre" of the following definitions:

" **party to the plan**" means a person who is required to produce a plan in terms of these regulations and is registered with the plan;

"**plan**" means an industry waste management plan;"; and

- (d) by the substitution for the definition of "tyre" of the following definition:

" **tyre**" means a continuous **[pneumatic]** covering made of natural rubber or synthetic rubber or a combination of natural and synthetic rubber encircling a wheel, whether new, used or retreaded, excluding tyres from motorcycles, bicycles and tricycles;."

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is hereby amended by the substitution for paragraph (d) of the following paragraph:

"(d) dispose of a waste tyre at a waste disposal facility **[two years from the date of the commencement of these regulations unless such a waste tyre has been cut into quarters, and no quartered waste tyres may be disposed 5 years from the date of promulgation of these regulations unless such waste tyres have been shredded, excluding in both instances bicycle tyres and tyres with an outside diameter above 1400mm and tyres used as engineering material].**"

Amendment of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is hereby amended by the substitution for subregulations (4) and (6) of the following subregulations:

“(4) A tyre producer commencing business after the commencement of these regulations shall not begin operations without **[an integrated industry waste tyre management plan approved by the Minister or without]** providing written confirmation to the **[Minister]** Minister of acceptance into an existing integrated industry waste tyre management plan approved by the Minister.

(6) A tyre producer must **[inform]** notify the Minister in writing if they deregister from an integrated industry waste tyre management plan **[120]** 30 days prior to deregistering and must submit proof of registration to an alternative approved plan in the same notification.”.

Amendment of regulation 8 of the Regulations

5. Regulation 8 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

“(b) the waste tyre stockpile owner must display the registration number on all trading documentation relating to waste tyres.”.

Amendment of regulation 9 of the Regulations

6. Regulation 9 of the Regulations is hereby amended—

(a) by correcting the numbering of the paragraph, immediately after paragraph (h) in subregulation (1), by substituting (j) for (i);

(b) by the substitution for paragraph (j) of subregulation (1) of the following paragraph:

“(j) provide estimations of the costs of implementing the waste tyre management plan for the first five years **[and the manner in which the activities of the waste tyre management plan will be financed.]**”;

(c) by the insertion in subregulation (1) after paragraph (j) of the following paragraphs:

“(jA) be aligned to the pricing strategy for waste management charges;

(jB) provide targets for waste minimisation through the reduction, re-use, recycling and recovery for the next five years;

(jC) provide estimates of revenue that will be generated through the reduction, re-use, recycling and recovery for the next five years;”;

(d) by the deletion of paragraph (k) of subregulation (1); and

(e) by the substitution for paragraphs (m), (n) and (o) of subregulation (1) of the following paragraphs:

- “(m) provide **[details]** detailed [how] measures on how the integrated industry waste tyre management plan will address issues of social responsibility in the industry and issues of historically disadvantaged communities;
- (n) provide **[details of the manner]** specific measures in which [previously] historically disadvantaged individuals will [be integrated into] meaningfully participate in the industry and the implementation of the integrated industry waste tyre management plan;
- (o) **[indicate how]** provide specific targets on job creation, training and development, including the meaningful participation of the historically disadvantaged individuals that will be realised in the industry;”.

Amendment of regulation 10 of the Regulations

7. Regulation 10 of the Regulations is hereby amended by the insertion after subregulation (1) of the following subregulations:

“(1A) The steps contemplated in subregulation (1) must include—

- (a) the publication of a notice in at least two newspapers distributed nationally;
- (b) the distribution of the proposed integrated industry waste tyre management plan to all known stakeholders; and
- (c) any other reasonable means to enable the persons to submit written representations or objections to the proposed integrated industry waste tyre management plan.

(1B) the notice contemplated in subregulation (1A)(a) must include—

- (a) a provision for submission of representations or objections with a period not less than 30 days;
- (b) details of a person who developed the plan;
- (c) details where copies of the plan can be obtained; and
- (d) details where written representations or objections must be submitted.”.

Amendment of regulation 11 of the Regulations

8. Regulation 11 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

“(2) An integrated industry waste tyre management plan that has been rejected in terms of subregulation (1)(d) **[must]** may be amended and resubmitted to the Minister within the timeframe indicated by the Minister.”; and

- (b) by the insertion after subregulation (2) of the following subregulation:

“(2A) The Minister may not consider an integrated industry waste tyre management plan—

- (a) if resubmitted more than once; or
- (b) after failure to resubmit the amended integrated industry waste tyre management plan within the specified timeframe.”.

Amendment of regulation 12 of the Regulations

9. Regulation 12 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) The Minister must publish the revised integrated industry waste tyre management plan in the *Government Gazette* for a period of 30 days for comments.”.

Amendment of regulation 13 of the Regulations

10. Regulation 13 of the Regulations is hereby amended by the substitution for paragraphs (j) and (k) of subregulation (1) of the following paragraphs:

- “(j) be accompanied by copies of agreements with integrated industry waste tyre management plans or waste tyre processors, which indicate [indicating] their acceptance of the waste tyres and [agreement] of the financial arrangements made; and
- (k) **[measures that will put in place to]** meet the storage requirements **[relevant to these regulations and the time frames for implementation]** contemplated in regulation 16 of these Regulations.”.

Amendment of regulation 15 of the Regulations

11. Regulation 15 of the Regulations is hereby amended by the insertion after subregulation (2) of the following subregulations:

“(2A) The Minister may not consider a waste tyre stockpile abatement plan—

- (a) if resubmitted more than once; or
- (b) after failure to resubmit the amended waste tyre stockpile abatement plan within the specified timeframe.”.

Amendment of regulation 16 of the Regulations

12. Regulation 16 of the Regulations is hereby amended—

(a) by the substitution for subregulation (3) of the following subregulation:

“(3) A waste tyre storage **[area]** plan must be developed by the **[tyre dealer,]** waste tyre processor and waste tyre storage site owner and submitted to the Minister for approval.”

(b) by the substitution for subregulation (4) of the following subregulation:

“(4) The waste tyre storage plan must be **[approved by the municipality fire department and must be available on site at all times.]**—

(a) submitted to the relevant Chief Fire Officer of the municipality for endorsement prior to being submitted to the Minister for approval;

(b) available on site at all times;

(c) made available on request to an official of the national or provincial departments responsible for environmental affairs or the municipality.”

(c) by the insertion after subregulation (4) of the following subregulation:

“(4A) If the Chief Fire Officer referred to in subregulation (4) has not made a decision within 60 days of receipt of the request for endorsement, the waste tyre storage plan must be regarded as having been endorsed by him or her.”

(d) by the deletion of subregulations (5);

(e) by the insertion after paragraph (c) in subregulation (6) of the following paragraph:

“(cA) a person designated to manage the site must ensure the site is secured and no unauthorized person can access the site.”

Amendment of regulation 17 of the Regulations

13. Regulation 17 of the Regulations is hereby amended—

(a) by the substitution for paragraphs (a) and (b) of subregulation (1) of the following paragraphs:

“(a) a provision of regulations 4, 6, 7, 8, 11**[(2) and]** (5), 12(1) **[and (2)]**, 15(2), (4) and (5), 16(1), (2), (3), (4), (6) and (7); or

(b) an approved integrated industry waste tyre management plan; or”;

(b) by the substitution for subregulation (2) of the following subregulation:

“(2) A person is liable on conviction of an offence in terms of subregulation (1) to— **[a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of anything in respect of which the offence was committed]**

(a) imprisonment for a period not exceeding 15 years;

(b) an appropriate fine; or

(c) both such fine and imprisonment.”;

(c) by the deletion of subregulation (3).

Transitional provision

14. From 1 February 2017, no person may in terms of an existing approved integrated industry waste tyre management plan, collect a financial contribution from a party to the plan as envisaged by the repealed regulation 9(1)(k), unless the payment of the financial contribution was due to be paid before that date.

Short title and commencement

15. These Regulations are called Amendments to the Waste Tyre Regulations, 2016 and will enter into force on the date of publication in the *Gazette*.

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065