

Version
as at 1 January 2023



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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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 1.023; 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 2023, by regulation 35 of the Climate Change (Emissions Trading Scheme and Synthetic Greenhouse Gas Levies) Amendment Regulations 2022 (SL 2022/267).

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.

Notes**1 *General***

This is a consolidation of the Climate Change (Waste) Regulations 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Climate Change (Emissions Trading Scheme and Synthetic Greenhouse Gas Levies) Amendment Regulations 2022 (SL 2022/267): Part 7

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