

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1148

30 OCTOBER 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****CALL ON 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 under section 28(1), read with section 31 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the Tyre Industry to prepare and submit an industry waste tyre management plan to the Minister for approval, as set out in the Schedule hereto.



**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 and, unless the context otherwise indicates—

“**industry waste tyre management plan**” means an industry waste management plan for the management of waste tyres;

“**parties**” means subscribers to an approved industry waste tyre management plan.

“**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, 2017;

“**tyre producer**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2017;

“**waste tyre**” has the meaning assigned to it in regulation 1 of the Waste Tyre Regulations, 2017; and

“**Waste Tyre Regulations, 2017**” means the regulations published under Government Notice No. 1064, Gazette No. 41157 of 29 September 2017.

Scope of Notice

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

Preparation and submission of industry waste tyre management plan for approval

3. (1) A tyre producer must either—
 - (a) prepare and submit an industry waste tyre management plan to the Minister for approval, within two months from the date of publication of this Notice in the *Gazette*; or
 - (b) subscribe to an industry waste tyre management plan submitted to the Minister for approval.
- (2) Notwithstanding subregulation (1), any person, category of persons or industry may elect to prepare and submit an industry waste tyre management plan for approval to the Minister, within two months from the date of publication of this notice in the *Gazette*.

Content of an industry waste tyre management plan

4. An industry waste tyre management plan, contemplated in paragraph 3 of this Notice must—
- (a) identify the parties to the industry waste tyre management plan;
 - (b) provide details of the governance model for the industry waste tyre management plan, including how industry representivity and participation will be addressed and how the existing infrastructure in the waste tyre industry will be taken into account;
 - (c) 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;
 - (d) indicate how the waste hierarchy will be given effect to, in the industry waste tyre management plan;
 - (e) include measures to prevent pollution or ecological degradation;
 - (f) include measures or programmes to minimise the generation of waste tyres and final disposal of waste tyres;
 - (g) include measures or actions to be taken to manage waste tyres;
 - (h) identify the manner in which waste tyre processors who will receive waste tyres through the industry waste tyre management plan will be identified and registered;
 - (i) identify the manner in which waste tyre transporters will be identified and registered through the industry waste tyre management plan and their duties;
 - (j) 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;
 - (k) identify the industry standards that will apply to waste tyre transporters, waste tyre storage sites and waste tyre processors;
 - (l) indicate how information on waste tyres collected and treated will be recorded;
 - (m) identify the timeframes in which the different types of tyres will be managed for a period of five years, noting that all tyres and sizes of tyres must be managed through an industry waste tyre management plan within 60 days of date of approval of a plan;
 - (n) provide estimations of the costs of implementing the waste tyre management plan for a period of five years and the submission of an annual business plan to the Minister including a breakdown of the activities of the industry waste tyre management plan together with their costs;
 - (o) be aligned to the National Pricing Strategy for Waste Management (Extended Producer Responsibility tax; government managed model) as published under Government Notice 904 of 11 August 2016;
 - (p) provide targets for waste minimisation through the reduction, re-use, recycling and recovery of waste tyres for a period of five years;

- (q) provide where applicable, an estimate of revenue that will be generated through the implementation of the industry waste tyre management plan for a period of five years;
- (r) indicate how the industry waste tyre management plan will raise national awareness regarding the management of waste tyres;
- (s) provide detailed measures on how the industry waste tyre management plan will address issues of social responsibility in the tyre industry and issues of historically disadvantaged communities;
- (t) provide specific measures in which historically disadvantaged individuals will meaningfully participate in the tyre industry and the implementation of the industry waste tyre management plan;
- (u) provide specific targets on job creation, the promotion of small businesses, training and development, including the meaningful participation of the historically disadvantaged individuals that will be realised in the tyre industry;
- (v) indicate the frequency and extent of monitoring, auditing and reporting on the industry waste tyre management plan to the Waste Management Bureau envisaged;
- (w) provide measures to be implemented to give effect to best environmental practice in respect of waste tyre management;
- (x) indicate the measures to be put in place to address the stockpiles of waste tyres;
- (y) provide a costed annual implementation plan for the implementation of the industry waste tyre management plan for a period of five years, on the year prior to the year of implementing that implementation plan; and
- (z) provide for the obligation to annually provide details of agreements reached in terms of any waste tyre stockpile abatement plans.

Consultation process

5. (1) A tyre producer contemplated in paragraph 1 of this Notice must bring the contents of the proposed industry waste tyre management plan to the attention of the relevant organs 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 producer who prepared 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 proposed industry waste tyre management plan to all known stakeholders and invite the stakeholders to submit written representations on or objections to the tyre producer 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 tyre management plan.
- (2) A tyre producer 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

6. 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

7. 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.