



Waste Minimisation (Information Requirements) Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of April 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 86 of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 86(2) and (3) of that Act.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Transitional, savings, and related provisions	3

Part 1

Records required from operators

Records that must be kept

5	Operator must keep records	3
<i>Quarterly returns</i>		
6	Operator must provide quarterly returns	4
<i>Annual returns</i>		
7	Operator may seek approval to provide annual return	5

Secretary may require records

8	Secretary may require certain records from operator	6
---	---	---

Part 2

How measurements are to be made

9	What must be measured by operator of cleanfill facility: class 5 or industrial monofill facility	6
10	What must be measured by operator of transfer station	7
11	Gross tonnage measured by weight, volume conversion, or average tonnage	7
12	Diverted tonnage measured by weight or volume conversion	7
13	Conversion of volume to weight	7
14	Request for approval of average tonnage system	8

Schedule 1

Transitional, savings, and related provisions

Schedule 2

Conversion factors for volume-to-weight calculations

9
11

Regulations

1 Title

These regulations are the Waste Minimisation (Information Requirements) Regulations 2021.

2 Commencement

These regulations come into force on 13 May 2021.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Waste Minimisation Act 2008

cleanfill facility: class 5 means a facility that accepts only virgin excavated natural material (such as clay, soil, or rock) for disposal

compliant, in relation to a weighing or measuring instrument, means the instrument complies with the requirements of the Weights and Measures Act 1987

diverted material means any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded

diverted tonnage,—

(a) in relation to a cleanfill facility: class 5 or an industrial monofill facility, has the meaning given in regulation 9:

(b) in relation to a transfer station, has the meaning given in regulation 10
financial year means a period starting on 1 July and ending on 30 June of the following year

gross tonnage,—

(a) in relation to a cleanfill facility: class 5 or an industrial monofill facility, has the meaning given in regulation 9:

(b) in relation to a transfer station, has the meaning given in regulation 10

industrial monofill facility means a facility that accepts for disposal waste that—

(a) discharges or could discharge contaminants or emissions; and

(b) is generated from a single industrial process (for example, steel or aluminium making, or pulp and paper making) carried out in 1 or more locations

operator means an operator of a cleanfill facility: class 5, an industrial monofill facility, or a transfer station

transfer station means a facility—

(a) that contains a designated receiving area where waste is received; and

(b) from which waste or any material derived from that waste is—

(i) transferred to a final disposal site; or

(ii) transferred elsewhere for further processing; and

(c) that does not itself provide long-term storage for waste or material derived from that waste.

(2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

4 **Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Part 1

Records required from operators

Records that must be kept

5 **Operator must keep records**

(1) An operator must keep records of the following matters for each individual measurement of the tonnage of waste or diverted material that makes up gross tonnage or diverted tonnage for the facility:

(a) the tonnage of the waste or diverted material as measured; and

- (b) whether the tonnage was measured by—
 - (i) weighing it using a weighbridge at the facility; or
 - (ii) weighing it using a weighbridge not at the facility; or
 - (iii) using a conversion factor to convert volume into weight; or
 - (iv) ascribing an average tonnage under an average tonnage system approved under regulation 14; and
 - (c) the date the waste or diverted material entered the facility or, in the case of a facility to which an approval under regulation 7 applies, the date or the period during which the waste or diverted material entered the facility; and
 - (d) the date and time the tonnage of the waste or diverted material was measured; and
 - (e) if the tonnage of the waste or diverted material was weighed using a weighbridge not at the facility, the weighbridge ticket issued for that weighbridge and the registration plate details of the motor vehicle that carried the waste or diverted material to the facility; and
 - (f) if the tonnage of the waste or diverted material was measured using a conversion factor to convert volume into weight,—
 - (i) the volume of the waste or diverted material as assessed; and
 - (ii) whether the volume was assessed by measuring it (using a compliant measuring instrument) or by estimating it; and
 - (iii) the conversion factor applied to the waste or diverted material; and
 - (g) if the tonnage of the waste or diverted material was ascribed under an average tonnage system, the type of motor vehicle in which the waste or diverted material was carried.
- (2) The operator must keep those records for at least 7 years after they have been made.

Quarterly returns

6 Operator must provide quarterly returns

- (1) An operator must provide the Secretary with a return for each quarter of the financial year unless the Secretary has given approval for an annual return to be provided for the financial year (*see* regulation 7).
- (2) The return is due on or before the 20th day of the month after the last month of the quarter to which the return relates.
- (3) The return must specify the following information for the quarter:
 - (a) the name of the facility and its type; and
 - (b) the physical address and site number (if applicable) of the facility; and

- (c) the full name, contact details, and client number (if applicable) of the operator; and
 - (d) the full name and contact details of the person who prepared the return (unless it was the operator); and
 - (e) the gross tonnage for the quarter; and
 - (f) the diverted tonnage for the quarter.
- (4) The return must include a declaration that the operator, or the authorised representative of the operator, believes that the information in the return is correct.
- (5) A return must be provided—
- (a) electronically; or
 - (b) in writing, in which case the person giving the declaration must sign and date the declaration.
- (6) In this regulation, **quarter** means a 3-month period ending on the close of 31 March, 30 June, 30 September, or 31 December.

Annual returns

7 Operator may seek approval to provide annual return

- (1) If the expected net tonnage of a facility for a financial year is 1,000 tonnes or less, the operator may, in writing, request from the Secretary approval to provide an annual return for that financial year.
- (2) The operator must—
- (a) make the request on or before 20 July of the financial year for which approval is requested; and
 - (b) include in the request—
 - (i) the expected net tonnage of the facility for the financial year; and
 - (ii) evidence of how the operator has determined the expected net tonnage.
- (3) The Secretary must consider the request on receiving it.
- (4) The Secretary may, if satisfied that the expected net tonnage of the facility for the financial year is 1,000 tonnes or less,—
- (a) approve the request; and
 - (b) determine the expected net tonnage of the facility for the financial year.
- (5) The Secretary must, on or before 1 August of the financial year,—
- (a) give written notice of the Secretary's decision to the operator; and
 - (b) if approval is given, specify the expected net tonnage of the facility as determined by the Secretary.
- (6) If approval is given, the annual return is due on or before 20 July after the end of the financial year to which the return relates.

- (7) The annual return must specify the following information for the financial year to which it relates:
- (a) the name of the facility and its type; and
 - (b) the physical address and site number (if applicable) of the facility; and
 - (c) the full name, contact details, and client number (if applicable) of the operator; and
 - (d) the full name and contact details of the person who prepared the return (unless it was the operator); and
 - (e) the dates on which the financial year started and ended; and
 - (f) the gross tonnage for the financial year; and
 - (g) the diverted tonnage for the financial year.

Secretary may require records

8 Secretary may require certain records from operator

- (1) The Secretary may, in writing, request from an operator any records that these regulations require the operator to keep.
- (2) The operator must provide those records to the Secretary in writing, no later than 20 working days after receiving the request.

Part 2

How measurements are to be made

9 What must be measured by operator of cleanfill facility: class 5 or industrial monofill facility

- (1) This regulation applies, for the purpose of regulation 5, to an operator of a cleanfill facility: class 5 or an industrial monofill facility.
- (2) The operator must measure, in accordance with regulation 11 or 12,—
 - (a) the tonnage of waste or diverted material that enters the facility (**gross tonnage**); and
 - (b) the tonnage of waste or diverted material that is reused or recycled at the facility, or is removed from the facility (**diverted tonnage**).
- (3) The measurement of diverted tonnage must—
 - (a) include only waste or diverted material that was previously measured as gross tonnage, and not include anything else (such as anything that is not waste or diverted material or any waste or diverted material that entered the facility before the commencement of these regulations); and
 - (b) include waste or diverted material that is deliberately burnt at the facility to recover energy from it (subject to paragraph (a)); but

- (c) not include waste that is deliberately burnt at the facility to destroy it, but not to recover energy from it.

10 What must be measured by operator of transfer station

- (1) This regulation applies, for the purpose of regulation 5, to an operator of a transfer station.
- (2) The operator must measure,—
 - (a) in accordance with regulation 11, the tonnage of waste or diverted material that enters the facility (**gross tonnage**); and
 - (b) in accordance with regulation 12, the tonnage of waste or diverted material that is reused or recycled at the facility, or is removed from the facility (other than as described in paragraph (c)) (**diverted tonnage**); and
 - (c) the tonnage of waste (if any) that is sent from the facility to a disposal facility for disposal or elsewhere for further processing.

11 Gross tonnage measured by weight, volume conversion, or average tonnage

- (1) If there is a compliant and functioning weighbridge at a facility, the gross tonnage must be measured by using the weighbridge to weigh the waste or diverted material that enters the facility.
- (2) In any other case, the gross tonnage must be measured by—
 - (a) using any other compliant weighbridge to weigh the waste or diverted material that enters the facility; or
 - (b) using a conversion factor to convert the volume of that waste or diverted material into weight in accordance with regulation 13.
- (3) Despite subclauses (1) and (2), if the operator has approval for an average tonnage system under regulation 14, the gross tonnage of waste or diverted material that enters the facility in a type of motor vehicle to which the system applies may be ascribed under that system.

12 Diverted tonnage measured by weight or volume conversion

The diverted tonnage must be measured by—

- (a) using any compliant weighbridge to weigh the relevant waste or diverted material; or
- (b) using a conversion factor to convert the volume of the relevant waste or diverted material into weight in accordance with regulation 13.

13 Conversion of volume to weight

- (1) This regulation applies if an operator uses a conversion factor to convert the volume of waste or diverted material into weight.

- (2) The tonnage of the waste or diverted material is calculated in accordance with the following formula:

$$\text{tonnage} = \text{assessed volume} \times \text{conversion factor}$$

where—

assessed volume is the volume assessed under subclause (3)

conversion factor is the conversion factor applied under subclause (4).

- (3) The operator must assess the volume of the waste or diverted material by—
- (a) measuring the volume using a compliant measuring instrument; or
 - (b) estimating the volume as accurately as possible.
- (4) The operator must apply the conversion factor specified in Schedule 2 that best applies to the waste or diverted material.

14 Request for approval of average tonnage system

- (1) An operator may, in writing and at any time, request the Secretary to approve the use of an average tonnage system that ascribes a weight to waste or diverted material that enters the facility based on the type of motor vehicle it is carried in.
- (2) An average tonnage system may apply only to 1 or more of the following:
- (a) light motor vehicles, meaning motor vehicles that have a gross vehicle mass of 3,500 kg or less;
 - (b) motor vehicles of classes MA (passenger cars), MB (forward control passenger vehicles), MC (off-road passenger vehicles), MD 1 and MD 2 (certain light buses), NA (light goods vehicles), NB (medium goods vehicles), and NC (heavy goods vehicles) (as those classes are defined in table A of Part 2 of Land Transport Rule 33020: Fuel Consumption Information 2008);
 - (c) trailers towed by vehicles referred to in paragraph (a) or (b).
- (3) The operator's request must include the following:
- (a) a description of each type of vehicle to which the average tonnage system will apply; and
 - (b) the average tonnage of waste or diverted material that has been calculated as being carried in each type of vehicle (which will be ascribed to waste or diverted material that enters the facility in that type of vehicle); and
 - (c) the extent to which the average tonnage for each type of vehicle was calculated based on measurements using a compliant weighbridge or a conversion factor; and
 - (d) evidence that the calculation of the average tonnage for each type of vehicle is based on a reasonably representative sample of the vehicles

- (including evidence of the number of vehicles in the sample and the period during which the sample was taken).
- (4) The Secretary must consider the request on receiving it.
 - (5) The Secretary may, if satisfied that the calculation of the average tonnage for each type of vehicle is based on a reasonably representative sample of the vehicles,—
 - (a) approve the average tonnage system; and
 - (b) determine the period during which the approval applies, which must be a period of 3 years or less.
 - (6) The Secretary must, as soon as practicable after making a decision on the request,—
 - (a) provide written notice of the decision to the operator; and
 - (b) if approval is given, specify the period during which the approval applies.
 - (7) The Secretary may, at any time, revoke the approval of an average tonnage system by giving written notice to the operator.
 - (8) To avoid doubt, the description of a type of vehicle included in an operator's request under subclause (3)(a) need not coincide with a class of motor vehicle referred to in subclause (2).

Schedule 1

Transitional, savings, and related provisions

r 4

Part 1

Provisions relating to these regulations as made

1 When operator of transfer station must comply

An operator of a transfer station must comply with these regulations on and from 1 January 2022.

2 When operator of cleanfill facility: class 5 must comply

An operator of a cleanfill facility: class 5—

- (a) must comply with these regulations on and from 1 January 2023; but
- (b) must provide the Secretary with the information described in regulation 6(3)(a) to (c) on and from 1 July 2022.

3 When operator of industrial monofill facility must comply

An operator of an industrial monofill facility—

- (a) must comply with these regulations on and from 1 January 2023; but

- (b) must provide the Secretary with the information described in regulation 6(3)(a) to (c) on and from 1 July 2022.

Schedule 2

Conversion factors for volume-to-weight calculations

r 13(4)

Type of waste or diverted material	Description of waste or diverted material	Conversion factor
Waste or material in rubbish bags or carried in cars	Small loads (0.5 cubic metres or less) of uncompacted general waste or material, including bags of domestic and commercial refuse	0.130 tonnes (130 kg)/cubic metre
	<i>or</i>	
Uncompacted general waste or material	Waste, or material, for diversion that is similar in density to loose and uncompacted recyclable containers, such as cans and plastic bottles	
	Larger loads (more than 0.5 cubic metres) of uncompacted waste or material from residential, commercial, industrial, construction and demolition (excluding cleanfill), and landscaping activities	0.200 tonnes (200 kg)/cubic metre
Compacted waste or material	<i>or</i>	
	Waste, or material, for diversion that is similar in density to timber or uncompacted cardboard and paper	
High-density waste or material	Waste or material carried in a compacted state (including in kerbside collection compactors, stationary compactors, and front-end loaders) and compacted bulk waste or material from transfer stations	0.320 tonnes (320 kg)/cubic metre
	<i>or</i>	
High-density waste or material	Waste, or material, for diversion that is similar in density to whole glass bottles and loose light-gauge scrap metal	
	Waste or material composed of materials with a specific gravity greater than 1.0 (for example, concrete and masonry rubble, clay, soil, slags, sludges (including biosolids), ash, foundry sand, pomace (fruit pulp), and abattoir waste)	1.500 tonnes (1,500 kg)/cubic metre
	<i>or</i>	
	Waste, or material, for diversion that is similar in density to crushed glass	

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations come into force on 13 May 2021.

These regulations require the operator of a cleanfill facility: class 5, industrial mono-fill facility, or transfer facility to—

- measure and record the tonnage of waste and diverted material that makes up gross tonnage or diverted tonnage for the facility; and
- provide the Secretary for the Environment with quarterly returns containing information on the gross tonnage and diverted tonnage for the facility (the operator may, however, seek approval to provide an annual return instead); and
- provide, if requested by the Secretary, any records that these regulations require the operator to keep.

An operator of a transfer station must comply with these regulations on and from 1 January 2022.

An operator of a cleanfill facility: class 5 or an industrial monofill facility must—

- comply with these regulations on and from 1 January 2023; but
- provide the Secretary with the information described in *regulation 6(3)(a) to (c)* on and from 1 July 2022.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement in May 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mfe.govt.nz/sites/default/files/media/Legislation/RIS/regulatory-impact-statement-waste-disposal-levy.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 15 April 2021.

These regulations are administered by the Ministry for the Environment.