



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Enquiries: CX Zwane
Telephone: 060 542 1108
Reference: 6/2/2/6

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 3331

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 20 OCTOBER 2023
(INTERNAL QUESTION PAPER NO. 36)

3331. Ms A M M Weber (DA) to ask the Minister of Water and Sanitation:

- (1) What licences are requested from his department to run a (a) coal and (b) chrome wash plant;
- (2) (a) what enforcements have been put in place in terms of a licence breach, (b) how regular does his department inspect the wash plants, (c) what number of violations have been found in each (i) province and (ii) wash plant in the past three years and (d) what actions were taken to rectify the violations?

NW4451E

---0000---

MINISTER OF WATER AND SANITATION

- (1) A Water Use License is required to operate a washing plant. The Licence largely depends on the location of the site, but the following water uses in terms of section 21 of the National Water Act, 1998 (Act 36 of 1998) could be applicable:
- (a) taking water from a water resource:
 - (b) storing water:
 - (c) impeding or diverting the flow of water in a watercourse:
 - (e) engaging in a stream flow reduction activity contemplated in section 36; engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1):
 - (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit:
 - (g) disposing of waste in a manner which may detrimentally impact on a water resource; disposing in any manner of water which contains waste from
 - (i) altering the bed, banks, course or characteristics of a watercourse.

- (2) (a) In cases of non-compliance with water use authorisations; the Department of Water and Sanitation (DWS) has enforcement tools in place to address transgressions and manage unlawful water use. This ensures that a set of actions (administrative, criminal, and civil) are taken against non-compliance with the provisions of the National Water Act (NWA) through various measures including notices, directives, and legal action.

(b) The frequency of inspections of authorised wash plants varies across Water Management Areas (WMA) or Provinces. Some Provinces have a higher concentration of wash plants compared to others leading to more frequent inspections. Generally, inspections occur quarterly or annually depending on the priorities or plans of WMAs. Furthermore, it is important to note that other provinces like Free State, Northern Cape and Western Cape do not have coal and chrome wash plants. Eastern Cape has one (1) coal wash plant which is currently not operational.

Furthermore, unauthorized wash plants are being investigated on a continuous basis when reported or detected. Where enforcement action has been initiated, follow-up is conducted to assess progress on implementation of instructions/requirements stipulated in the notices, directives issued and/or action plans.

(c)(i) The table below depicts the number of reported non-compliant coal and chrome wash plants that have been found in other provinces and (ii) wash plant in the past three years and

(d) the table below also depicts actions taken to rectify the contraventions.

Table 1: Number of non-compliant cases related to Coal and Chrome Wash Plants investigated since April 2021

(c)(i) Province	Number of reported non-compliance cases Investigated	Administrative Enforcement Action (i.e. Notices and Directives	Administrative Enforcement Actions currently in Process	Number of Criminal Cases Opened	Wash Plant Closed as result of Enforcement Action taken
Gauteng	1	1	-	-	-
KwaZulu Natal	9	9	-	-	-
Mpumalanga	21	19	-	2	-
North-West	22	11	8	-	2
Limpopo	-	-	-	-	-
(c)(i) Total	53	40	8	2	2


---0000---

DRAFT REPLY: RECOMMENDED/ NOT RECOMMENDED/ AMENDED


DR SEAN PHILLIPS
DIRECTOR-GENERAL

DATE: 31/10/22 ✓

DRAFT REPLY: APPROVED/ NOT APPROVED/ AMENDED


MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION

DATE: 03/10/22