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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4541 **20 March 2024**

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

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) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), amend the Waste Tyre Regulations, 2017, published under Government Notice R.1064, in Government *Gazette* No 41157 on 29 September 2017, as set out in the Schedule hereto.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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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* No. 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:
"depot" means a waste tyre storage site where waste tyres in any form are stored, which storage site covers an area greater than 500m^2 but smaller than 60 000 m^2, where pre-processing of waste tyres may be conducted;
"depot operator" means a person or entity that is the responsible for the operation and management of a depot;
"Incentive Evaluation Committee" means the committee established in terms of an approved Industry Waste Tyre Management Plan to advise, support and assist the Bureau in the exercise of its objects and functions in respect of incentives contemplated in section 34D and 34E of the Act, and "IEC" has a corresponding meaning;
"Industry Advisory Committee" means the committee established in terms of regulation 11A of these Regulations, and "IAC" has a corresponding meaning;
"**Industry Waste Tyre Management Plan**" means an Industry Waste Management Plan approved by the Minister in terms of section 28 or 29 of the Act for the management of waste tyres and published in the Gazette, and "IndWTMP" and "waste tyre management plan", have a corresponding meaning;
"Implementer" means a company incorporated in terms of the law of South Africa, appointed by the Bureau in terms of a valid contract, for the purpose of implementing an Industry Waste Tyre Management Plan, and "Implementers" has a corresponding meaning;
"legacy stockpile" means a waste tyre stockpile which was in existence on or before 30 November 2012, and "waste tyre stockpile" will have a corresponding meaning;
"legacy stockpile owner" means the owner, possessor or person in control of the legacy stockpile site, or the waste tyres therein;

(b) the insertion, after the definition of **"micro -collector"** of the following definitions:
"micro-depot" means a facility that is smaller than 500m^2 with the capacity to store more than 100m^2 of waste tyres, that is used for the temporary storage, sorting and/or baling of waste tyres, but excludes a depot;
"micro-depot operator" means a person or entity that is responsible for the operation of a micro-depot;
"Micro-Project Manager" means a person or entity appointed by the Bureau to recruit and manage Micro-collectors, Micro-depots and Micro-depot Operators;

(c) the substitution of the definition of **"pre-processing"** with the following definition:
"pre-processing" means pre-treatment of waste tyres to make the waste tyres suitable for transportation or for a specified treatment or processing option, inclusive of baling, cutting (downsizing), shredding or debeading, and excludes sorting;

(d) the insertion, after the definition of **"pre-processing"** of the following definitions:
"processing" means the reuse, recycling, and recovery of waste tyres, inclusive of but not limited to the conversion of waste tyres into materials that can be used to create new products;
"processor" means an entity that is engaged in the reuse, recycling, or recovery of waste tyres;
(e) the deletion of the definition of "**waste tyre management plan**";
(f) the insertion, after the definition of **"waste tyre"** of the following definition:
"waste tyre export permit" means an authorisation issued by the Minister in terms of regulation 4(e) in writing for the export of waste tyres in whatever form;
(g) the substitution for the definition of "**waste tyre stockpile abatement plan**" of the following definition:
"waste tyre stockpile abatement plan" means an approved plan prepared by a legacy stockpile owner, indicating the manner and timeframe in which the waste tyres accumulated in the legacy stockpile will be removed;
(h) the deletion of the definition of "**waste tyre stockpile**";
(i) the deletion of the definition of "**waste tyre stockpile owner**";
(j) the deletion of the definition of "**waste tyre processor**";
and
(k) the substitution for the definition of **"waste tyre transporter"** of the following definition:
"transporter" means a person or entity that conveys or transports waste tyres between any of the following: a tyre producer, a micro-depot, a depot, a tyre dealer, a collection point, or a 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 a subscriber to the plan, unless authorised by law;
(e) export waste tyres in whatever form unless the exportation of such waste tyres is authorised by the Minister in writing; or
(f) collect or remove from a collection point any waste tyres, unless that person is either a transporter registered with the Bureau or a person otherwise authorised by the Bureau and/or an Implementer, as the case may be, to do so.
(2) A transporter may not sell waste tyres to third parties, and may only collect mutilated tyres, unless otherwise directed by the Bureau.

Insertion of regulation 4A

4. The following regulation is inserted after Regulation 4:

"Duty to mutilate.
4A. A person in control of a collection point and a micro-depot operator must mutilate all waste tyres with a load index of 121 or less in his or her possession or control, or must cause such waste tyres to be mutilated, which includes, but is not limited to -
(a) the cutting of the bead of a waste tyre in two places;
(b) punching a hole with a minimum diameter of 50mm in the sidewall thereof; or
(c) making a cut of at least 100mm in the sidewall thereof."

Amendment of regulation 5 of the Regulations

5. Regulation 5 is hereby amended by the substitution for regulation 5, of the following regulation:

"5. Registration – (1) The following persons or entities who are not yet registered with the Bureau, must register with the Bureau in a format specified by the Bureau, within 30 days after the commencement of these Regulations:
(a) A tyre producer;
(b) A tyre dealer;
(c) A person in control of a collection point;
(d) A micro-collector;
(e) A micro-depot operator;
(f) A Micro-project Manager;
(g) An Implementer;
(h) A transporter;
(i) A depot operator;
(j) A processor; and
(k) A legacy stockpile owner."

Amendment of regulation 6 of the Regulations

6. 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**".

Amendment of regulation 7 of the Regulations

7. 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 within 90 days from the commencement of these Regulations submit such a plan to the Minister for approval."
"(2) A legacy stockpile owner may not add to a legacy stockpile.";

(c) The substitution for subregulation (3)(h) of the following subregulation:

"(h) identify the transporter who will collect the waste tyres and the processor/s 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 transporters and 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 waste tyres, unless the sale is authorised in terms of an approved waste tyre stockpile abatement plan."

Amendment of regulation 9 of the Regulations

8. Regulation 9 of the Regulations is hereby amended by–

(a) The deletion of subregulation (6).

Amendment of regulation 10 of the Regulations

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

(a) The substitution for subregulation (1) of the following subregulation:

"(1) The waste tyre storage area for a tyre dealer and a micro-depot must not exceed 500m^2."

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

"(2) The waste tyre storage area of a depot, or a processor if waste tyres are stored on-site by that processor, must not exceed 60 000m^2.";

(c) The substitution for subregulation (3) of the following subregulation:

"(3) A waste tyre storage plan in respect of any area where waste tyres are stored must be developed and complied with by–
(a) the Micro-Project Manager in respect the micro-depots managed by such Micro-Project Manager;
(b) the depot operator in respect of the depot/s managed by such depot operator;
(c) the processor, if waste tyres are stored on-site by that processor; and
(d) persons in control of collection points.

(d) 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.";

(e) The addition after subregulation (7), of the following subregulation:

"(8) Tyre dealers, processors, the Implementer(s) or the Bureau, may temporarily and on such conditions as the Bureau may determine, store waste tyres at licenced waste disposal sites identified and approved in writing by the Bureau, provided that the relevant waste disposal site is licensed for this purpose."

Amendment of regulation 11 of the Regulations

10. Regulation 11 of the Regulations is hereby amended by–

(a) the substitution for subregulations (1)(a) and (1)(c) of the following subregulations:

(1) A person is guilty of an offence if that person contravenes or fails to comply with-
(a) A provision of regulations 4, 4A, 5, 6, 7(1), 7(2), 7(4), 9(5), 10(1) to (4), (6), and (7), or"
(c) an approved waste tyre stockpile abatement plan; or

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

(2) Any person who commits an offence in terms of regulation 11(1) is liable on conviction to imprisonment for a period not exceeding five years or a fine not exceeding five million rand, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

Insertion of regulation 11A of the Regulations

11. The following regulation is inserted after regulation 11:

"**11A. Industry Advisory Committee**

(1) The Minister may establish an Industry Advisory Committee upon approval of an Industry 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) Department of Science and Innovation;
(i) Department of Trade, Industry and Competition;
(j) Waste Tyre Management Forum;
(k) Minerals Council South Africa;
(l) National Treasury;

(m) South African Local Government Association (SALGA);
(n) Recycling Association of South Africa RASA;
(o) Waste tyre processing companies in the form of an association;
(p) Micro-collectors in the form of an association; and
(q) Waste RDI Roadmap Implementation Unit (WRIU) from the Department of Science and Innovation.

Amendment of regulation 12 of the Regulations

12. 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, to manage waste tyres —

(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 an approved industry waste tyre management plan commences, or an Implementer(s) is appointed to take over the implementation of an approved industry waste tyre management plan; and

(b) the Bureau may, in accordance with the provisions of these Regulations and in facilitating, supervising and controlling the management of waste tyres, issue instructions in writing to set out terms and conditions for the management of waste tyres, which instructions must be complied with, within the timeframe stated in such instruction.

(2) The Bureau may 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 another industry waste tyre management plan is approved in terms of section 28 or 29 of the Act, or an approved industry waste tyre management plan commenced, or an Implementer(s) is appointed to implement an approved industry waste tyre management plan."

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