



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA



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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 2115 FOR WRITTEN REPLY

A draft reply to the above question asked by Mrs M Wenger (DA) is attached for your consideration.

DIRECTOR-GENERAL

DATE: 27/08/2012

DRAFT REPLY APPROVED^{AS}/AMENDED

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

DATE: 2012/08/28

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2115

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 17 AUGUST 2012
(INTERNAL QUESTION PAPER NO. 25)

2115. Mrs M Wenger (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether, with respect to Exxaro's Leeuwpan mine, any part of the (a) pan and (b) wetlands on the mine site had been mined since 1 January 2012; if not, how was this conclusion reached; if so, what are the relevant details;
- (2) whether the mining in the specified area has been authorised by her department; if not, what will be done to rectify the situation; if so, what are the relevant details?

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REPLY:

- (1) During a site investigation conducted by the Department of Water Affairs (the Department) on 16 May 2012, it was observed that mining through the pan/wetland was taking place, however, the mine failed to provide proof of authorisation for the activity. Based on the findings of the investigation, a notice of intention to issue a directive in terms of section 53(1) of the National Water Act, 1998 (Act No. 36 of 1998) for engaging in water use activities without authorisation was issued to the mine dated 17 May 2012.

On 22 May 2012, the mine made representation in response to the notice. However, the Department rejected the mine's representation through a letter dated 4 June 2012 due to the mine's failure to provide proof of authorisation. Subsequently, the Department issued, a directive dated 11 June 2012 to the mine, directing the mine to provide proof of authorisation and failure to do so would lead to the mine being instructed to stop mining through the pan/wetland.

The mine lodged an appeal against the directive in terms of section 148 of the National Water Act, 1998 (Act No. 36 of 1998) with the Water Tribunal on 13 July 2012. The Department conducted a follow up investigation on 20 June 2012 and noted that the machinery used for mining through the wetland/pan was removed and mining was only taking place towards the North to the tarred road within the boundary of the mining area.

As indicated in (1) above, the mining in the pan/ wetland has not been authorised by the Department and steps to address the non compliance are being implemented.

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