
GOVERNMENT NOTICE

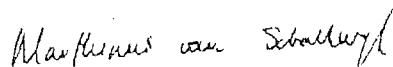
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R.149

13 February 2009

ENVIRONMENT CONSERVATION ACT, 1989
WASTE TYRE REGULATIONS, 2008

I, Marthinus Christoffel Johannes Van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby make the regulations pertaining to the management of waste tyres under section 24B of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as set out in the schedule.



MARTHINUS VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

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PART 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the context otherwise indicates—

"the Act" means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

"Minister" means the Minister of Environmental Affairs and Tourism;

"legacy waste tyre stockpile" means a waste tyre stockpile that existed before the promulgation of these regulations;

"load index" means the international code imprinted on the side of a tyre that indicates the load, or weight, that the tyre can carry at its maximum design pressure;

"part worn tyre" means a used tyre that conforms to the Road Traffic Act and can be safely returned to its original intended use;

"recovery" means the controlled extraction of a material or the retrieval of energy from waste tyres;

"recycle" means the separation and processing of materials from waste tyres for further use as new products or resources;

"retreadable casing" means the structural part of a used tyre that may or may not have residual tread depth for further road use and when subjected to inspection of the structural soundness of the casing, can be reprocessed by vulcanising new tread to the casing and can then be safely returned to its original intended use;

"re-use" means the utilisation of waste tyres, in whole or in part, without changing the composition of the waste tyre;

"temporary storage" means the storage of waste tyres for a period not exceeding 2 years from date of promulgation;

"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;

"tyre dealer" means any person or entity that distributes, or otherwise deals commercially in tyres;

"tyre producer" means any person or institution engaged in the commercial manufacture or import of tyres and retreadable casings, and the import of vehicles fitted with tyres for distribution in South Africa;

"vehicle" means any motorized or towed mode of transport or implement fitted with tyres;

"waste tyre" means a new, used, retreaded, or un-roadworthy tyre, not suitable to be retreaded, repaired, or sold as a part worn tyre and not fit for its original intended use;

"waste tyre storage site" means a facility that is used for the temporary storage of waste tyres;

"waste tyre stockpile abatement plan" means a plan, prepared by a person or entity who has a waste tyre stockpile, indicating the manner and timeframe in which the stockpile will be removed;

"waste tyre processor" means any person or entity that is engaged in the commercial re-use, recycling or recovery of waste tyres;

"waste tyre stockpile" means a site on which predominantly waste tyres have been stored continuously for a period greater than 2 years and which covers an area greater than 500m², and excludes waste disposal facility;

"waste tyre stockpile owner" means the owner or lawful possessor of the waste tyres and will have the meaning ascribed to it in common law.

Purpose of these Regulations

2. The purpose of these Regulations is to regulate the management of waste tyres by providing for the regulatory mechanisms.

Application of Regulations

3. These Regulations apply uniformly in all provinces of the Republic of South Africa.

General prohibitions

4. No person may—
 - (a) manage waste tyres in a manner which does not comply with these Regulations;
 - (b) recycle, recover or dispose of a waste tyre, or knowingly or negligently cause or permit a waste tyre to be recycled, recovered or disposed of, at any facility or on any site, unless the recycling, recovery or disposal of that waste tyre is authorised by law;
 - (c) 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; or
 - (d) dispose of a waste tyre at a waste disposal facility two years from the date of 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.

Part 2

REUSE, RECYCLING AND RECOVERY OF WASTE TYRES

REUSE, RECYCLING AND RECOVERY OF WASTE TYRES

5. (1) A tyre producer, when developing his/her integrated industry waste tyre management plan as contemplated in regulation 6(3) must make provision for the reusing or recycling of that waste tyre before recovering the energy potential or disposing of that waste tyre.
- (2) A waste tyre processor who undertakes an activity involving the reuse, recycling or recovery of a waste tyre must, before undertaking that activity, ensure that the reuse, recycling or recovery of the waste tyre is more sustainable than the disposal of such a waste tyre.

Part 3

DUTIES OF TYRE PRODUCERS, TYRE DEALERS AND WASTE TYRE STOCKPILE OWNERS

Duties of tyre producers

6. (1) A tyre producer operating on the date of commencement of these regulations must register with the Minister within 30 days of the date of commencement of these Regulations and any tyre producer commencing business after these regulations must register with the Minister at least 30 days prior to commencing business providing the following information—
 - (a) the name and where applicable, the registered number of the natural or legal persona of the tyre producer;
 - (b) the registered address of the tyre producer;
 - (c) the physical address where the business of the tyre producer is conducted;
 - (d) contact details; and
 - (e) details of the person responsible for submitting the integrated industry waste tyre management plan as contemplated in subregulation (3).
- (2) (a) After registration in terms of subregulation (1) the Minister will issue the applicant with a registration number; and
- (b) The tyre producer must display the registration number on all trading documentation.
- (3) A tyre producer operating on the date of commencement of these regulations must either—
 - (a) prepare and submit to the Minister, an integrated industry waste tyre management plan, within 60 days of registering in terms of subregulation (1) for approval; or
 - (b) register with an existing integrated industry waste tyre management plan approved by the Minister; and
 - (c) comply with the integrated industry waste tyre management plan immediately on receiving the Minister's approval, or comply within 60 days with an existing integrated industry waste tyre management plan approved by the Minister.