

# DRAFT FOR CONSULTATION

## Climate Change (Waste) Regulations 2010

Governor-General

### Order in Council

At Wellington this                      day of                      2010

Present:  
in Council

Pursuant to sections 163 and 164 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the recommendation of the Minister for the Environment (having had regard to the matter specified in section 163(5) of the Climate Change Response Act 2002) and on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

### 1 Title

These regulations are the Climate Change (Waste) Regulations 2010.

### 2 Commencement

These regulations come into force on 1 January 2011.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Climate Change Response Act 2002

**class**, in relation to waste disposed at a waste disposal facility, means,—

- (a) if a unique emissions factor is not in force, all the waste:
- (b) if a unique emissions factor is in force,—
  - (i) each class of waste to which a unique emissions factor relates:
  - (ii) all the waste to which a unique emissions factor does not relate

**diverted tonnage** has the same meaning as in regulation 11(1) of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009

**gross tonnage** has the same meaning as in regulation 11(1) of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009

**waste participant** means a participant who, in a year, carries out the activity of operating a disposal facility listed in Part 6 of Schedule 3 of the Act.

### 4 Information required to calculate emissions from operating disposal facilities

- (1) A waste participant must measure and record the gross tonnage and diverted tonnage of each class of waste disposed at each disposal facility operated by the waste participant in the year in accordance with regulations 11 to 14 of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009, which apply—
  - (a) as if the definition of—

- (i) disposal in those regulations was the definition of dispose in section 4(1) of the Act; and
    - (ii) waste in those regulations was the definition of waste in section 4(1) of the Act; and
  - (b) with any other necessary modifications.
- (2) The measurements required under subclause (1) may include use of an average tonnage system if the Secretary for the Environment has approved, in accordance with regulation 15 of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009, the use of that system for waste entering the relevant disposal facility.

## **5 Method of calculating emissions from operating disposal facilities**

- (1) A waste participant must use the following formula to calculate emissions from each class of waste from each disposal facility operated by the waste participant in the year:

$$E = (A - B) \times C$$

where—

E is the emissions in tonnes for the class of waste

A is the gross tonnage of the class of waste

B is the diverted tonnage of the class of waste

C is,—

- (a) in relation to a class of waste for which no unique emissions factor is approved by the chief executive under section 91 of the Act, the default emissions factor of 1.1454; and
  - (b) in relation to a class of waste for which a unique emissions factor is approved by the chief executive under section 91 of the Act, the unique emissions factor that the chief executive has approved for that class of waste.
- (2) An annual emissions return submitted by a waste participant must record the waste participant's total emissions from the activity, calculated by adding together the emissions of each class of waste disposed at each facility that the waste participant operates.

- (3) If a waste participant is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.

Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 January 2011, prescribe the method for calculating emissions from disposal facilities.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

These regulations are administered by the Ministry for the Environment.

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