
GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**No. 147****23 February 2007****ENVIRONMENT CONSERVATION ACT, 1989
WASTE TYRE REGULATIONS**

I, **Marthinus Van** Schalkwyk, the Minister for Environmental Affairs and Tourism intend making the Regulations in the Schedule hereto, in terms of sections 24(c), (f), (g), (j), (~~k~~) and 24B, read with section 24C of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

Interested and affected parties are invited to submit comments on the proposed regulations, within thirty days (**30**) of publication of this notice, to the Director-General, Department of Environmental **Affairs** and Tourism, Private Bag X447, Pretoria 0001 or **email** any comments to zmvusi@deat.gov.za.

MARTHINUS VAN SCHALKWYK**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

SCHEDULE**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 –

“**Minister**” means the Minister of Environmental Affairs and Tourism;

“**mutilate**” means –

- (a) the cutting of the bead of a waste tyre in two places;
- (b) making a slot in the bead with a minimum width of 25mm in one place;
- (c) punching a hole in the sidewall with a minimum diameter of 50mm or making a cut in the sidewall of at least 150mm;

“**the Act**” means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

“**tyre**” means a continuous pneumatic covering encircling a wheel, made of natural rubber or synthetic rubber or a combination of natural and synthetic rubber, whether new, used or retreaded;

“**tyre dealer**” means any person who imports, manufactures, distributes or otherwise deals commercially in 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 storage of waste tyres.

Purpose of these Regulations

2.(1) The purpose of these Regulations is to regulate the management of waste tyres by--

- (a) providing for requirements for the storage of waste tyres; and
- (b) providing for the regulatory mechanism for tyre dealers to deal with waste tyres.

Storage of tyres

3.(1) Subject to any other requirements of the Act, waste tyres may only be stored under the following conditions:

- (a) Waste **tyre** piles may not exceed **a** height of **6** metres, a length of 76 metres and a width of **6** metres;
- (b) The edges of the piles must be at least 15 metres from the perimeter fence, and the area between the piles and the fence must be clear of debris and vegetation;
- (c) All interior firebreaks must be at least 18 metres wide;
- (d) An area extending **60** metres from the outside perimeter **of** the pile(s) must be totally void **of** trees, plants or vegetation;
- (e) All exposures, including buildings, vehicles or flammable materials, must be at least **60** metres away from the waste tyre piles;
- (f) Waste tyre piles or storage racks may not be located near or below power lines;
- (g) No open air burning may be allowed within **300** metres of the waste tyre pile(s);
- (g) No welding or other heat-generating devices may be allowed within **60 metres** of the pile(s);
- (h) Smoking may only be permitted in designated areas that are located well clear of the pile(s); and
- (i) The waste tyre storage facility must have lightning rods that conform to local and provincial codes. The lightning rods must be located away from the waste tyre pile(s).

(2) **The** site on which waste tyres are stored must meet the following requirements:

- (a) The site must be flat ~~with~~ a concrete or hard packed clay surface that **is** designed to capture and contain water **runoff**;
- (b) The perimeter of the facility must have a chain-link fence or boundary wall ~~that~~ is at least **3** metres **high** and has intruder controls on the top;
- (c) Clearly visible signs with operating hours and site regulations must be posted near the entrance **to** the facility;

- (d) A qualified security attendant or site manager must be on site at **all** times when the facility is open;
- (e) Each waste tyre storage site, or pile, must be provided ~~with~~ emergency vehicle access routes, such that no portion of the pile is more than 45 metres from ~~an~~ access road or firebreak;
- (f) Access routes between the piles must have a clear width of at least 18 metres;
- (g) Each access point must have a lockable gate that is kept locked when the facility is closed;
- (h) All gate openings must be at least 6 metres wide and must remain unobstructed at **all** times;
- (i) The gates must have rapid entry design compatible with fire department requirements. Electric gates must have ~~default~~ capabilities to the unlocked position;
- (j) All roads and accesses must be designed to support the loads imposed by fire fighting equipment;
- (j) Access roads must be surfaced with material designed to permit accessibility under all climatic **conditions**;
- (k) All emergency vehicle accesses must have ~~an~~ unobstructed vertical clearance of 4.25 metres or ~~as~~ needed for access of large fire fighting equipment;
- (l) A **minimum turning** radius of **14** metres must **be** provided for emergency vehicle access;
- (m) All dead-end accesses in excess of **45** metres long must be provided with a turn-around area;
- (n) Accesses must be well maintained and remain accessible for the fire department; and
- (o) Stormwater diversion works must be constructed and maintained on a continuous basis to-
 - (i) divert and drain from the site all runoff water arising on land adjacent to the site, which could be expected ~~as~~ a result of the estimated maximum precipitation during a period of twenty four (24) hours with an average frequency of once in ~~fifty~~ years in compliance with relevant legislation; and

- (ii) under the rainfall event referred to in subparagraph (o)(i), maintain a freeboard of half a metre.

(3) Waste tyres may not be stored on wetlands, flood plains, ravines, canyons, on steeply graded surfaces or anywhere else where they may pose a significant environmental or fire risk

Duties of tyre dealers

4.(1) A tyre dealer must mutilate all waste tyres in his/her possession or control, or must cause such waste tyres to be mutilated or disposed of in terms the **Act**.

(2) A tyre dealer may not import, distribute or sell tyres, unless measures have been taken to ensure that those tyres that have become waste tyres are dealt with in accordance with the provisions in these regulations.

(3) **A** tyre dealer upon whom **an** obligation is imposed in terms of subregulation (2) must submit a written declaration to the Minister within 30 days of commencing business **as** a tyre dealer containing the following information:

- (a) The name of the tyre dealer;
- (b) the registered address of the tyre dealer, if any;
- (c) the physical address where the business of the tyre dealer is conducted; and**
- (d) the measures that have been taken to ensure that those tyres that have become waste **tyres** are dealt with in accordance with the provision in these **regulations**.

(4) If the Minister is not convinced that a tyre dealer has taken adequate measures to comply with sub-regulation(2), the Minister may request the tyre dealer to consider further measures or direct the tyre dealer to implement or comply with any reasonable measures specified by the Minister.

Offences and penalties

5.(1) A person is guilty of **an** offence if that person contravenes or fails to comply with all provisions of regulation 3 or **4**.

(2) A person is liable on conviction of an offence in terms of subregulation (1) to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of anything in respect of which the offence **was** committed.

(3) A person convicted of **an** offence in terms of these Regulations and who after such conviction persists in the act or omission which constituted such offence, shall be guilty **of** a continuing contravention and be liable on conviction to a fine not exceeding R250 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day such offence continues.

Transitional arrangements

6. Any person who operated **as** a tyre dealer before these Regulations commenced must comply with the provisions of regulation 4(1) and **(2)** within one year of the date of commencement of these Regulations.

Short title and commencement

7. These Regulations shall be called Waste Tyre Regulations, **2007** and take effect on a date determined by the Minister by notice in the Government Gazette.

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