

**Reprint
as at 5 December 2011**



**Climate Change (Waste)
Regulations 2010
(SR 2010/338)**

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of September 2010

Present:
His Excellency the Governor-General 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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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry for the Environment.

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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 of 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, each class of waste to which a unique emissions factor relates

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 of 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 were the definition of dispose in section 4(1) of the Act; and
 - (ii) waste in those regulations were 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 for each class of waste disposed of at 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 EPA under section 91 of the Act, the default emissions factor of 1.10; and
 - (b) in relation to a class of waste for which a unique emissions factor is approved by the EPA under section 91 of the Act, the unique emissions factor that the EPA 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 for each class of waste disposed of 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.

Regulation 5(1) formula item C paragraph (a): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 5(1) formula item C paragraph (b): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 24 September 2010.

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Notes

1 *General*

This is a reprint of the Climate Change (Waste) Regulations 2010. The reprint incorporates all the amendments to the regulations as at 5 December 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Environmental Protection Authority Act 2011 (2011 No 14): section 53(2)
