

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 301

31 MARCH 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****NOTICE TO REQUIRE THE TYRE INDUSTRY TO PREPARE AND SUBMIT AN INDUSTRY WASTE
TYRE MANAGEMENT PLAN TO THE MINISTER FOR APPROVAL**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice, in terms of section 28(1) read with section 28(5) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), to require the Tyre Industry to prepare and submit an industry waste tyre management plan for approval as set out in the Schedule hereto.

Members of the public are invited to submit within 30 days of publication of this Notice in the Gazette, written representations or objections to this Notice to the following address:

By post to: The Director-General: Department of Environmental Affairs
Attention: Mr Anben Pillay
Private Bag X447
Pretoria
0001

By hand at: Environmental House, 473 Steve Biko Road, Arcadia, Pretoria, 0083.

By e-mail: apillay@environment.gov.za or

Any enquiries in connection with the notice can be directed to Mr Anben Pillay at 012 399 9827 or to Mr Kgauta Mokoena, at 012 399 9825.

Comments received after the closing date may not be considered.



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

SCHEDULE

Definitions

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

“**person**” includes a juristic person;

“**processing**” means the reuse, recycling, recovery or treatment activities undertaken in the management of waste tyre;

“**the Act**” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

“**tyre**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

“**tyre dealer**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

“**tyre producer**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

“**waste tyre**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

“**waste tyre transporter**” means a person who transport waste tyre for commercial gain;

“**waste tyre storage site**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

“**waste tyre processor**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2009;

Scope of Notice

2. The purpose of this Notice is to require a tyre dealer, tyre producer, waste tyre processor or waste tyre transporter to prepare and submit an industry waste tyre management plan to the Minister for approval.

Registration

3. (1) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter operating on the date of publication of this Notice must register with the Minister within 30 days after the date of publication of this Notice.
- (2) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporters commencing business after the date of publication of this Notice must register with the Minister within 30 days prior to commencing business.
- (3) A registration contemplated in subsections (1) and (2) must contain the following information as a minimum—
- (a) the name and where applicable, company registration number in terms of the Companies Act, 2008 (Act No. 71 of 2008) of the tyre dealer, tyre producer, waste tyre processor or waste tyre transporter;

- (b) the registered business address of the tyre dealer, tyre producer, waste tyre processor or waste tyre transporter;
 - (c) the physical address where the business is conducted or is to be conducted; and
 - (d) contact details.
- (4) The Minister will issue the tyre dealer, tyre producer, waste tyre processor or waste tyre transporter with a registration number within 60 days after date of receipt of the registration via any departmental electronic system contemplated in subsections (1) and (2).

Preparation and submission of industry waste tyre management plan for approval

4. (1) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter must either—
- (a) prepare and submit an industry waste tyre management plan to the Minister for approval, within two months after the date of publication of this Notice; or
 - (b) subscribe to an industry waste tyre management plan submitted.
- (2) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter must comply with an industry waste tyre management plan after approval by the Minister.
- (3) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter must register with and subscribe to an industry waste tyre management plan approved by the Minister in terms of section 32 of the Act.

Content of an industry waste tyre management plan

5. (1) An industry waste tyre management plan, contemplated in section 4 of this Notice must include—
- (a) identify the parties to the plan;
 - (b) provide annual projection of the quantities and types of tyres that are manufactured or imported that will become waste tyres and will be managed through the industry waste tyre management plan;
 - (c) indicate how the waste hierarchy will be given effect in the industry waste tyre management plan;
 - (d) measures to prevent pollution or ecological degradation;
 - (e) measures or programmes to minimise the generation of waste tyre and final disposal of waste tyre;
 - (f) measures or actions to be taken to manage waste tyre;
 - (g) identify the manner in which waste tyre processors who will receive waste tyres through this plan will be identified;
 - (h) identify the manner in which waste tyre transporters will be registered through the industry waste tyre management plan and their duties;

- (i) identify the potential number of waste tyre storage sites that will be used by the waste tyre management plan and the manner in which these sites will be registered with the plan;
- (j) identify the industry standards that will apply to waste tyre transporters, waste tyre storage sites and waste processors;
- (k) indicate how information on waste tyres collected and treated will be recorded;
- (l) identify the timeframes in which the different types of tyres will be managed noting that all tyres and sizes of tyres must be managed through an industry waste tyre management plan within five years of date of approval of plan;
- (m) provide estimations of the costs of implementing the waste tyre management plan for the first five years;
- (n) be aligned to the pricing strategy for waste management charges;
- (o) provide targets for waste minimisation through the reduction, re-use, recycling and recovery for the next five years;
- (p) provide estimates of revenue that will be generated through the reduction, re-use, recycling and recovery for the next five years;
- (q) indicate how the industry waste tyre management plan will raise national awareness regarding the management of waste tyres;
- (r) provide detailed measures on how the industry waste tyre management plan will address issues of social responsibility in the industry and issues of historically disadvantaged communities;
- (s) provide specific measures in which historically disadvantaged individuals will meaningfully participate in the industry and the implementation of the industry waste tyre management plan;
- (t) 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;
- (u) indicate the extent of auditing and reporting on the industry waste tyre management plan envisaged;
- (v) provide measures to be implemented to give effect to best environmental practice in respect of waste tyre management;
- (y) indicate the measures to be put in place to address the stockpiles of waste tyres;
- (w) the period that is required for implementation of the plan; and
- (z) annually provide details of agreements reached in terms of any waste tyre stockpile abatement plans.

Consultation process

6. (1) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter contemplated in section 1 of this Notice must bring the contents of the proposed industry waste tyre management plan to the attention of the relevant organ of state, interested and affected persons and public by—
- (a) publishing a notice in at least two newspapers distributed nationally stating the following:
 - (i) details of the tyre dealer, tyre producer, waste tyre processor or waste tyre transporter who drafted the industry waste tyre management plan;
 - (ii) details where copies of the industry waste tyre management plan can be obtained;
 - (iii) invitation to stakeholders to submit written representations or objections within 30 days after publication of the newspaper advert;
 - (iv) details where written representations or objections must be sent to;
 - (b) distributing the draft industry waste tyre management plan to all known stakeholders and invite the stakeholders to submit written representations on or objections to the tyre dealer, tyre producer, waste tyre processor or waste tyre transporter responsible for preparing the industry waste management plan; and
 - (c) using any other reasonable means to enable the persons (especially the existing informal sector) to submit written representations on or objections on the industry waste management plan.
- (2) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter responsible for preparing the industry waste tyre management plan must give due consideration to all written representations on or objections received, and a copy of all comments and responses must be submitted to the Minister, together with the final draft of the industry waste tyre management plan for approval.

Consideration of industry waste tyre management plan

7. The Minister must comply with sections 32 and 33 of the Act when considering an industry waste tyre management plan submitted to the Minister for approval in terms of this Notice.

Review of industry waste tyre management plan

8. The provisions of section 34 of the Act are applicable to the review of an industry waste tyre management plan approved by the Minister in terms of this Notice.

Offences

9. (1) A tyre dealer, tyre producer, waste tyre processor or waste tyre transporter commits an offence if that tyre dealer, tyre producer, waste tyre processor or waste tyre transporter—
- (a) fails to register in terms of section 3(1) or 3(2);

- (b) fails to prepare and submit an industry waste tyre management plan in terms of section 4(1); or
- (c) fails to comply with or subscribe to an approved industry waste tyre management plan.

Penalties

10. (1) A producer convicted of an offence in terms of section 10 is liable to—

- (a) imprisonment for a period not exceeding 15 years; or
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

Commencement

11. This Notice takes effect on the date of publication in the *Gazette*.