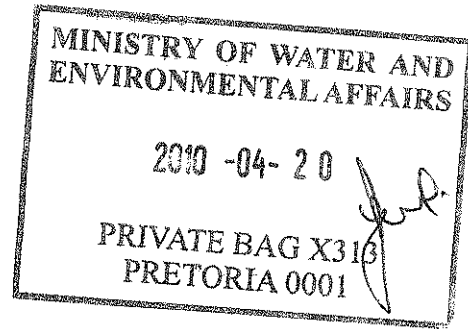




## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA



Enquiries: Mr S. Skosana  
Telephone: 012-336-7677  
Reference: 2/1/5/1

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1037 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Adv H C Schmidt (DA); is attached for your consideration.

  
DIRECTOR-GENERAL (Acting)

DATE: 16/4/10

DRAFT REPLY APPROVED/AMENDED 

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

DATE: 26. 04. 2010

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1037

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 30 MARCH 2010  
(INTERNAL QUESTION PAPER NO. 9)

**1037. Adv H C Schmidt (DA) to ask the Minister of Water and Environmental Affairs:**

In light of her reply to question 400 on 10 March 2010, (a) what steps is her department taking against mining companies who do not comply with the provisions of the National Environmental Management Amendment Act, Act 62 of 2008, by conducting mining activities without water permits having been granted and (b) where water permits have been approved, (i) what is the approved method prescribed for dealing with future decant water from the mines, (ii) what amount of money is required to be set aside by the individual mines for the provision of decant water, (iii) how was this amount calculated and (iv) by which department will such financial provision be kept?

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**REPLY:**

- (a) Water permits are not issued in terms of National Environmental Management Act (NEMA), but rather in terms of the National Water Act, Act 36 of 1998 (NWA). Enforcement action in response to conducting mining activities without water permits are taken in terms of the relevant provisions of the NWA and not the NEMA. The National Environmental Management Amendment Act, Act 62 of 2008 ("NEMA") does provide for environmental issues resulting from mining, prospecting, production and related activities to be regulated in terms of NEMA in the future. Although the NEMA came into effect on 1 May 2009 there is still an amendment to the Mineral and Petroleum Resources Development Act ("MPRDA") that needs to come into effect in order for the provisions of the NEMA to commence. It is unclear when the amendment to the MPRDA will come into effect however, once NEMA is applicable to mining activities the applicability will relate to environmental authorisations and not to water permits.
- (b)(i) Development of mine closure plan implement all mine closure actions, monitor and confirm that implemented actions do meet the agreed water resource objectives, confirm all the post-closure water management actions that will need to be implemented and prepare detailed financial provisions for these actions. Define and agree with stakeholders on the post-closure responsibilities and schedules and put necessary contractual arrangements in place.
- (b)(ii) The amount of money required depend on primary mineral and sealable mineral by-product, risk class of the mine, environmental sensitivity of the area and the class of the mine
- (b)(iii) The guideline document for the evaluation of the quantum of closure-related financial provision provided by a mine makes provision for calculating the amount required for water management issued including decanting of water.
- (b)(iv) The Department of Mineral Resources will keep such financial provision.

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