



## **water & sanitation**

Department:  
Water and Sanitation  
**REPUBLIC OF SOUTH AFRICA**

Enquiries: T Ntli  
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Reference:6/2/2/6

### **NATIONAL COUNCIL OF PROVINCES**

#### **FOR WRITTEN REPLY**

#### **QUESTION NO 840**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 17 NOVEMBER 2023**  
**(INTERNAL QUESTION PAPER NO. 47)**

#### **840. Mr G Michalakis (Free State: DA) to ask the Minister of Water and Sanitation:**

- (1) Whether, with reference to his department's presentation in a meeting of the Free State Legislature on Cooperative Governance and Traditional Affairs Portfolio Committee on 27 September 2022 regarding the lodging of criminal case against a certain company (details furnished), any directives were issued by his department to the said company regarding its activities on the conditions of the Fine Tailings Storage Facilities (FTSF) at Jagersfontein prior to 11 September 2022 disaster; if not, why not; if so, when copies of the directives, including the dates on which it was issued will be made available;
- (2) whether the said company complied with the directives that were issued by his department; if not, what further steps were taken against the said company in this regard;
- (3) whether his department has ordered the said company to (a) cease its mining activities and (b) de-commission the three FTSFs at Jagersfontein; if not, why not in each case; if so, what are the relevant details?

CW1071E

## MINISTER OF WATER AND SANITATION


- (1) The Department of Water and Sanitation (DWS) issued a directive dated 22 December 2020 to the mining company for the disposal of volumes above authorised limits into the Fine Tailings Storage Facilities (FTSF). The copy of the directive is attached.
- (2) The company complied with conditions of the directive and the DWS lifted the directive on 31 May 2021.
- (3) (a) The DWS issued a directive dated 12 September 2022, in terms of section 20 (4) of the NWA, relating to emergency incidents (copy of directive is attached). The mining company was ordered to immediately cease all operations relating to mineral processing of the tailings and disposal of water containing waste, coarse tailings, and any other material on both compartments of the affected fine taking storage facility.  
  
(b) The department also issued a verbal directive to the company for the decommissioning of the FTSF, which was followed by a written directive in terms of Section 118 of National Water Act, Act 36 of 1998. In the directive, the mine was ordered to appoint an Approved Professional Person (APP) who would apply for a licence to decommission a dam with a safety risk as per the requirements of the Regulations Regarding Safety of Dams as published in Government Notice R-139 of 24 February 2012. The APP is expected to apply for decommission by the 27<sup>th</sup> of November 2023.

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DRAFT REPLY: RECOMMENDED/ ~~NOT RECOMMENDED~~/ ~~AMENDED~~

  
**DR SEAN PHILLIPS**  
**DIRECTOR-GENERAL**  
DATE: 24/11/23

DRAFT REPLY: APPROVED/ ~~NOT APPROVED~~/ ~~AMENDED~~

  
**MR SENZO MCHUNU, MP**  
**MINISTER OF WATER AND SANITATION**  
DATE: 28/11/23