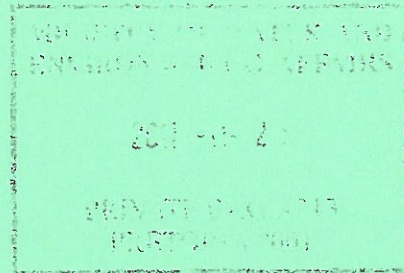




water affairs
Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA



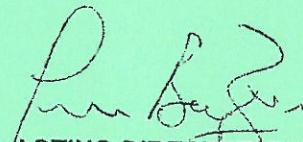
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Enquiries: J van Aswegen
Telephone: 013 759 7300
Reference: 16/2/7/B100/C50

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

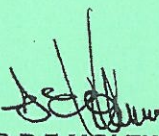
NATIONAL COUNCIL OF PROVINCES: QUESTION 573 FOR WRITTEN REPLY

A draft reply to the above question by Mrs E C van Lingen (DA-EC) is attached for your consideration.


ACTING DIRECTOR-GENERAL

DATE: 23/11/2011

DRAFT REPLY APPROVED/AMENDED ✓


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

DATE: 2011/11/24

Question 573 attached for info.

NATIONAL COUNCIL OF PROVINCES

FOR WRITTEN REPLY

QUESTION NO. 573

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 NOVEMBER 2011
(INTERNAL QUESTION PAPER NO. 36)

573. Mrs E C van Lingen (DA-EC) to ask the Minister of Water and Environmental Affairs:

- (1) Whether, with reference to her reply to the National Assembly question 575 on 30 March 2011, she has been informed that the Wesmine/Wescoal pumped water from a certain mine (name furnished) to its coal washing plant; if not, what is the position in this regard; if so, what are the relevant details;
- (2) whether this transfer of water was authorised by her department; if not, what is the status of this transfer; if so, what are the relevant details;
- (3) whether the Wesmine/Wescoal had the authority from her department for the discharge of water that had originated from the said mine; if not, what will be done to rectify the situation; if so, (a) where was the water from the said mine discharged and (b) what are the further relevant details?

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REPLY:

- (1) Yes, the Department assessed the representation made by Wesmine/Wescoal (the company) on 29 September 2010 regarding the notice of intention to issue a directive dated 1 July 2010. A rejection letter dated 15 April 2011 was thereafter issued to the company in which reasons were given why its representation was not favourably considered. A directive dated 11 May 2011 was issued to the company to provide proof of authorisation for the water uses. As the company failed to stop its unlawful water uses the Department opened a criminal case at the Witbank Police Station (with case number 408/07/2011) against the company on 14 July 2011. This emanated from, among others, the pumping of the water and using it in the coal washing operation which is a water use in terms of the National Water Act, 1998 (Act No. 36 of 1998).
 - (2) No, the Wesmine/Wescoal is not transferring any water as the company is busy with the rectification process in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998). Furthermore, the company did not apply for a water use license in terms of section 21 of the National Water Act, 1998 (Act No. 36 of 1998).
 - (3) No, the Department has already started with enforcement actions in terms of sections 19 and 53 of the National Water Act, 1998 (Act No. 36 of 1998). The Department will further engage Wesmine/Wescoal with regard to the processes that have to be followed to ensure that it complies with the requirements of the National Water Act, 1998 (Act No. 36 of 1998)
- (3)(a) Falls away.
- (3)(b) Falls away.

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