

(20 March 2024 - to date)

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

(Gazette No. 32000, Notice No. 278. Commencement date: 1 July 2009 – save for sections 28(7)(a), sections 35 to 41 and section 46 [Proc. No. 34, Gazette No. 32189])

WASTE TYRE REGULATIONS, 2017

Government Notice 1064 in Government Gazette 41157 dated 29 September 2017. Commencement date: 29 September 2017.

as amended by:

Government Notice 4541 in Government Gazette 50321 dated 20 March 2024. Commencement date: 20 March 2024.

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the Waste Tyre Regulations, under section 69(1)(b), (e) and (ee) of the National Environmental Management: Waste Act, 2008, in the Schedule hereto.

(Signed)

BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

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PART 1
INTERPRETATION, PURPOSE AND APPLICATION OF REGULATIONS

1. Definitions

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-

“collection points” means areas of business from which waste tyres derived, or a commercial area where waste tyres may be collected including, but not limited to, mines, farms and tyre dealers;

“depot” means a waste tyre storage site where waste tyres in any form are stored, which storage site covers an area greater than 500m² but smaller than 60 000 m², where pre-processing of waste tyres may be conducted;

(Definition of “depot” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“depot operator” means a person or entity that is the responsible for the operation and management of a depot;

(Definition of “depot operator” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“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;

(Definition of “Incentive Evaluation Committee” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“Industry Advisory Committee” means the committee established in terms of regulation 11A of these Regulations, and “IAC” has a corresponding meaning;

(Definition of “Industry Advisory Committee” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“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;

(Definition of “Industry Waste Tyre Management Plan” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“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;

(Definition of “Implementer” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“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;

(Definition of “legacy stockpile” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“legacy stockpile owner” means the owner, possessor or person in control of the legacy stockpile site, or the waste tyres therein;

(Definition of “legacy stockpile owner” inserted by regulation 2(a) of GN 4541 dated 20 March 2024)

“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;

“micro-collector” means an individual from the informal sector that collects waste tyres;

“micro-depot” means a facility that is smaller than 500m² with the capacity to store more than 100m² of waste tyres, that is used for the temporary storage, sorting and/or baling of waste tyres, but excludes a depot;

(Definition of “micro-depot” inserted by regulation 2(b) of GN 4541 dated 20 March 2024)

“micro-depot operator” means a person or entity that is responsible for the operation of a micro-depot;
(Definition of “micro-depot operator” inserted by regulation 2(b) of GN 4541 dated 20 March 2024)

“Micro-Project Manager” means a person or entity appointed by the Bureau to recruit and manage Micro-collectors, Micro-depots and Micro-depot Operators;
(Definition of “Micro-Project Manager” inserted by regulation 2(b) of GN 4541 dated 20 March 2024)

“part worn tyre” means a used tyre, which can be safely returned to its original intended use, and which, after being retreaded, is not of such nature and condition that it is not suitable to be fitted on a vehicle that operates on a public road in accordance to the National Road Traffic Act, 1996 (Act No. 93 of 1996) or the regulations made in terms of that Act;

“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 debanding, and excludes sorting;
(Definition of “pre-processing” substituted by regulation 2(c) of GN 4541 dated 20 March 2024)

“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;
(Definition of “processing” inserted by regulation 2(d) of GN 4541 dated 20 March 2024)

“processor” means an entity that is engaged in the reuse, recycling, or recovery of waste tyres;
(Definition of “processor” inserted by regulation 2(d) of GN 4541 dated 20 March 2024)

“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;

“register with the Bureau” means the submission of information by a person to the Bureau in order for the particulars of that person to be recorded in its database for the purpose of the administration of these Regulations;

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

“tyre” means a continuous 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 monocytes, bicycles and tricycles;

“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) a new;
- (b) used;
- (c) retreaded; or
- (d) unroadworthy,

tyre not suitable to be retreaded, repaired, or sold as a part worn tyre and not fit for its original intended use;

“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;

(Definition of “waste tyre export permit” inserted by regulation 2(f) of GN 4541 dated 20 March 2024)

“waste tyre management plan”

(Definition of “waste tyre management plan” deleted by regulation 2(e) of GN 4541 dated 20 March 2024)

“waste tyre storage site or depot” means a facility that is used for the temporary storage of waste tyres;

“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;

(Definition of “waste tyre stockpile abatement plan” substituted by regulation 2(g) of GN 4541 dated 20 March 2024)

“waste tyre stockpile”

(Definition of “waste tyre stockpile” deleted by regulation 2(h) of GN 4541 dated 20 March 2024)

“waste tyre stockpile owner”

(Definition of “waste tyre stockpile owner” deleted by regulation 2(i) of GN 4541 dated 20 March 2024)

“waste tyre processor”

(Definition of “waste tyre processor” deleted by regulation 2(j) of GN 4541 dated 20 March 2024)

“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.

(Definition of “waste tyre transporter” replaced for the definition of “transporter” by regulation 2(k) of GN 4541 dated 20 March 2024)

2. Purpose of Regulations

The purpose of these Regulations is to regulate the management of waste tyres.

3. Application of Regulations

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

PART 2 PROHIBITIONS AND REGISTRATION

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.

(Regulation 4 substituted by regulation 3 of GN 4541 dated 20 March 2024)

4A. Duty to mutilate

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.

(Regulation 4A inserted by regulation 4 of GN 4541 dated 20 March 2024)

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.

(Regulation 5 substituted by regulation 5 of GN 4541 dated 20 March 2024)

PART 3 DUTIES OF TYRE DEALERS

(Part number substituted by regulation 6 of GN 4541 dated 20 March 2024)

6. Duties of tyre dealers

- (1) A tyre dealer must classify any used tyre in his or her possession or control as either a part worn tyre or a retreadable casing and any used tyre not falling into either of these categories must be classified as a waste tyre.
- (2) A tyre dealer must mutilate or cause 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; or
 - (c) making a cut of at least 100mm in the sidewall.
- (3) A tyre dealer must manage all waste tyres in his or her possession or control, or cause such waste tyres to be managed in accordance with a waste tyre management plan, or by direction of the Bureau contemplated in regulation 12(1)(b).

PART 4 WASTE TYRE STOCKPILE ABATEMENT PLAN

(Part number substituted by regulation 7(a) of GN 4541 dated 20 March 2024)

7. Submission and contents of a waste tyre stockpile abatement plan

- (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.

(Regulation 7(1) substituted by regulation 7(b) of GN 4541 dated 20 March 2024)

- (2) A legacy stockpile owner may not add to a legacy stockpile.

(Regulation 7(2) substituted by regulation 7(b) of GN 4541 dated 20 March 2024)

- (3) A waste tyre stockpile abatement plan must at least:

- (a) provide the name and where applicable the registration number of the company, closed corporation or trust of the owner of the waste tyre stockpile;
 - (b) provide the physical address of the location of the waste tyre stockpile;
 - (c) provide the physical and postal address of the waste tyre stockpile owner;
 - (d) provide an estimation of the number of waste tyres stored within the waste tyre stockpile, including the square area of the footprint of the stockpile;
 - (e) provide the current fire prevention measures in place;
 - (f) provide a plan of the stockpiles site, locating the waste tyre piles on site, indicating distances between the piles, height of the piles, distance to the fence line, access points, water points, the location of offices or buildings, powerline, vegetation and providing any other information that is relevant to the waste tyre stockpile;
 - (g) provide a proposal and timeframe for eliminating the waste tyre stockpile;
 - (h) identify the transporter who will collect the waste tyres and the processor/s who will accept the waste tyres;
(Regulation 7(3)(h) substituted by regulation 7(c) of GN 4541 dated 20 March 2024)
 - (i) provide a budget and funding sources for eliminating the waste tyre stockpile;
 - (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
(Regulation 7(3)(j) substituted by regulation 7(d) of GN 4541 dated 20 March 2024)
 - (k) meet the storage requirements contemplated in regulation 10.
- (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.
(Regulation 7(4) added by regulation 7(e) of GN 4541 dated 20 March 2024)

8. Notification of a waste tyre stockpile abatement plan

- (1) Any person producing a waste tyre stockpile abatement plan in terms of regulation 8(1) must take appropriate steps to bring the contents of a proposed waste tyre stockpile abatement plan to the attention of relevant organs of state, interested and affected parties and must call for comments to the plan.

- (2) Any comments submitted in respect of a waste tyre stockpile abatement plan must be considered by the person responsible for preparing the plan, and a copy of all comments and responses must be submitted to the Minister, together with the plan.

9. Consideration of a waste tyre stockpile abatement plan

- (1) The Minister on receipt of a waste tyre stockpile abatement plan-
- (a) may require additional information to be furnished and a revised plan to be submitted within a timeframe indicated by the Minister; and
 - (b) must, after incorporation of any comments, review the revised waste tyre stockpile abatement plan and approve it with or without conditions, or reject the waste tyre stockpile abatement plan with reasons and with a timeframe for resubmission.
- (2) A waste tyre stockpile abatement plan that has been rejected in terms of sub-regulation (1)(b) must be amended and resubmitted to the Minister within the timeframe indicated by the Minister.
- (3) The Minister may refuse to 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.
- (4) An approval in terms of sub-regulation (1)(b) must at least specify the period for which the approval is issued, which period may be extended by the Minister.
- (5) Any person producing a waste tyre stockpile abatement plan in terms of regulation 8(1) must submit an annual audit report to the Minister prepared by an external auditor commissioned at own expense to audit compliance with the plan.
- (6)
- (Regulation 9(6) deleted by regulation 8(a) of GN 4541 dated 20 March 2024)*

PART 5 STORAGE OF WASTE TYRES

10. Storage of waste tyres

- (1) The waste tyre storage area for a tyre dealer and a micro-depot must not exceed 500m².
- (Regulation 10(1) substituted by regulation 9(a) of GN 4541 dated 20 March 2024)*

- (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 000m².

(Regulation 10(2) substituted by regulation 9(b) of GN 4541 dated 20 March 2024)

- (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.

(Regulation 10(3) substituted by regulation 9(c) of GN 4541 dated 20 March 2024)

- (4) The waste tyre storage plan must be-

- (a) submitted to the relevant Chief Fire Officer of the municipality for endorsement;
- (b) available on site at all times;
- (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.

(Regulation 10(4)(c) substituted by regulation 9(d) of GN 4541 dated 20 March 2024)

- (5) If the Chief Fire Officer referred to in sub-regulation (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, subject to providing proof of submission to the Chief Fire Officer by the person responsible for the waste tyre storage plan.

- (6) The site on which waste tyres are stored must meet the following minimum requirements-

- (a) clearly visible signs with operating hours, contact details and site regulations must be posted near the entrance to the facility;
- (b) a security attendant trained in fire prevention must be on site at all times;
- (c) the site manager must be on site at all times when the facility is open;

- (d) a person designated to manage the site must ensure the site is secured and no unauthorized person can access the site;
 - (e) no single pile of waste tyres may exceed a height of 3 metres, a length of 20 metres and a width of 10 metres;
 - (f) all interior firebreaks between piles of waste tyres must be at least five metres wide;
 - (g) the site must be flat and hard packed;
 - (h) the site must make provision for storm water management;
 - (i) the edges of the piles must be at least 8 metres from the perimeter fence, and any buildings, and the area between the piles and the fence and buildings must be clear of debris and vegetation;
 - (j) all firebreaks must be at least 8 metres wide; and
 - (k) waste tyre piles may not be located within 8 metres of a powerline.
- (7) Waste tyres must not be stored in a manner which impact or pose a significant environmental risk to any sensitive environment.
- (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
(Regulation 10(8) added by regulation 9(e) of GN 4541 dated 20 March 2024)

PART 6

GENERAL

11. Offences and penalties

- (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
(Regulation 11(1)(a) substituted by regulation 10(a) of GN 4541 dated 20 March 2024)
 - (b) a waste tyre management plan; or
 - (c) an approved waste tyre stockpile abatement plan; or
(Regulation 11(1)(c) substituted by regulation 10(a) of GN 4541 dated 20 March 2024)

(d) a written instruction in terms of regulation 12(1)(b).

- (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.

(Regulation 11(2) substituted by regulation 10(b) of GN 4541 dated 20 March 2024)

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.

(Regulation 11A inserted by regulation 11 of GN 4541 dated 20 March 2024)

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.

(Regulation 12 substituted by regulation 12 of GN 4541 dated 20 March 2024)

13. Repeal of regulations

The following regulations are hereby repealed:

- (a) Waste Tyre Regulations, 2009, published under Government Notice No. R149 in Government Gazette No. 31901 of 13 February 2009;
- (b) The amendment to the Waste Tyre Regulations, 2009, published in Government Notice No. 1493, Government Gazette No. 40470 of 2 December 2016.

14. Short title and commencement

These Regulations shall be called the Waste Tyre Regulations, 2017 and take effect immediately upon publication in the Government Gazette.