



## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND  
ENVIRONMENTAL AFFAIRS

2011-03-29

PRIVATE BAG 2413  
PRETORIA 0001

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Reference: 6/2/2/6

### MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

### NATIONAL ASSEMBLY: QUESTION 252 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mrs S V Kalyan (DA); is attached for your consideration.

ACTING DIRECTOR-GENERAL

DATE: 28/03/2011.

### DRAFT REPLY APPROVED/AMENDED

MRS B E E MOLEWA, MP  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 29-3-2011

FOR WRITTEN REPLY

QUESTION NO 252

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 18 FEBRUARY 2011  
(INTERNAL QUESTION PAPER NO. 02)

**252. Mrs S V Kalyan (DA) to ask the Minister of Water and Environmental Affairs:**

- (1) Whether a certain company (name furnished) operating a waste oil refinery in Cato Ridge, KwaZulu-Natal, has a water licence; if not, what is the position in this regard; if so, what are the relevant details;
- (2) whether she has been informed that the company has been discharging water contaminated by oil into a stream in the vicinity of its operation; if so, what are the relevant details; if not,
- (3) whether she will investigate the matter; if not, why not; if so, what are the relevant details;
- (4) whether any (a) notices of compliance or (b) directives have been issued against the company for any pollution events emanating from its site of operation; if not, why not; if so, what are the relevant details?

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**REPLY:**

- (1) No, the company does not have a water use license as the activity falls outside the National Water Act, 1998 (Act No. 36 of 1998). However, the company is required to have a waste license under the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) Yes, on 11 January 2011, the Department was informed that the company was discharging water contaminated by oil. On 17 January 2011, officials from the Department were deployed on site to investigate the matter. It was noted that the discharge was in fact a spillage that had occurred during operations and the spillage has since been cleaned up by the company no further spillages have been noted during two subsequent inspections on 28 January 2011 and 10 February 2011.
- (3) The operations were visited on three occasions as follows:
  - Two officials from the Department together with Cllr Jean Lindsay (a local Councilor from the Democratic Alliance) visited the site on 17 January 2011. It was noted that the clean-up of the spillage had already been undertaken by the company.
  - The two officials from the Department and officials from the KwaZulu-Natal Provincial Department of Agriculture, Environment Affairs and Rural Development and the eThekweni Metropolitan Municipality visited the site on 28 January 2011.
  - The two officials from the Department together with officials from the Department of Environmental Affairs visited the site on 10 February 2011.
- (4)(a) Upon learning of the spillage the eThekweni Municipality as the "relevant authority" in terms of section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) has issued a notice and has also advised the Department that the company will be fined under the eThekweni Municipality's by-laws.
- (4)(b) No directives have been issued to the company by the Department as the spillage had already been adequately cleaned at the time of inspection. The Department of Environmental Affairs is currently in the process of reviewing the information obtained during the investigation on 10 February 2011.

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