

**Reprint
as at 1 January 2016**



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 subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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 1.19; 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 1 January 2016 (applying for the year commencing on that date and for each subsequent year), by regulation 5 of the Climate Change (Waste) Amendment Regulations 2015 (LI 2015/220).

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.

Reprints notes

1 *General*

This is a reprint of the Climate Change (Waste) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Climate Change (Waste) Amendment Regulations 2015 (LI 2015/220)

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