

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 500

Pretoria, 23 February 2007
Februarie

No. 29647

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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 e-mail 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.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

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