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water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND
ENVIRONMENTAL AFFAIRS

2011 -02- 25

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 43 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: 25/02/2011

DRAFT REPLY APPROVED/AMENDED

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

DATE: 28.2.2011,

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 43

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 FEBRUARY 2011
(INTERNAL QUESTION PAPER NO. 01)

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

- (1) Whether a certain mining company (details furnished) has a valid water use license; if not, why is the company allowed to operate; if so, (a) when was the license issued, (b) by whom was the license issued and (c) where can members of the public obtain copies of this license;
- (2) whether the license permits the use of dynamite in and around a water course; if not, why not; if so, (a) how can this be justified and (b) what are the further relevant details?

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REPLY:

- (1) No, the mining company has not applied for a water use license as required in terms of the National Water Act, 1998 (Act No. 36 of 1998) (the Act). My Department has commenced with an administrative enforcement process by issuing a notice of intention to issue a directive in terms of section 19 of the Act on 22 February 2011 requesting the mining company to cease, modify and stop any process or activities which cause pollution of the water resources, or to provide reasons within certain time frames why the Department should not exercise those powers and issue a directive in terms of section 19 of the Act.
 - (1)(a) Falls away.
 - (1)(b) Falls away.
 - (1)(c) Falls away.
- (2)(a) Although my Department has not issued a valid water use license to the mining company, I would like to advise that the use of dynamite forms part of the mining method as contained in an application for a mining right from the Department of Mineral Resources. To this end, my Department's license does not address the use of dynamite.
 - (2)(b) Falls away.

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**NATIONAL ASSEMBLY
QUESTIONS FOR WRITTEN REPLY**

0052

Internal Ref Number: 101 - 2011
Submission Date: 07.02.2011
Question Asked By: Ms SV Kalyan
Question Asked To: Minister of Mineral Resources

Question:

1. Whether the mining company Delfsand, operating between Cullinan and Rayton, has a valid water use license, if not, why is being allowed to operate, if so; (a) When was the license issued and (b) who issued the license;
3. Where can members of the public obtain copies of the water license;
4. Whether the license permits the use of dynamite in and around a water course, if so, how can this be justified, if not, what are the relevant details?

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Inwoners woedend vir mynhuis

Vincent Marucohi (5) met sy "Water"-plakkaat. Hy en nog sowat 14 inwoners van Plenaarspoort buite Rayton betoog teen die Delfsand-myn wat gister dinamiet geskiet het om grond te toets vir 'n nuwe silikamyn. Die inwoners wil graag die grond waarop 'n vleiand is, beskerm teen die myn. Foto: WAYNE COETZEE

Skiet glo 1 van hul waterbronne uitmekaar

Elise Tempelhoff

Gemeenskappe naby Rayton en Cullinan is woedend omdat hulle vrees dat die mynhuis Delfsand gister een van hul drie waterbronne uitmekaar geskiet het tydens 'n soektog na silika.

Die gemeenskappe het nou die mynhuis, wat in 'n waterryke gebied in die Magaliesberg myn en glo nie 'n waterlisensie het nie, by die departement van waterwese verkla.

Me. Karen Yssel, lid van die Eko-groep van die Rayton-gemeenskapsvereniging, het gis-

ter gesê die gemeenskap (sowat 250 huusgesinne) is "woedend en teleurgesteld" dat Delfsand – ondanks verskeie pleidooie en 'n prokureursbrief van AfriForum – tog voortgegaan het om " 'n gat in die Magaliesberg", vermoedelik bo op een van hul drie waterbronne, te skiet.

Die mynhuis, wat deel is van mnr. Steven Courtney se moedermaatskappy, Infrasons, het glo tydens 'n gemeenskapsvergadering wat begin Desember verlede jaar gehou is ondermeer beloof om 'n afskrif van hul water- en myn-lisensie beskikbaar te stel voordat hulle met enige dinamiet in die ge-

bied son skiet. "Hulle het nóg die belofte nóg ander nagekom. Ons vertrou hulle dus nie en hulle moet hier padgee," het Yssel gesê.

Me. Relien Badenhorst, lid van die Cullinan-bewarea, het gister toegekyk hoe Delfsand met plofstof " 'n deel van die Magaliesberg" uitmekaar skiet. 'n Groep inwoners het gisteroggend op kort kennisgewing naby die myn byeengekóm om hul ontevredenheid te kenne te gee. Veiligheidswaite met honde het hulle voorgekeer sowat 1 km van die plek waar Delfsand die dinamiet geskiet het.

Badenhorst het gesê die ge-

meenskap se "regte woord vertrap" en hul water word deur onverantwoordelike mynboubedrywighede bedreig.

Voigens haar het die gebied sowat twee jaar gelede "gewemel" van die brulpaddas. "Vandat Delfsand hier begin myn het, is al die brulpaddas net weg. Ek het twee jaar laas een gehoor."

Badenhorst het gesê Delfsand ignoreer net die gemeenskap.

Yssel het voorts gesê die Eko-groep het die kwessie van die waterlisensie by mnr. Phillemon Mahlangu, streekvertegenwoordiger van die departement van waterwese, aangegee. Hy

het glo die gebied besoek en beloof hy gaan die saak ondersoek.

Mahlangu was gister nog met verlof en nie vir kommentaar beskikbaar nie.

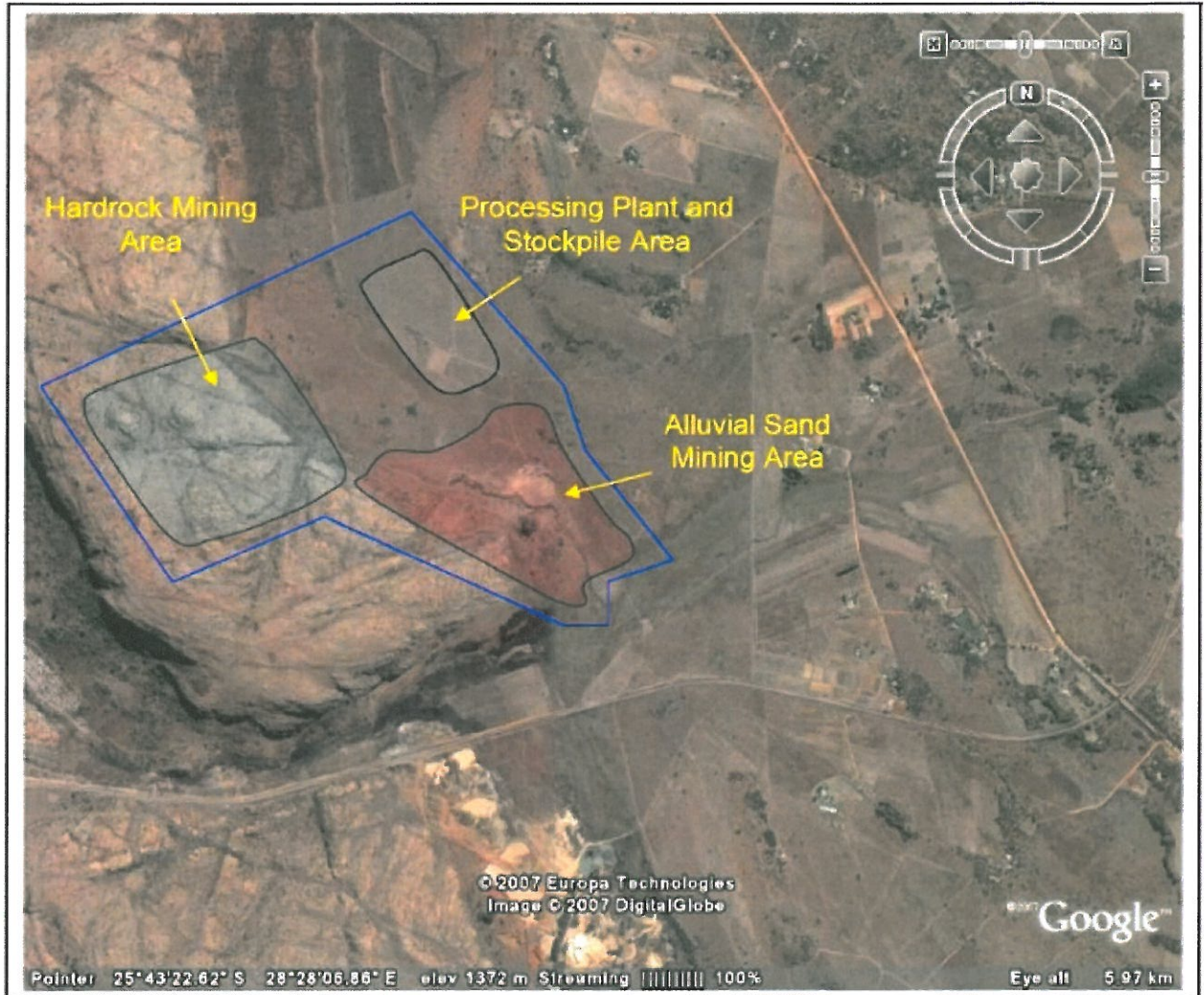
Mnr. Otto Fourie, mynbestuurder, het gister nie op *Beeld* se versoeke om kommentaar – *Beeld* het hom gebel, 'n boodskap by sy sekretaresse gelaat en twee keer vir hom e-posse gestuur – gereageer nie.

Die gemeenskap beskuldig Delfsand ook daarvan dat hulle al 'n groot deel van 'n vleiand in die gebied uitgemyn het en dat hulle besoedelde water in die res daarvan pomp.

Delf Sand mining

1. Pienaarspoort Ontwikkeling (Pty) Ltd holds an existing Mining Right, Ref No GP30/5/1/2/2(79)MR, for the mining of sand on a portion of portion 55 of the farm Pienaarspoort 339JR, Cullinan, Gauteng, which have been withdrawn.
2. Delf Sand CC holds an existing Mining Right MP4/97 on the remaining portion of portion 10 of the farm Pienaarspoort 339JR. An application for conversion has been submitted to DME, Gauteng during August 2004 and this was approved.
3. The proposed mining project involved :
 1. The mining of the alluvial sand deposit, consisting of weathered quartzite of the Magaliesberg Formation, at the south-eastern section of the proposed mining area. This is in operation.
 2. The opencast mining, by drilling and blasting, of quarsitic hardrock at the western section of the proposed mining area.

Delf Sand is starting their quarzitic hardrock operations. The location is indicated below. This will severely affect this area.



Mine position relative to Rayton

