



water affairs

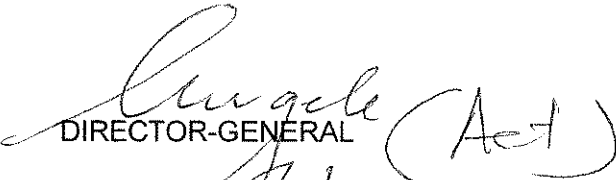
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Water and Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 60 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mr G R Morgan (DA), is attached for your consideration, please.


DIRECTOR-GENERAL (Act)

DATE: 30/7/09


DRAFT REPLY APPROVED ~~AMENDED~~


MS B P SONJICA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 2009. 08. 13

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 60

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 8 JUNE 2009
(INTERNAL QUESTION PAPER NO 1)

60. Mr G R Morgan (DA) to ask the Minister of Water and Environmental Affairs:

- (1) (a) How many mines are operating without a valid water licence as at the latest specified date for which information is available, (b) what are the reasons for some mines not having water licences and (c) is the breakdown per province;
- (2) whether any steps are being taken to ensure that these mines obtain water licences; if not, why not; if so, what are the relevant details;
- (3) whether any mines have had their operations suspended since 1 January 2007 for not having a water licence; if not, why not; if so, what are the relevant details?

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REPLY:

- (1)(a) The estimated number of mines operating without a valid water use licence is hundred and four (104).
- (1)(b) The following are but just circumstances under which it would happen that some mines operate without Water Use Licences:
 - (i) Instances where no water use application is submitted to My Department thereby violating the National Water Act (NWA) No 36 of 1998.
 - (ii) Certain mining activities in terms of the National Water Act (NWA) do not require a Water Use Licence and if that mining activity does not fall within the defined water uses in terms of Section 21, e.g. for some mining prospecting and sand mining activities there is no need to apply for a Water Use Licence.
 - (iii) Some applications reach My Department with incomplete relevant information for the required water uses, thus contributing to the delays in processing and decision making on such applications.
- (1)(c) Estimated Provincial breakdown of mining activities taking place without valid Water Use Licences are as follows:

SERIAL	PROVINCE	NUMBER OF MINES
1	Eastern Cape (EC)	1
2	Free State (FS)	0
3	Gauteng (GP)	19
4	KwaZulu-Natal (KZN)	8
5	Limpopo (LP)	32
6	Mpumalanga (MP)	13
7	Northern Cape (NC)	2
8	North West (NW)	29
9	Western Cape (WC)	0
10	TOTAL	104

(2) My Department issues pre-directives and directives to pursue the mines to submit water use licence applications soon after realizing that they are operating without valid licence. Furthermore, My Department has developed External Guidelines to provide direction and assistance to applicants including the Mines and Stakeholders on the following:

- The requirements for the various water uses which require authorization within the mines
- Necessary consultative processes
- The Evaluation and Assessment Process
- The Appeal Process

In addition, my Department has developed and launched the Best Practice Guideline for the Mining Sector in a bid to help them to comply with the requirements for Water Use Licensing and the licence conditions. In order to avoid a situation in which the Mining Houses view the granting of Mineral Right as inclusive of the water entitlements, My Department is in the process of engaging with the Department of Mining in order to come up with a Co-operative Authorization that will ensure that the Water Use Licence is granted before mining can commence.

(3) No. The general rule is that My Department will exhaust all possible enforcement alternatives, for instance issuing a notice of violation and negotiation in the form of a directive. Mines operating without a Water Use License are directed to comply with Regulation 704, Published on 4 June 1999, on the use of water for mining and related activities aimed at minimising the impacts to Water Resources while lodging an application for a Water Use Licence with My Department.