

2023 | 2024

# CME ANNUAL REPORT

## COMPLIANCE MONITORING AND ENFORCEMENT (CME)

WATER IS LIFE - SANITATION IS DIGNITY

SOUTH AFRICA IS A WATER- SCARCE COUNTRY

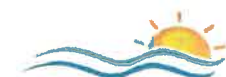


**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA



**BREED-OLIFANTS**  
WATER MANAGEMENT AGENCY



**INKOMATI-USUTHU**  
CATCHMENT MANAGEMENT AGENCY



## FORWARD



The 2023/24 Departmental Compliance and Enforcement Report reflects on 10 years since our first report was compiled with particular focus on the 2023/2024 financial year in terms of the Department and its Catchment Management Agencies (CMAs) compliance monitoring and enforcement technical and financial performance, sectorial performance or behaviour, and joint operations with our sector partners such as the Departments of Forestry, Fisheries and the Environment and Mineral Resources. It further provides a breakdown of strategic matters crucial to

the strengthening of regulation, including information management, capacity building and stakeholder engagements.

No legislative provisions or standards can be effective unless it is complied with and enforced where there is non-compliance. The Departments' Compliance and Enforcement unit performs one of the key regulatory functions to realise the Constitutional rights of everyone having access to sufficient food and water with an environment that is not harmful to their health and wellbeing through the compliance monitoring and enforcement of the National Water Act, 1998 (Act no. 36 of 1998) (NWA), and the Water Services Act, 1997 (Act no. 108 of 1997) (WSA), and its supporting regulations.

In recent years, DWS has been strengthening its regulatory function and making its regulatory actions more consistent, and this has resulted in an increase in the number of civil actions and criminal charges against municipalities for sewage pollution. The number of criminal charges is expected to increase further. Since 2017, DWS has opened 105 criminal cases for sewage pollution involving 53 municipalities, across all 9 provinces – this follows non-responsiveness of the municipalities to notices and directives.

The review of both the National Water Act and Water Services Act resulted in Amendment Bills published in November 2023 for public consultation. Both Amendment Bills aim amongst other aspects to strengthen the compliance and enforcement functions of the Department and its Agencies.

The Department constantly strives to enhance the compliance and enforcement procedures, protocols and systems for effective functioning within the Environmental Management Network. In support of an enhanced compliance and enforcement capacity there are ongoing training and designation of officials as Environmental Management Inspectors (EMI's). The total of EMI's designated by the Minister of Water and Sanitation at the end of the reporting period is one hundred and twenty-four (124) though at date of publication of this CME Annual Report there is 145 designated EMIs in the Department and its Catchment Management Agencies. The DWS is part of the blue sector (freshwater) and brown sector (waste) and its performance data is also reported under the Environmental Secretariat and EMI network.

A significant part of the DWS Compliance Monitoring and Enforcement (CME) Strategy is the commitment to training and capacity building as well as access to information relating to CME. This year training included internal training on systems and processes on the CME Standard Operating Procedures Manual that was finalised, basic training on inspections and investigations, advanced training on docket management and training to prosecuting authorities as well as the SAPS.



Minister of Water and Sanitation: Ms Pemmy Majodina, MP

Date: 08/02/2025





## ACRONYMS

<b>ARC</b>	Agriculture Research Council
<b>APP</b>	Approved Professional Person
<b>APP</b>	Annual Performance Plan
<b>AOR</b>	Annual operating rules
<b>BOCMA</b>	Breede-Olifants CMA
<b>CETT</b>	Compliance and Enforcement Task Team
<b>CoT</b>	City of Tshwane
<b>CAS</b>	Criminal Administrative System
<b>CMA</b>	Catchments Management Agency
<b>CME</b>	Compliance Monitoring and Enforcement
<b>CPA</b>	Communal Property Association
<b>DFFE</b>	Department of, Forestry, Fisheries and Environment
<b>DHSWS</b>	Department of Human Settlement, Water and Sanitation
<b>DWS</b>	Department of Water and Sanitation
<b>ECMS</b>	Enforcement Case Management System
<b>EMI</b>	Environmental Management Inspector
<b>FSC</b>	Forestry Stewardship Council
<b>IUCMA</b>	Inkomati-Usuthu CMA
<b>IWMI</b>	International Water Management Institute
<b>MTSF</b>	Medium Term Strategic Framework
<b>NAP</b>	National Assessment Panel
<b>NEMA</b>	National Environmental Management Act 1998 (Act 107 of 1998)
<b>NWA</b>	National Water Act 1998 (Act 36 of 1998)

<b>NWRS-3</b>	National Water Resource Strategy 3
<b>NCIMS</b>	National Compliance Information Management System
<b>NECER</b>	National Environment Compliance and Enforcement Report
<b>PASA</b>	Petroleum Agency South Africa
<b>PDAs</b>	Provincial Departments of Agriculture
<b>SEMA</b>	Specific Environmental Management Act
<b>SOF</b>	Systems Operation Forum
<b>SOPs</b>	Standard Operating Procedures
<b>WARMS</b>	Water use Authorisation & Registration Management System
<b>WMA</b>	Water Management Area
<b>WUA</b>	Water Use Authorisation
<b>WWTW</b>	Wastewater Treatment Work
<b>WRC</b>	Water Research Commission

## GLOSSARY OF TERMS

**“APP”** means a professional person who has been approved by the Minister of Water and Sanitation after consultation with the Engineering Council of South Africa and is of relevance to dams with a safety risk. For a list of registered APPs got to <http://www.dwa.gov.za/DSO/APP.aspx>.

**“Compliance”** refers to the “state of conformity” with the law. Means the act or instance of complying, obeying or meeting the conditions of legally enforceable documentation, such as Acts, Regulations, Authorisations, Entitlements.

**“Communal Property Associations”** means a juristic person holding and managing an immovable property on behalf of a community under a written constitution in terms of the Communal Property Associations Act 28 of 1996.

**“Compliance Monitoring”** means a planned and scheduled monitoring by the regulated authority in which all the conditions of an authorisation are assessed for compliance, and where the water user is afforded an opportunity to indicate status of compliance with the conditions and is requested to substantiate compliance with proof of evidence. Compliance monitoring are normally conducted in accordance with a prepared systematic scheduled plan and conducted throughout the life cycle of a facility’s authorised activity or project to verify status of compliance against legal instrument such as the water use authorisation. Therefore, compliance inspections will always include follow-up inspections and is not an once-off action.

Compliance inspections and compliance audits are instruments applied to ascertain status of compliance of an authorised water user against their water use authorisation.

These include –

- Initial Compliance Inspections (first inspection of the facility)
- Follow-up Compliance Inspections (after initial inspection and action plan timeframe of rectifying non-compliances identified or new stage of project life cycle of facility [construction, rehabilitation, operation, maintenance, decommissioning])
- Joint Compliance Inspections (with other regulating institutions)

**“Contravention”** means any act or omission which violates the law or conditions of the water use entitlement as issued in terms of the law and is often listed as offences under legislation.

**“Dam with a Safety Risk as defined in NWA”** means any dam:

- (i) which can contain or store more than 50 000 cubic metres of water, whether that water contains any substance or not, and which has a wall of a vertical height of more than five metres, measured as the vertical difference between the lowest downstream ground elevation on the outside of the dam wall and the non-overspill crest level or the general top level of the dam wall;
- (ii) belonging to a category of dams declared under section 118(2) of the Act to be dams with a safety risk; or
- (iii) declared under section 118(3)(a) to be a dam with a safety risk.

**“Enforcement”** occurs after one or more contraventions have been detected. It involves taking steps to achieve compliance by the water user and correcting or terminating conditions that put the environment or public health at risk. In other words, if the compliance and enforcement cycle is considered as a system based on a combination of “reward and punishment” approach, enforcement is the “punishment” whereas compliance promotion mechanisms are the “rewards”. **“Enforcement tool”** National Environmental Management Act (Act no 106 of 1998) (NEMA) and the Specific Environmental Management Act (SEMA) have given enforcement an expanded range of tools that can be used to enforce compliance or punish non-compliance. These include –

- Warning letters
- Directives
- Compliance notices
- Instructions to undertake audits
- Admission of Guilt fines
- Civil interdicts
- Criminal prosecutions

**“Entitlement”** means a right to use water in terms of applicable provision of the NWA, or in terms of an instrument issued under this Act; and includes schedule 1 use, general authorisation, existing lawful use or water use license.

**“Interdict”** means an authoritative prohibition.

**“Investigation”** means formally or systematically gathering of admissible evidence as a result of a reasonable suspicion of non-compliance, with the view of possibly taking enforcement action for corrective measures to be implemented.

An investigation requires a **“reasonable suspicion”** that an act or omission “might constitute” an offence in terms of a breach of the environmental legislation or of permits / WUAs issued under that legislation. Rules for admissibility of evidence for prosecuting non-compliance are more onerous (chain of custody, admissions).

**“Non-compliance”** refers to where an authorised water user or person that does not adhere to the requirements of the Act or water use entitlement.

**“Notices/directives issued”** means administrative enforcement tools that are issued to a water user who has contravened the condition/s of the entitlement or transgressed the provision/s of the NWA. These tools instruct the water user to take corrective action (e.g. ceasing an activity, undertaking rehabilitation, submitting information).

**“Self-Regulation”** means self-monitoring, auditing and reporting by the authorised water user as required in terms of the water use authorisation. The water user is required to monitor and assess its own compliance and report the results, including water use violations, and appoint an independent auditor to audit compliance against the water use authorisation conditions and report findings in prescribed time frames. Internal annual audits and external annual audits as per conditions of a water use license to be conducted or annual environmental audits and/or audit findings per request in terms of the GA 4167 of 2023 and/or audit findings on request in terms of GA 665 of 2013 to be conducted and submitted to the department in a specific timeframe. The Government Notice 704 dated June 1999 pertaining to regulations of mining also requires self-regulation. Self-monitoring records, data and reports are an integral component of self-regulation as set out in legal instruments. Self-regulation enables the authorised water user to identify non-compliances and rectify it through corrective actions.

It is therefore a screening, early warning and/or red-flag tool of status of compliance of a water user and a planning tool for the Regulator for compliance inspection targets.

**Prosecution**” means the institution and conducting of legal proceedings against someone in respect of a criminal charge.

**“Outcome 10”** the environmental sector, which includes all organs of state with an environmental management or impacting function led by the Department of Forestry, Fishery and Environmental (DFFE) (which is responsible for the implementation of Outcome 10 concerned with protected and enhanced environmental assets and natural resources as one of the Government priorities). The 2009 Policy Framework approved by the Cabinet and tabled in Parliament provided the basis for an “outcomes approach”. The Outcome 10 information feeds into the National Environmental Compliance and Enforcement Report (NECER)

**“The Act”** National Water Act, Act No. 36 of 1998.

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## 1. INTRODUCTION

This year marks the 10<sup>th</sup> year for the Department of Water and Sanitation (DWS) to compile an annual report on Compliance Monitoring and Enforcement (CME) on the previous financial year performance (2023/2024).

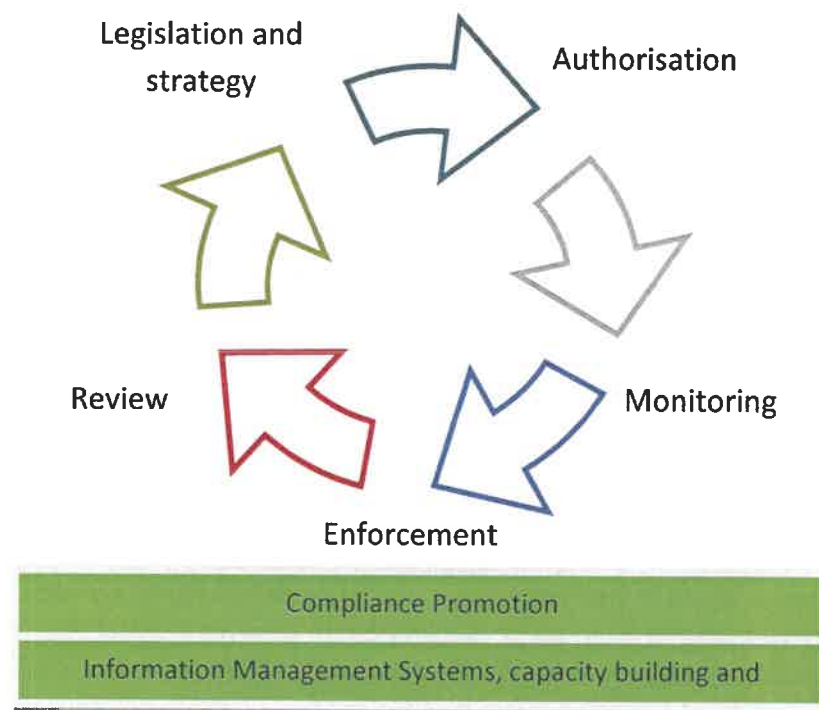
This report is aimed at all internal and external stakeholders, including the general public and a range of public and private institutions. In this respect, the report seeks to fulfil information requirements as per the Promotion of Access to Information Act, 2000, Act No 2 of 2000 (PAIA) and the Promotion of Administrative Justice Act, 2000, Act No 3 of 2000 (PAJA) of regulators, the regulated, and the public, interested and affected parties. The report is designed to provide:

- An overview of CME measures undertaken by the Department to contribute to governments initiatives giving effect to Section 24 of the Constitution;
- Non-government organisations and action groups with information related to specific CME activities with regard to certain facilities or sectors;
- Compliance performance evaluation of all sectors and also highlights the performance as per Outcome 10 requirements/targets;
- Awareness by creating an atmosphere where people choose to comply with the relevant legislation rather than to violate it.

The Departmental Compliance and Enforcement strategy (2018) recognises DWS as a key partner in the Environmental Management Inspectorate as well as the benefits provided by the EMI network. The Strategy is

benchmarked against the EMI National Compliance and Enforcement Strategy of 2014.

The Strategy sets out CME's role in the regulatory cycle from setting policy and legislation, to authorisation, compliance promotion, compliance monitoring and enforcement.



The strategy accordingly considers issues in respect of all the aspects of the cycle, including those that EMIs are not directly responsible for because –

- the effectiveness of compliance and enforcement depends on all the elements of the regulatory cycle being addressed, and
- the undertaking of any one of the elements has implications for the ability of the other elements of the regulatory cycle to function effectively.

The objectives of CME are to:

- Give effect to the human right of access to water (section 27) and the right to an environment not harmful to our health and wellbeing (section 24) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- Promote compliance and self-regulation;
- Guide regular, strategic, effective and efficient monitoring of compliance throughout a water user's project life cycle with DWS legislation;
- Provide prompt and effective enforcement action in the event of a suspected contravention of DWS legislation, including criminal prosecution;
- Inform all stakeholders of the principles that will guide enforcement action in the event of suspected contraventions of DWS legislation;
- Achieve progressive improvement of compliance with DWS legislation; and
- Ensure sustainable water resources through improved water quality and quantity practices.

The main objectives of the DWS CME Strategy that were progressively implemented during the last few years were the basic EMI training of DWS Compliance Monitoring and Enforcement (CME) officials and designation as EMIs where during this reporting period 124 EMIs have been designated. Access to information and information management was also a key drive

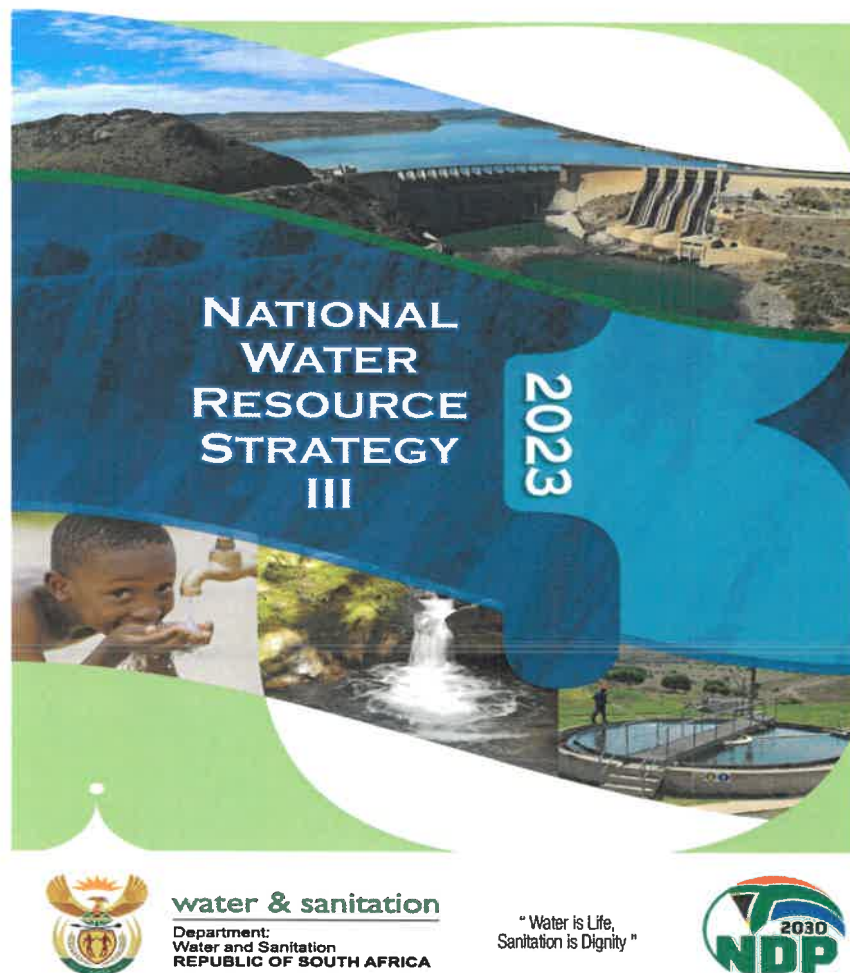
where the NCIMS and ECMS have been enhanced and CME officials supported in use of these CME IT Application systems and trained on a quarterly basis. DWS CME standard operating procedures (SOPs) were aligned with DFFE SOPs and developed for DWS functions and processes.

Other compliance monitoring techniques have been explored to increase the outputs of compliance inspections and desktop self-regulation audits in some water sectors have been conducted as an early warning or red flag tool to identify status of compliance of the water users in terms of their self-regulation monitoring, auditing and reporting.

The establishment of a dedicated unit equivalent to the DFFE Capacity building and support Unit in the WUCME office to take responsibility of EMI training, training material, overarching protocol development and systems linkages and integration and support has been a major achievement as set as an objective in the DWS CME Strategy and operational for two (2) years.

The Strategic Objective as planned in the Master Plan for CME to finalise the DWS CME / EMI SOP Manual has been achieved in 2022/23.

The National Water Resource Strategy (NWRS) Gazetted 1 September 2023 sets out the strategy to ensure that water resources must be protected, used, developed, managed and controlled sustainably and equitably; that the Water and Sanitation Department must support development and the elimination of poverty and inequality, and contribute to the economy and job creation. The NWRS-3 focusses on tightening our policy, legislative and overall sector environment, and this Strategy forms part of that process, so that obstacles can be removed to meet our national objectives.



Chapter 8 of the NWRS 3 is dedicated to Regulation of the Water Service. Progress in terms of the Compliance and Enforcement relating to the Strategic Objectives as set in this chapter is indicated in Table 1 below:

**Table 1: NWRS-3 - Chapter 8: Regulating the Water and Sanitation Sector**

Strategic Objective	Strategic Action	KPIs/ Major Measurable Deliverable	Completion date	Progress/ Comments
8.4.2. To effectively regulate the water sector to protect water resources and water users.	8.4.2.11. Develop and maintain Information Management Systems and Integration of NCIMS, ECMS.	Support, maintain and enhance compliance monitoring and enforcement IT Application Systems.	Ongoing	Final WUCME /WSIM OLA 2024, signed. NCIMS and ECMS enhancements made.  Support and maintenance are ongoing. (CME IT User requirements, testing of systems).
		DWS OCIO and SITA 3-year ICT contract (Dec 2024-Dec 2026) in place.		
		Integrate all regulatory IT Application systems into IRIS	Ongoing	WSIP Phase I integrated into IRIS. NCIMS (Compliance Monitoring IT system) and ECMS (Enforcement IT system) linkages made for info sharing and hand-over of cases. Development of Water User Self-Regulation reports upload module on NCIMS commenced.
	8.4.2.12. Ensure Outcome 10, NECER reporting and Annual CME Reporting.	CME Performance reports compiled	Annually and quarterly	CME Annual Report 2022/23 approved by DG. Commenced with CME Annual Report 2023/24 CME Outcome 10/ NECER contributions on quarterly basis
8.4.4. To promote and progressively achieve compliance through incentives and	8.4.4.1. Identify and prosecute major non-compliant water users across the	Number of water users monitored for compliance	Ongoing with annual targets	DWS and BOCMA conducted 357 and 75 compliance inspections respectively. IUCMA conducted 92 desktop audits.



Strategic Objective	Strategic Action	KPIs/ Major Measurable Deliverable	Completion date	Progress/ Comments
effective compliance monitoring and enforcement.	country, with a national compliance promotion campaign to accompany the action.	Identify and ensure enforcement actions are taken against non-compliant water users to achieve compliance	Ongoing	Development of a pollution register underway. Investigated 80% of reported non-compliance i.e. 467 cases out of 583 cases reported during 2023/2024 FY. Issued 207 Notices and 59 Directives in the same FY. Also, 63 criminal cases were opened for all sectors. Cases resolved is 126. This includes BOCMA & IUCMA cases that were captured on the ECMS.
		Awareness campaign implemented to increase visibility of DWS/CMA Enforcement	Annually	Annual Blitz, CME annual report produced, media statements prepared on Blitz activities and successful prosecution.
		Prosecution of non-compliant water users to achieve compliance.	2025	Finalized and referred 12 case dockets to NPA for decision. Gr 2 EMIs conducting criminal investigations and engaging with SAPS and NPA and Directorate Public Prosecution 5 x Training sessions provided to NPA
	8.4.4.2. Develop and promote	Implementation of existing Memoranda of	Ongoing	The MoU between the DWS and SASA, DWS and SAPPO in

Strategic Objective	Strategic Action	KPIs/ Major Measurable Deliverable	Completion date	Progress/ Comments
	partnerships with the regulated community to promote self-regulation and best practice.	Understanding (SASA, SAPPO) working with sector representative bodies		place. Milk SA, AgriSA opted for an undocumented working relationship.
	8.4.4.3. Audit compliance of self-regulation requirements of Institutional Water Sectors as per their water use authorisation conditions.			Two (2) self-regulation audits were conducted for Waste Disposal Facilities.
	8.4.4.4. Ensure the designation of Environmental Management Inspectors (EMIs) and further provision of advanced training.	Capacitation of CME officials and its stakeholders	Ongoing	21 DWS and CMA officials has undergone the EMI Basic training course and awaits EMI designation. Advanced EMI training was offered on criminal investigations and docket management training.
	8.4.4.5. Promoted awareness and provided training to Institutional Water Sectors on CME requirements.	Promotion of awareness on the CME requirements through CMA's forums	Ongoing	Awareness / capacity building training developed and implemented for CMAs/ Proto-CMAs
		Undertake internal training based on the WUCME training programme and external training related to NPA & SAPS.	Ongoing	Annual CME Phase 1 & Phase 2 training course developed and implemented on WUCME DWS and CMAs/Proto-CMAs. SAPS and NPA's SAPS, NPA and Traditional Leaders were trained on the NWA legal requirements.



Strategic Objective	Strategic Action	KPIs/ Major Measurable Deliverable	Completion date	Progress/ Comments
	8.4.4.6. Develop a calculator for applying administrative penalties to be included and empowered by policy and legislative amendments under NEMA to enable application.	Research conducted to inform application and calculation of administrative penalties	2023/24	WRC and DWS conducted research to enable the incorporation of admin penalties into the NWA and it was finalised before the 31 March 2024.
	8.4.4.8. Continue to build and strengthen compliance monitoring and enforcement capacity to take strong action against illegal water use in accordance with standards	Train all CMAs/Proto-CMAs to ensure strong actions are taken against unlawful water users	Ongoing	CME / EMI SOP Manual approved and trained to CMAs/ Proto-CMAs through CME Phase 1 and Phase 2 training sessions. (where officials have been appointed)
		Assessment of compliance with the approved Standard Operating Procedures	Ongoing	Assessment on CMAs implementing the SOPs was done while compiling the CME Annual Report 2023/24. This needs to be conducted per quarter by the CM sector leaders to rectify performance during the year.
	8.4.4.9. Establish a joint compliance monitoring and enforcement programme with DFFE and DMRE.	Execution of WGIV joint action plans	Annual	DWS is part of the EMI network with DFFE and DMRE and matters are addressed at MINMEC, MINTEC, Working Group 4 and IPIC that have annual workplans

## REFLECTION OF 2023/24 & LAST DECADE CME PERFORMANCE

Detail of the CME status of performance for 2023/24 for compliance monitoring and enforcement results in the pictograph below are discussed in this report.

During the last 10 years DWS has conducted a total of 3608 compliance inspections for various water users (excluding dam safety infrastructure inspections). Therefore, an average of 361 compliance inspections have been conducted each year. With 134524 water users registered on WARMS on 1 April 2024 only 2.7 % water users have been inspected. The average of the compliance performance percentage (%) for all the water sectors calculated together are 55% over the last 10 years.

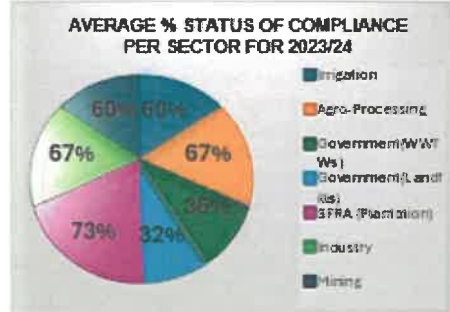
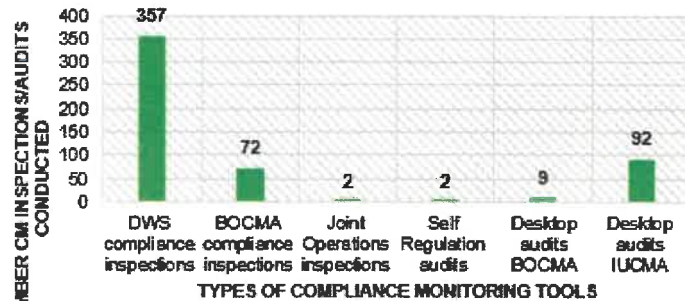
During the last 10-years 4057 enforcement cases were investigated and 164 criminal cases opened and 126 cases closed during 2023/24. The data that is displayed below in pictograph for enforcement cases and actions are abstracted from the ECMS.

## OVERVIEW OF 2023/24 & LAST DECADE CME PERFORMANCE

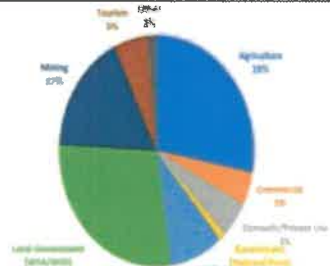
### OVERVIEW OF CME EMI PERFORMANCE FOR 2023/24

CATEGORY	ACHIEVED
Number of EMI's on 31 March 2024	124
Number of Compliance Inspections conducted (DWS + BOCMA)	357 + 72 = 429
Number of Cases Reported	583
Number of Cases Investigated	467
Number of Administrative Notices Issued	207
Number of Directives Issued	59
Number of Criminal Cases Opened	63
Number of Criminal Cases Referred to NPA	12
Number of Civil Cases Opened	2
Number of Cases Resolved	126

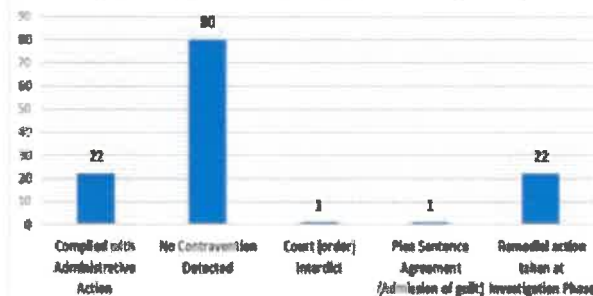
### OVERALL COMPLIANCE MONITORING CONDUCTED FOR 2023/2024: DWS/CMA's



### REPORTED NON-COMPLIANCE CASES IN DIFFERENT SECTORS

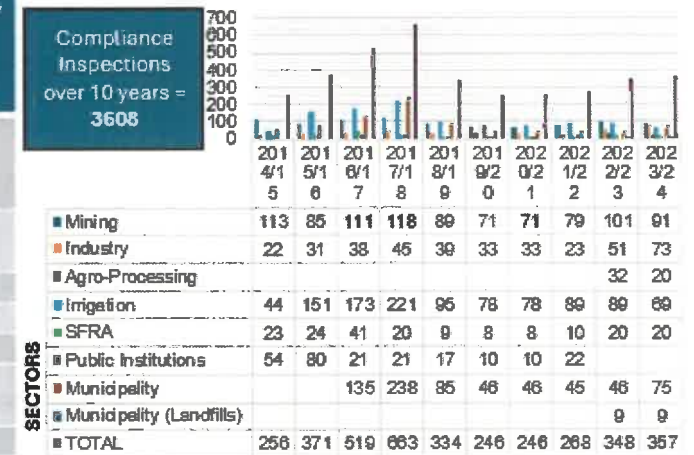


### Summary of closed cases for 2023/2024



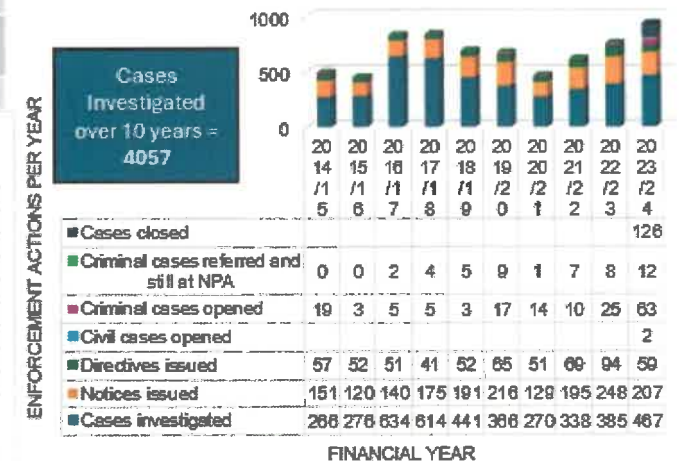
### REFLEXION OF THE LAST DECADE FOR CME PERFORMANCE

### OVERVIEW OF COMPLIANCE INSPECTIONS IN 10 YEARS



### FINANCIAL YEAR

### ENFORCEMENT ACTIONS OVER 10 YEARS



### FINANCIAL YEAR

## 1.1 VISION AND MISSION OF THE DEPARTMENT

Guided by the National Development Plan and the NWRS 3<sup>rd</sup> Edition (together with national policies and strategies on water and sanitation), the DWS articulates – for itself and the sector it leads – the following vision:

*“To ensure equitable and sustainable water and sanitation that support socio-economic growth and development for the well-being of current and future generations”.*

Working towards the achievement of its vision, the DWS (together with the sector it leads) defines its mission (aim) as follows:

To ensure access to equitable and sustainable water and sanitation services by:

- Protecting, developing, conserving, managing and regulating water and sanitation services;
- Managing, regulating and providing efficient and effective water and sanitation services;
- Providing strategic leadership and evidence-based policy direction to a coordinated water and sanitation sector for improved sector performance and service delivery
- Building the skills and capabilities of the sector and enhancing information management to inform decision making; and
- Enhancing communication and stakeholder partnerships with communities and sector constituencies to advance the national development agenda.

## 1.2 ANNUAL PERFORMANCE PLAN: PROGRAMME 2 AND 3

Regulation is planned and reported under Programme 2 (water resource management) and Programme 3 (water services management)

### 1.2.1 PROGRAMME 2: WATER RESOURCES MANAGEMENT- WATER RESOURCES REGULATION

Is responsible for the protection, use, development, conservation, management and control of water resources in a sustainable manner for the benefit of all people and the environment. It provides for the development of a knowledge base for proper planning and informed decision making. It also provides for the development of effective policies and procedures as well as oversight of all water resource management institutions.

**Water Resources Regulation** develops, implements, monitors and reviews water resource regulations particularly raw water pricing regulation; water use authorisation; compliance monitoring and enforcement; dam safety and resource protection and waste.

### 1.2.2 PROGRAMME 3: WATER SERVICES MANAGEMENT – WATER SERVICES REGULATION

Addresses the water and sanitation services provision across water and sanitation value chain in support to water service authorities. The integration of bulk and retail water services to improve the coherence of the sector and to realise economies of scale and efficient use of water. It also provides for the development of effective policies, strategies,

guidelines and procedures and plans as well as oversight and regulation of all water service management institutions.

**Water Services Regulation** develops, implements, monitors and reviews water services regulations particularly the water service authorities' compliance with water services regulations and norms and standards.

### 1.2.3 WATER RESOURCE REGULATION

The regulation function is performed by the Branch: Regulation, Compliance and Enforcement and its four business units:

- a) Economic and Social Regulation
- b) Water Use Licensing Authorisation
- c) **Water Use Compliance Monitoring and Enforcement**
- d) Dam Safety

## 1.3 WATER USE COMPLIANCE MONITORING AND ENFORCEMENT (WUCME)

The Chief Directorate: Water Use Compliance Monitoring and Enforcement (WUCME) functions are the -

- Determination of regulations, norms and standards, processes for monitoring compliance of municipal wastewater service institutions; municipal drinking water service providers;
- Determination of water resources, standards and regulations; development and oversight of implementation of compliance strategies, guidelines and standard operating procedures; enforcement of compliance to regulatory pre-scripts;
- Capacity building, information management and support.

Directorate and unit established under WUCME:

- Directorate: Wastewater Service Regulation (Green Drop)
- Directorate: Drinking Water Regulation (Blue Drop)
- Directorate: Water Resource Regulation
- **Directorate: Compliance Monitoring**
- **Directorate: Enforcement**
- **Capacity Development, information systems and support unit**

The Compliance Monitoring and Enforcement components are responsible for CME functions and processes protocols, procedures, tools and systems to be developed and implemented to enable compliant water sectors and described below in more detail.

An overarching Capacity Development, Information Systems and Support unit within the WUCME office as far back as 2018 when the CME Strategy was approved been identified to be established to coordinate and provide strategic capacity development and training, information management and integration of systems and legal, scientific and engineering support to water regulation, water resource regulation and compliance monitoring and enforcement.

### 1.3.1 DIRECTORATE COMPLIANCE MONITORING

The Directorate coordinates and reports on compliance monitoring activities across all sectors nationally; provides the necessary support (technical and training) to achieve the objective of Directorate, Chief Directorate and Branch, where required develops appropriate measures to enhance the regulatory function (norms, standards and regulations) and conduct strategic audits.



The Directorate Compliance Monitoring is responsible for:

- Developing the national systems, strategies, procedures and protocols required to enable effective compliance monitoring;
- Developing the appropriate training material for compliance inspectors; provision of training and support to officials in DWS and CMAs and its institutions to effectively carry out their compliance monitoring responsibilities as well as its stakeholders;
- Coordinating planning and reporting of compliance monitoring in the Annual Performance Plan and Outcome 10 for DWS and its institutions and contribute to the CME Annual Report; and
- Coordinating the compliance promotion activities.
- Ensure the implementation of the Water Metering Regulations through the assessment of records, verifying gaps and comparison of data of water users in the sector.
- Developing CM SOPs and Guidelines for sectors Irrigation, Mining, Industry, Agro-processing, SFRA, Landfill, government & Institutions.

### 1.3.2 DIRECTORATE ENFORCEMENT

**Enforcement** promote and enforce compliance to water and other relevant legislation; enable successful prosecution through effective investigations and joint operations; identify, develop and implement appropriate enforcement tools based on current experience and best practices locally and internationally to assist in attaining compliance; document and share lessons learnt as well as case law on water issues to enable the Department of Water and Sanitation (DWS) to take effective enforcement action against transgressors and building capacity and skills base of enforcement personnel within the DWS and its institutions as well as its stakeholders.

### Description of functions

**Technical** receives; reviews and recommends matters for civil and criminal actions in terms of the National Water Act and other environmental legislation. The unit further provides advice and support on civil litigation cases referred to CME Legal unit in Legal Services. Legal review of administrative action and SOP's. The management of rehabilitation plans and monitoring implementation of action plan The management of enforcement instruments processes to rectify contraventions. The co-ordination of follow up inspections. The maintenance of non-compliance archives, to conduct execution of works. The development of guidelines for enforcement action.

**Criminal Enforcement Unit** The management of criminal actions against transgressors, the implementation of effective criminal enforcement actions is taken in cases of non-compliance. Facilitation of evidence collection through regional based unit, The unit further engages with the National Prosecution Authority (NPA) regarding referred cases. Preparing effective criminal court documents for law enforcement decision. Enforcement: Support capacitates enforcement personnel in dealing with prosecution matters. The unit further provides advice and support on criminal litigation. The Development of tools and guidelines relevant to criminal investigations that is presented to NPA for prosecution. Undertake awareness initiatives with various stakeholders (SAPS, NPA, and Judiciary and EMIs).

**Investigations Unit** is responsible for the development, maintenance, and implementation of Standard Operating Procedures (SOPs) and guidelines on investigations. Conduct investigations of suspected and reported non-compliance to DWS legislation. Complaints management. Open cases with the South African Police Service (SAPS) when necessary and referral to



criminal enforcement unit for docket management where necessary. The development of investigation practices and processes, The reporting on enforcement trends and outcomes. Joint operations for cross cutting issues. Evidence collection through regional based units.

## 1.4 CATCHMENT MANAGEMENT AGENCIES (CMAs)

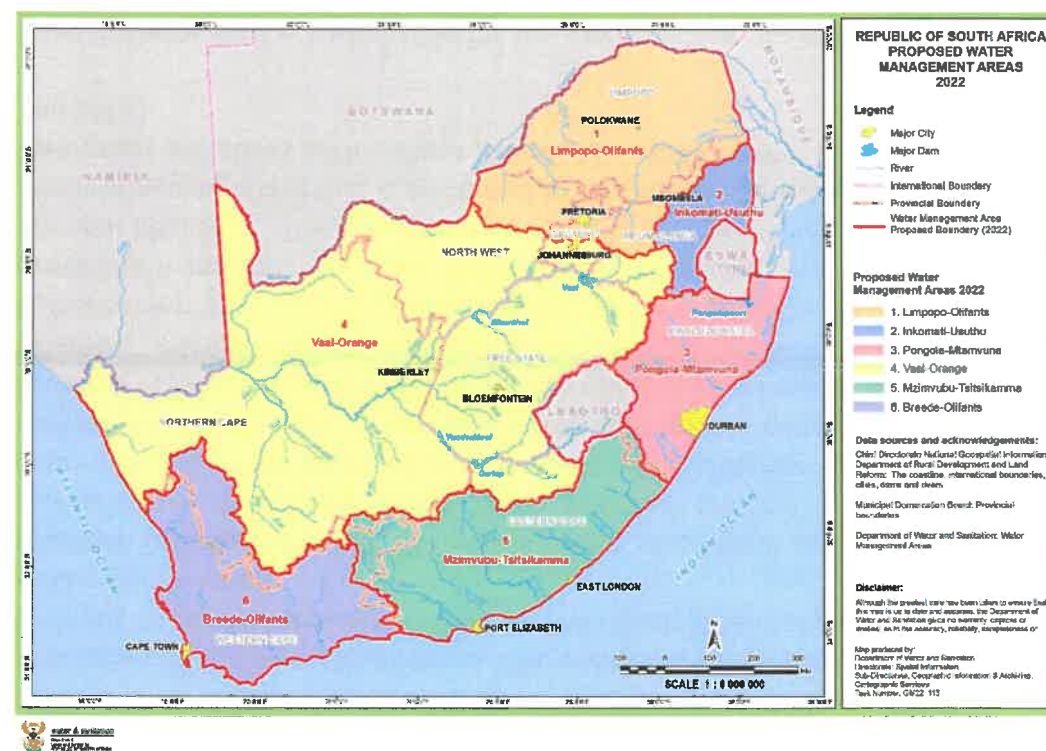
The NWA enables the establishment of Catchment Management Agencies (CMAs) in the 9 Water Management Areas (WMAs) established in South Africa. These CMAs will ultimately take responsibility for all activities required to enable and support water resources regulation, including:

- (i) Registration of water use,
- (ii) Authorisation of water use (licensing, etc.)
- (iii) Setting, billing and collecting water use charges,
- (iv) Ensuring dam safety and dam zoning
- (v) Monitoring authorisation requirements,
- (vi) Ensuring compliance (including enforcement),
- (vii) Negotiation of co-regulation and cooperative agreements and ensuring that water related activities are performed in accordance with the Catchment Management Strategy (CMS) that is developed in the relevant WMA.

The DWS has reviewed the reconfiguration of the Water Management Areas (WMAs) from nine (9) to six (6) WMA. A total of four (4) Catchment Management Agencies have been established namely:

1. BOCMA – Breede-Olifants CMA (established in 2014)
2. IUCMA – Inkomati-Usuthu CMA (established in 2006)
3. VOCMA – Vaal-Orange CMA (established in 2023)

4. PUCMA – Pongola-Umzimkhulu CMA (established in 2023)
5. MTCMA – Mzimvubu-Tsitsikamma CMA (established in 2023, but at different stages of being operationalised)
6. LOCMA – Limpopo-Olifants CMA (established in 2023, but at different stages of being operationalised)



The nine DWS Regional Offices falls within these WMAs and provincial boundaries. Also depicted in the Map above.

The two established CMAs namely BOCMA and IUCMA are conducting CME functions in their respective WMAs, and it was agreed in meetings during

November 2022 that they will contribute to the national CME Annual Reporting from 2022/2023 onwards with respect to their CME APP targets to give a holistic overview of the water sector performance and status of compliance in South Africa.

It was also decided that the DWS CME strategy, protocols, tools, SOPs and systems will be adopted and implemented by the CMAs to streamline and align CME and the EMI network. A formal letter dated 26 September 2023 from the Minister has also been sent to the CMAs/Proto-CMAs to endorse this alignment. CME training was provided to the CMA CME officials on generic CME concepts, processes & procedures, tools, use of CME systems and compilation of compliance inspection reports were provided in February 2023 to enable officials to conduct compliance inspections according to due procedures and investigations when enforcing transgressions and/or non-compliances.

Fifteen (15) CMA officials also received EMI training, and another 7 CMA officials are awaiting designation as EMIs as depicted in section 2.1 of this report.

In this 2023/24 report it is recognised that there is still during the restructuring process a transition period of compliance monitoring and enforcement functions and delegations of functions shared between the Regional Offices, Proto-CMAs and newly established CMAs. Therefore, during the 2023/24 period the compliance inspections and enforcement actions of the well-established CMAs (BOCMA & IUCMA) will be reported separately, and the other newly established CMAs will be reporting in the CME Annual Reports gradually in the future.

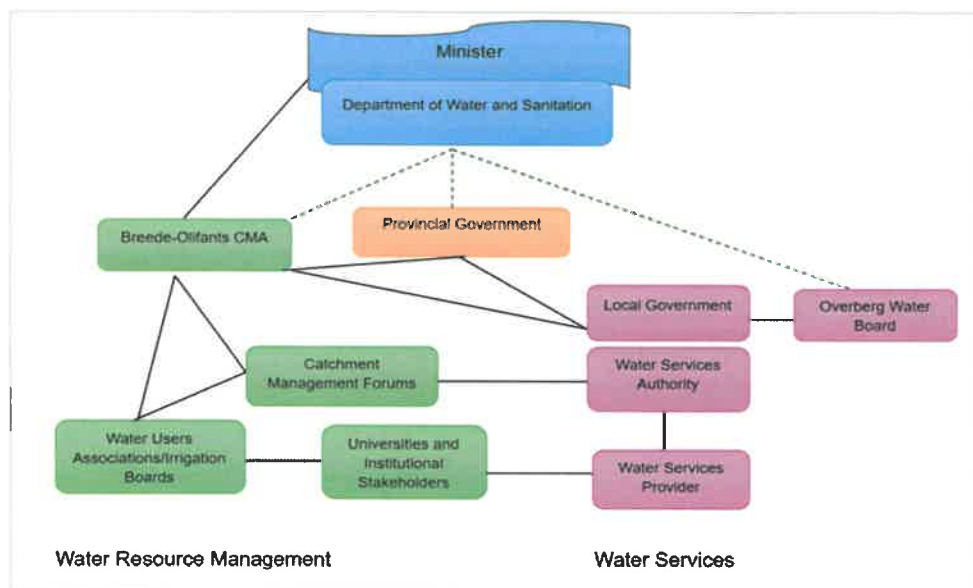
## **1.4.1 BREEDE-OLIFANTS CATCHMENT MANAGEMENT AGENCY (BOCMA)**

### **1.4.1.1 Mandate**

The BOCMA is a water management institution established in terms of section 78 of the NWA and is operational in the Breede-Olifants Water Management Area (WMA). The BOCMA has functions in terms of section 80 to:

- (a) investigate and advise interested persons on water resource management;
- (b) compilation of the CMS;
- (c) co-ordinate related activities of water users and WMIs;
- (d) promote co-ordination of implementation of any applicable development plan and
- (e) promote community participation in water resource management.

The BOCMA in terms of NWA section 5 develop a catchment management strategy and in terms of 57(2) determine the charges payable to the agency of sectorial water resource management charges and annual waste loads, in line with the National Pricing Strategy. The BOCMA facilitates cooperative governance of water resources through the linking of National, Provincial and Local Government as well as a host of sector partners and stakeholders.



#### 1.4.1.2 Water Management Area

Key spatial clusters of economic activity within the CMA are identified as:

- The largest sector in the Breede, Olifants and Gouritz areas are the agriculture and processing sector which contributes 23.2% to the GGP. The region is quite significantly dependant on the agricultural economy which provides 58% of jobs to the rural poor.
- Trade and accommodation are the second largest sector of the economy in these areas, related to coastal residential retirement and tourism. A strong and diversified economy which is dominated by the commercial trade and industrial activities in the Cape Town Metropolitan area, the towns of Stellenbosch, Paarl and Wellington and in the developing West Coast area of Saldanha Bay.

- The economy of the Breede-Olifants WMA is closely dependent upon the availability and health of water resources in the water management area because of its heavy dependence on agriculture, petroleum production (including by-products), inter-basin transfers of bulk water resources to Western Cape Water Supply System and tourism.
- Irrigated agriculture, wheat cultivation and associated activities such as processing and packaging are the primary economic activities in the Breede-Olifants WMA

The BOCMA WMA occurs in four different zones now define as sub-Water Management Areas:

- Gouritz sub-WMA is characterised by flat open plains of the Great and Klein (Little) Karoo which includes three distinct zones namely of the Great Karoo, Olifants River and the Coastal Belt.
- Breede sub-WMA is characterised by rolling hills of the Overberg, the Hex River Mountains, Langeberg Mountain, Franschhoek and Du Toit's Mountains surrounded by the Breede River Valley.
- Berg sub-WMA is characterised by the high mountain ranges in the Cape Peninsula. Intensive irrigation is practiced in the Upper and Lower Berg River valley, its tributaries and private dam as well as the Eerste - and Lourens Rivers with wheat cultivation in both Upper Berg and Lower Berg sub-areas.
- Olifants/Doorn sub-WMA is characterised by three distinct types namely rolling hills and sand dunes along the coastal strip, rugged mountains rising about 2000m above sea level and plains and rocky hills in the north-eastern area. The Olifants and Doring rivers flows in a northerly direction joined by the Groot River and then by the Tra-Tra River before flowing to its confluence with the Olifants River while the mountain ranges, the Hantam and Roggeveld rise above 1500m sea level.

## 1.4.2 INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY (IUCMA)

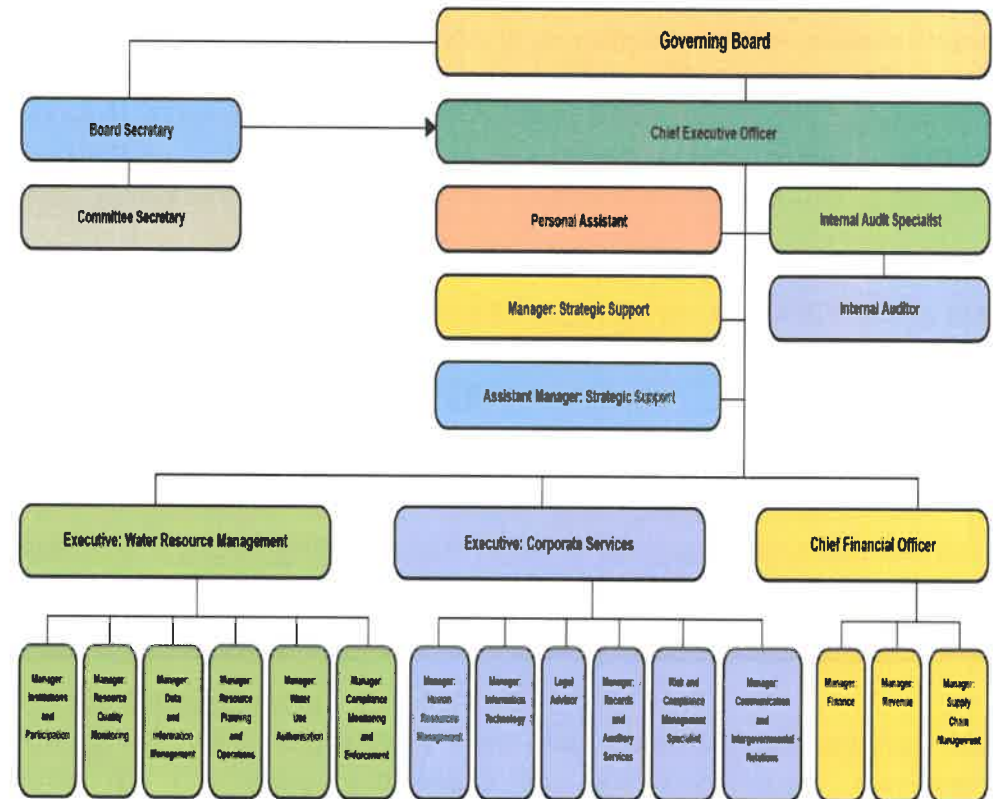
### 1.4.2.1 Mandate

The IUCMA is a water management institution established in terms of section 78 of the NWA and is operational in the IUCMA Water Management Area (WMA). The IUCMA has functions in terms of section 80 to:

- investigate and advise interested persons on water resource management;
- compilation of the CMS;
- co-ordinate related activities of water users and WMIs;
- promote co-ordination of implementation of any applicable development plan and
- promote community participation in water resource management.

The key legislative and policy mandates for the IUCMA are in terms of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), National Water Act, 1998 (Act 36 of 1998) and Public Finance Management Act, 1998 (Act 36 of 1998), National Water Resource Strategy, the National Development Plan, 2023, United Nations Sustainable Development Goals and Southern African Development Community Protocol on shared water courses.

- The Compliance Monitoring and Enforcement unit are established under Programme 4 in the Water Resource Management department.



### 1.4.2.2 Water Management Area

The Inkomati-Usuthu WMA is one of the 6 WMAs in South Africa covering an area of approximately 36256 km<sup>2</sup> which is divided by the great escarpment (along the Graskop, Sabie, Nelspruit and Barberton axis) into the western plateau and the sub-tropical Lowveld in the east.



## 1.5 ENVIRONMENTAL MANAGEMENT INSPECTORS (EMI) NETWORK

The amendment of the National Environmental Management Act, 1998 (Act No. 106 of 1998) (NEMA) in 2003, which came effect on 1 May 2005, provided the basis for making statutory appointments of Environmental Management Inspectors (EMIs).

An EMI is a compliance and enforcement staff member of an organ of state who has been trained and designated in terms of section 31B, 31BA, 31BB or 31C of NEMA to secure compliance with certain environmental legislation by conferring a standard set of legislative powers to all government officials responsible for enforcement and monitoring compliance with national environmental legislation. The Inspectorate provides for a unified identity for all of these officials, irrespective of whether they operated in the biodiversity and protected areas, pollution and waste, fresh water or coastal management subsectors.

The designation, functions and powers of EMIs are regulated by sections 31A – 31Q of NEMA and the Regulations relating to the Qualification Criteria, Training and Identification of, and forms to be used by Environmental Management Inspectors (EMI Regulations, 2016).

In 2008 NEMA was amended to provide the responsible Minister of Water Affairs (now Water and Sanitation) to designate an official of the DWS as an EMI.

The Honourable Minister Nomvula Mokonyane designated the first seven (7) EMIs for the DWS in 2016/2017. Thereafter a project was commissioned to develop and train DWS and CMA officials up to 2019/20 after which training reverted back to bi-annual EMI Basic Training sessions offered by

DFFE. The current number of designated EMIs are one hundred and twenty-four (124). Presently, there are 65 EMIs in provincial offices, 15 in CMAs, and 44 at the National Office, which is the distribution throughout the DWS. In terms of their designation's, one (1) is a Grade 3, one hundred and fourteen (114) are Grade 2 and nine (9) are Grade 1. Although, there has been 21 newly EMIs trained during 2023/24, they are still awaiting their designation.

The compliance monitoring and enforcement functions have not been separated yet in the CMAs and therefore the CMA EMIs are conducting both compliance inspections and enforcement investigations, which is difficult since the Compliance Monitoring and the Enforcement processes, procedures, legal and system tools and reporting requirements are separated and different.

It needs to be noted that the 124 EMIs are not additional staff members to the establishment of CME officials appointed within the DWS, regional offices, Proto-CMA and CMAs structure and are CME officials that received additional legislative powers to perform their CME duties and function. It is envisaged to designate all CME officials to EMIs.

## 1.6 LEGISLATIVE FRAMEWORK

The DWS through the Minister is responsible for the Administration of the NWA and the WSA.

All CME official conducting compliance monitoring to determine the status of compliance against a Water Use Authorisation (WUA) are mandated to do so in terms of the NWA undertaken in terms of Section 125(1) of the NWA and if designated as an EMI in terms of NEMA, Section 31K. NWA Sections 141(a) & (b) and 151(1)(b) & (c) ensures that the licensed water



user must provide continuous reporting to DWS as and when required to do so.

Section 62 of the WSA further requires the monitoring of performance of each water services institution in order to ensure (a) compliance with all applicable national standards prescribed under this Act (b) compliance with all norms and standards for tariffs prescribed under this Act and (c) compliance with every applicable development plan, policy statement or business plan adopted in terms of the Act. The WSA is not a Specific Environmental Management Act under NEMA and as such EMI powers may not be exercised under this Act.

WUCME together with Economic and Social Regulation are responsible for section 62 of the Water Services Act. Current monitoring is done by the Directorate Drinking Water Regulation and Wastewater Regulation under the incentive-based regulation programmes (Blue Drop and Green Drop Programme). The outcomes of these reports however do feed into Compliance Monitoring section and the NWA requirements and then to Enforcement for contraventions of both the NWA and WSA.

Compliance inspections play a vital part of the EMI's duties and are important as they may lead to an investigation and later to administrative action or prosecution, or both. Inspections are governed mainly by sections 31 (Powers and functions), sections 31H (General Powers) and 31K (Conduct Routine Inspections) of NEMA.

An authorised official issuing a NWA directive, whether in terms of section 19 (Prevention and remedying effects of pollution), S20 (Emergency Incidents), S53 (Rectification of Contraventions) S54 (Suspension or withdrawal of entitlements to use water) or S118 Control measures for

dams with a safety risk), or an EMI designated (Grade 1) issuing a section S31L NEMA compliance notice is undertaking an administrative action.

Criminal and Civil enforcement actions could run parallel with administrative actions to punish the transgressor and to deter the transgressor and other to be offenders from committing a similar crime or when infringement of legal rights appeared.

By virtue of its establishment the IUCMA and BOCMA have according to the National Water Act, 1998, initial functions as stated in section 80, as well as other existing powers and functions in terms of sections 19, 20, 25(1), 57(2), 79, 124(1) and (2) and 145 of this Act signed by the Minister dated 31 March 2023.

The review of both the National Water Act and Water Services Act resulted in Amendment Bills published in November 2023 for public consultation. Both Amendment Bills aim amongst other aspects to strengthen the compliance and enforcement functions of the Department and its Agencies.

The National Water Amendment Bill with reference to Compliance and Enforcement proposes an amendment of the provisions of section 151 (offences). This proposed amendment not only aligns the NWA with penalties provision of the National Environmental Management Act (NEMA) but significantly improves criminal sanctions and the Adjustment of Fines Act, 1991 won't be relied on anymore. Once enacted a person convicted of an offence is liable depending on the offence to a fine between R1 and R10 million or to imprisonment for a period between 1 and 10 year or both. To further align with the National Environmental Management Act personal liability of municipal managers and directors of companies are being introduced.

The Water Services Amendment Bill introduces the principles, powers and functions of the EMI network to enable inspectors and investigators to ensure effective regulations. Further amendments include the introduction of administrative enforcement (issuance of notices and directives under the Water Services Act) as well as an increase in offences and penalties.

### 1.6.1 DEVELOPMENT OF REGULATIONS & PROTOCOLS

Through the Chief Directorate: Water Use Compliance Monitoring and Enforcement, the Department has continued with the **development of new regulations** to assist the effective and efficient implementation of the CME functions or affecting the CME functions when monitor and enforce:

- The development of draft regulations for Existing Lawful Use (ELU) is aimed at improving the management of ELU in order to achieve satisfactory water resource protection by improving monitoring and reporting requirements. Consideration has been given to all Section 21 water uses. The Draft Regulations are still under development and the consultation process is ongoing.
- Gazetting of the Unconventional gas regulation for Public Review. DWS has held several working sessions with DFFE and PASA (Petroleum Agency of South Africa) from March 2024 on aligning the respective proposed regulations by both departments. Finalised DWS Regulations will be routed to Minister in Quarter 1 of 2024/2025 to request publishing the Regulations for another round of public comments (as requested by Department of Forestry, Fisheries and the Environment (DFFE) during the working sessions) and as part of alignment principles as DFFE will publish their Regulations for another round of public comments. The Minimum Information Requirements (MIRs) which

include the revised DWS MIRs (previously published as part of WULA Regulations 19 May 2023) will be amended as part of alignment and request made by DFFE.

- Drafting of Regulations for water users Monitoring and Reporting on a centralised Integrated Regulatory Information System (IRIS) is still under development and the consultation process is ongoing. The Initial Strategic Environmental Impact Assessment System (SEIAS) is completed. The Final SEIAS is still in process. Once the Draft Regulations is finalised, it will be circulated to relevant stakeholders for comments in 2024/2025.

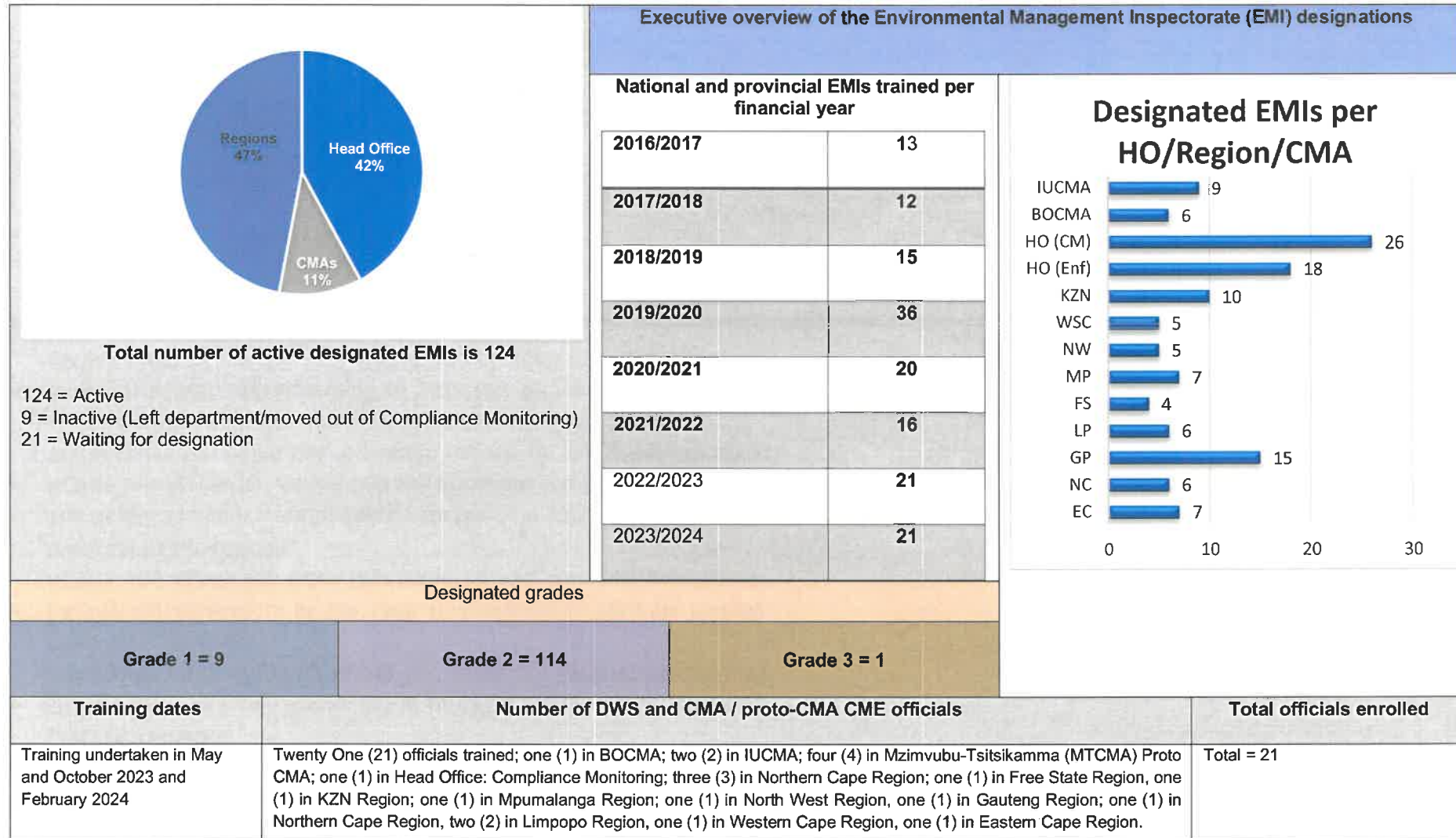
With the establishment of the Directorate Compliance Monitoring and Directorate Enforcement in 2015 at Head Office within the Chief Directorate: WUCME a greater focus was placed on the need to **standardise approaches and protocols** on CME between the different regional offices and CMAs. CME training initiatives were conducted during this reporting period. The following protocols have been developed and implemented:

- DWS and CMA CME officials obtained EMI basic training through DFFE (DWS content worked into the EMI basic training course) to be designated as EMIs;
- Internal DWS CME introduction training Phase 1 (DWS CME generic concepts, legal framework, processes, procedures, tools and use of systems and reporting requirements) and Phase 2 (specific water sectors compliance monitoring requirements and enforcement actions and tools) were developed, and training provided to CMA/Proto-CMAs CME officials;
- Finalise an advance CME sampling training manual for EMI/CME officials;

- Provide advance docket management training to Enforcement officials;
- Develop, amend and finalised the DWS CME (EMI) SOP Manual for CME/EMI officials;
- SOP for self-regulation audits based on WUA conditions requiring for self-regulation monitoring, audits and reporting by authorised water users was compiled;
- Priority enhancements of the CME IT Applications Systems namely, NCIMS and ECMS has been implemented and trainings provided to DWS/CMA CME officials;
- The NCIMS Manuals were updated with the new enhancements.
- NCIMS self-regulation design and specifications module document for Water Users to upload self-regulation reports on the system finalised and commence with development of module onto the NCIMS.
- Commence with development of WUCME e-Learning system and development of training material to be uploaded onto the e-learning System.

## 2. KEY FINDINGS

### 2.1 THE ENVIRONMENTAL MANAGEMENT INSPECTORATE – DWS AND ITS ENTITIES COMPONENT



## 2.2 COMPLIANCE MONITORING AND ENFORCEMENT TEAM

### 2.2.1 CME TEAM

The strategic action under the National Water Resource Strategy requires strengthening of the CME function so as to increase its visibility and capability in dealing with unlawful water uses and foster communities that are compliant to legislation. It is for this reason that priority should be given to providing these components with the necessary and appropriately skilled resources whilst being aware of general resource limitations.

During the reporting period, the CME Units had started to strengthen their capacity by ensuring staff placements are made and training needs identified in order to improve on the effectiveness in which its mandate is delivered even though the department's restructuring process commenced in June 2020 and still in progress during 2023/24.

See Table 2 below on estimated distribution of DWS and CMA CME officials appointed for 2023/24 to perform the CME regulation function.

**Table 2: DWS & CMA CME officials 2023/24**

CME OFFICES	CM	E	CME	INST ESTABLISH	CME SCIENT, IT & LEGAL SUPPORT	TOTAL OFFICIALS
HEAD OFFICE						
HO CME Total	24	18	0	0	6	48

CME OFFICES	CM	E	CME	INST ESTABLISH	CME SCIENT, IT & LEGAL SUPPORT	TOTAL OFFICIALS
REGIONS						
Free State Region	0	0	5	0	0	5
North-West Region	2	2	0	0	0	4
KZN Region	0	0	6	0	0	6
Western Cape Region	1	2	0	0	0	3
Northern Cape Region	4	1	2	4	0	11
Gauteng Region	5	6	0	0	0	11
Eastern Cape Region	0	0	14	0	0	14
Limpopo Region	7	2	0	0	0	9
Mpumalanga	2	9	0	0	0	11
Regions Total	21	22	27	4	0	74
CMAs						
IUCMA	0	0	13	0	0	13
BOCMA	3	0	3	0	0	6
VOCMA	0	0	0	0	0	0



CME OFFICES	CM	E	CME	INST ESTABLISH	CME SCIENT, IT & LEGAL SUPPORT	TOTAL OFFICIALS
PUCMA	0	0	0	0	0	0
MTCMA	0	0	0	0	0	0
LOCMA	0	0	0	0	0	0
CMA's Total	3	0	16	0	0	19
GRAND TOTAL	48	40	43	4	6	141

In 2023/2024, there are 141 DWS HO, Regions and CMAs CME officials performing the CME functions, and 93 CME officials are within the Regional Offices and CMAs to regulate all the water sectors registered on the Water use Authorisation & Registration Management System (WARMS) of about 134524 water users as well as unlawful activities. When compared to 2022/2023 of 128 CME officials, the number of CME officials in the DWS HO, DWS Regions and CMAs has increased by 13 CME officials who are performing the CME functions. This shows a slight increase in the human capacity within the water regulatory sector. There are also through the establishments of the VOCMA, PUCMA, MTCMA and LOCMA recruitment and appointment of CME officials planned for 2024/25.

The Regional Office that showed the most increase in CME officials is the NC Regional Office from 5 officials in the previous year to 11 officials in this year with the KZN Regional Office showing a slight decrease from 9 officials in the previous year to 6 officials in this year. The Regional Offices that show a steady number of CME officials is the EC Regional Office at 14 officials: GP

Regional Office at 11 officials and Limpopo Regional Office at 9 officials. The IUCMA and BOCMA have the same number of officials as the previous year.

Many factors have contributed to these fluctuations in the number of officials that is job promotions; restructuring and the migration of the CME functions to the proto-CMAs (inhouse units incubating the CMA function) in 2023/2024 as the establishment of CMAs progress improve capacity for compliance monitoring and enforcement CME) actions.

It should be noted that in 2023/2024, twenty-one (21) officials were trained as EMIs, however, will be designated and reported in the 2024/2025 financial year. It should also be clear that the CME officials are undergoing EMI training to be designated as EMI's and therefore the EMIs are not additional to the CME staff compliment, but the same CME officials with extra-legal powers to perform their duties.

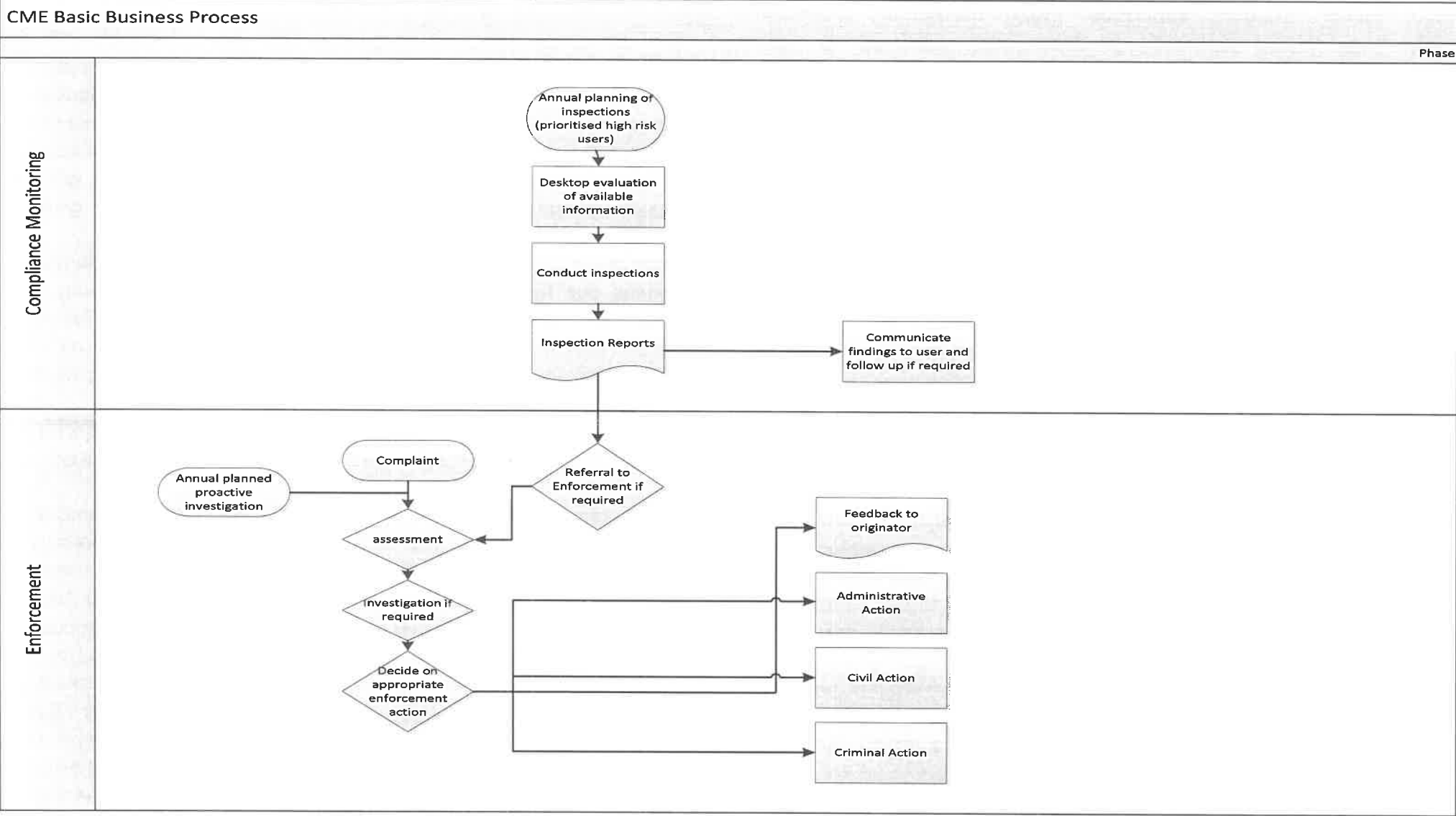
## 2.2.2 CME BUSINESS PROCESS

A very simplified, high level business flow for Compliance and Enforcement is included in **Table 3** below. Detailed business processes have been mapped to assist in the capacity, capability and resource requirements needed for the progressive improvement and optimal operation of the units.

## 2.2.3 INTER-GOVERNMENTAL COOPERATION, FORUMS AND PARTNERSHIPS

The DWS is bound by the Constitution and the Intergovernmental Act, 2005 (Act nr. 13 of 2005) to cooperate within all spheres of government and with all organs of state in mutual good trust and good faith by fostering friendly relations and assisting and supporting each other.

Table 3: CME Business Process



The CME Units recognise the value of partnerships with other components within the DWS such as Chief Directorate: Water Use License Management, the Planning and Information Branch, and the Infrastructure Branch and other external stakeholders in the EMI Network such as Department of Forestry, Fisheries and the Environment (DFFE), and Department of Mineral Resources and Energy (DMRE), as well as the Department of Agriculture, Land Reform and Rural Development (DALRRD), Department of Cooperative Governance and Traditional Affairs (CoGTA), the South African Police Service (SAPS), the National Prosecuting Authority (NPA) and the regulated community. This has, as a result, fortified relationships with said partners in order to be able to deal with non-compliance with the conditions of water use authorisations and unlawful water uses on various platforms.

The Minister of Water and Sanitation is the signatory to One Environmental System which is constituted of three Departments namely, DWS, DFFE, and DMRE. The DWS participates in the established committee called Integrated Planning and Implementation Committee (IPIC). The primary objective of this committee is to ensure that there is provision of certainty on the regulatory processes and also to synchronise systems, while at the same time ensuring that there is a standard approach and standard application of legislations used in dealing with non-compliant water users.

The DWS, through Compliance Monitoring, participates in the Compliance Forum of Working Group IV and the Enforcement team participates in the Enforcement Task Team where all enforcement issues are discussed cumulating in Outcome 10, Working Group IV where compliance monitoring and enforcement issues are discussed. Some of the key stakeholders of this are the DMRE, the DFFE and its provincial counterparts and agencies.

CME is also participating in the Departmental Catchment Management Forum Meetings (CMF) where compliance monitoring and enforcement issues are discussed. The stakeholders comprise all water users within the particular catchment and typically are representative of all water sectors including Municipalities, Eskom, Non-Government Organisations, Mines, Industry, and Government Departments.

The DWS is an active member of the Co-ordination Committee on Agricultural Water Co-ordination (CCAWs) nationally. This is one of the components for the implementation of the National Guidelines of Integrated Management of Agricultural Water Use as approved by the Agricultural Ministers and Members of Executive Council (MINMEC) and the Intergovernmental Relations Framework Act (Act 13 of 2005). Through this forum issues pertaining to agricultural water, including regulatory issues are discussed. Other members in these committees are Provincial Departments of Agriculture (PDAs), the DRDLR and the DFFE organised farmer unions.

The DWS is the founder member of South African National Committee on Irrigation and Drainage (SANCID) which is a sole organisation that represents South Africa at the International Commission on Irrigation and Drainage (ICID). The SANCID/ICID organizations act as coordinating centres for individuals, organisations, institutions on issues of irrigation, drainage and flood control. On a quarterly basis, the DWS, the DFFE and other affected stakeholders meet and discuss agricultural water issues under the leadership of the Water Use and Irrigation Working Group.

The Department is a key member of the Water Use and Irrigation Working Group (WUI-WG) which is a national structure coordinated composed of the nine (9) Provincial Departments of Agriculture (PDAs), DFFE, Water Research Commission (WRC), Agriculture Research Council (ARC), International Water Management Institute (IWMI) and DWS. Through this

platform the alignment of the irrigation Strategy and the NWRS projects and programmes is coordinated such that there is compliance awareness and support on the two strategies and their implementation. The DWS works closely with the South African Irrigation Institute which is the recognised representative organisation of the irrigation industry in South Africa. Through this partnership the DWS contributes to the Irrigation Design courses offered by the institute and its training partner called Irrigation Wise Academy.

The Directorate: Compliance Monitoring plays a key role in ensuring that agricultural and rural development projects applying for state funding through the DALRRD have lawful access to water. This is done through participation in the National Assessment Panel (NAP) constituted by officials from the DALRRD, the DFFE and the DWS. The main benefit is the curbing of unlawful water use by ensuring compliance at the project planning phase.

The Department also leads the Systems Operation Forums (SOF) in different major river systems in the country. This forum involves various stakeholders in the development of annual operating rules (AOR) for the year/season in each system. The involvement of different stakeholders is aimed at improving their participation and understanding, resulting in compliance with the operating rules (which may include water restrictions). These forums play a crucial role in times of floods and droughts and assists CME in receiving early warning and to be able to prioritise its activities.

## 2.3. FINANCIAL RESOURCES FOR CD: WUCME

### 2.3.1 FINANCIAL 2023/2024 EXPENDITURE TRENDS

**Table 4** below provides a detailed budget and expenditure per economic classification for Compliance Monitoring and Enforcement. This report is exclusive of the budget of Provincial Operations: CME and CMAs.

**Compliance Monitoring** (including Enforcement) in Head Office had a total budget of R70 778 000.00 of which R73 460 000.00 was spent. Compliance Monitoring overspent on CoE by R4 260 000.00 and on Payment of Capital Assists by R759 000.00.

**Table 4: CME expenditure at DWS CME National Office 2023/2024**

Objective: Compliance Monitoring (incl. Enforcement)

Economic Classification	Budget	Actual Expenditure	Variance	% Spent
	R'000	R'000	R'000	
Compensation of Employees	50,222	54,482	(4,260)	108%
Goods and Services	19,983	17,638	2,345	88%
Interest and Rent on Land	-	-	-	0%
Transfers and Subsidies	27	36	(9)	134%
Payments for Capital Assets	546	1,305	(759)	239%
Payments for Financial Assets	-	-	-	0%
<b>Total</b>	<b>70,778</b>	<b>73,460</b>	<b>(2,682)</b>	<b>104%</b>

## 2.4. PERFORMANCE SUMMARY FOR DWS

In the 2023/2024 Annual Performance Plan for the PPI 5.1.5 a target of 406 was planned for the compliance inspections/audits to be conducted on identified water users. Take note that this target of 406 includes a target of 77 for Dam Safety inspections and a target of 329 for DWS compliance monitoring inspections.

In the CME Annual Report 2022/2023 it was reported that due to Restructuring of the DWS, the Dam Safety Compliance Monitoring Inspections (DSCMI) detailed information will be annually reported in future in the Dam Safety Annual Reports to avoid duplication of reporting performance by the Dam Safety Office related functions and responsibilities. The total number of inspections conducted by Dam Safety was (76) for the financial year 2023/2024.

Though the compliance inspections conducted by DWS / Proto-CMA / CMA CM officials for section 21 b water uses (storing of water) with or without a safety risk will still be monitored and reported in the CME Annual Reports. Also, any joint operations and enforcement actions taken by the CME or EMI officials within DWS / CMAs will be reported on an annual basis in this report.

### 2.4.1 COMPLIANCE MONITORING

According to the DWS Annual Performance Plan (APP) targets for 2023/2024, the Directorate: Compliance Monitoring set a target to monitor compliance of 329 targets (facilities). The targets were as follows: Mining (84); Industry (70); Agro-Processing (16); Agricultural Irrigation (62);

Afforestation (16); Government: Municipal Wastewater Treatment Works (73); and Waste disposal facilities (landfills) (8).

Unfortunately, five (5) water users were not inspected due to cost containment and 1 water user was inspected but due to various reasons it will be reported in the first quarter of 2024/2025 financial year as planned in the 2023/2024 APP targets. Therefore, six (6) out of the 329 inspections planned on DWS APP targets could not be reported on status of compliance.

An additional thirty-four (34) inspections were conducted by the Regional Offices in response to referrals that came during the year. The Compliance Monitoring team therefore achieved a total of 357 targets as per the planned DWS APP 2023/2024.

The compliance inspections conducted for the financial year for the different water sectors were as follows: Mining (91); Industry (73); Agro-Processing (20); Agricultural / Irrigation (69); Afforestation - SFRA (20); Government: Municipal Wastewater Treatment Works (75); and Waste disposal facilities (landfills) (9).

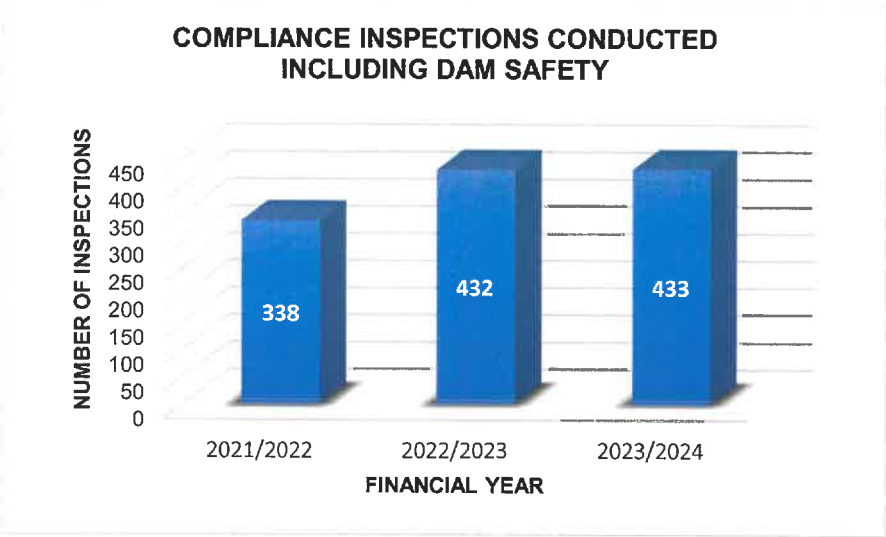
Additionally joint compliance monitoring of thirteen (13) for compliance with WARMS unit were performed under Irrigation Sector for Water Management Institutions (WMIs) and two (2) joint compliance monitoring inspections for Waste Disposal Facilities (WDF) were conducted with DFFE as well as two (2) self-regulation desktop audits for WDF were conducted.

Table 5.1 and Bar Graph reflect the trend analysis for compliance inspections (including Dam Safety inspections). The number of water users monitored has been on an increase for the past four (4) financial years since taking sharp decline in 2019 due to the Covid-19 pandemic that forced regions to do desktop inspections. In 2021/2022 inspections conducted



were 338 and it increased in 2022/2023 to 432 inspections conducted and in 2023/2024, 433 inspections were conducted. These numbers included Dam Safety inspections.

**Table 5.1: Overview of Compliance Inspections from 2021/22 - 2023/24: includes Dam Safety Inspections**



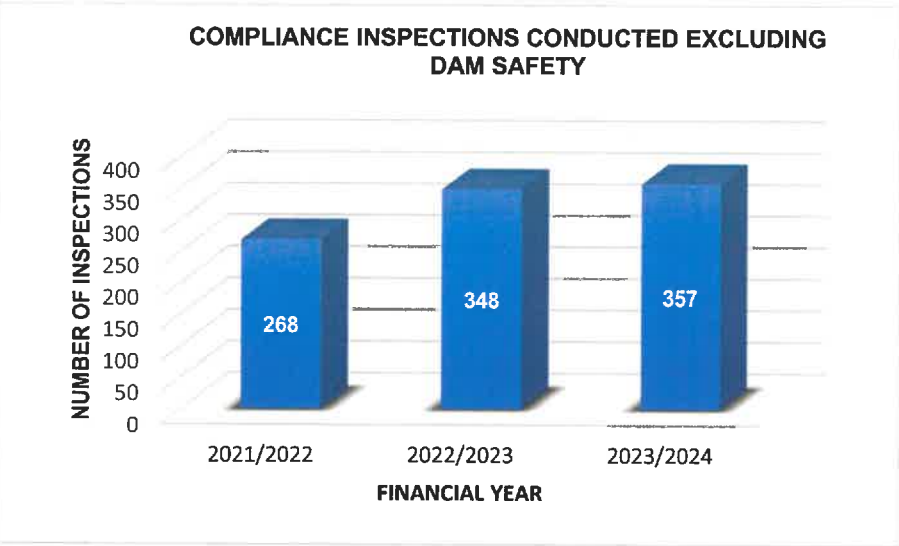
The average number of water users monitored in the last 3 years for compliance inspections is 401 water users. Please take note that these numbers include Dam Safety inspections conducted during this period.

The number of compliance inspections for the last three (3) years including Dam Safety are as follows:

- 2023/2024 the average inspections conducted was (433)
- 2022/2023 the average inspections conducted was (432)

- 2021/2022 the average inspections conducted was (338)

**Table 5.2: Overview of Compliance Inspections conducted from 2021/22 – 2023/24: excludes Dam Safety inspections**



The average number of water users monitored in the last 3 years for compliance inspections is 324 water users (excluding Dam Safety inspections). The number of compliance inspections for the last (3) years excluding Dams Safety are as follows:

- 2023/2024 the average inspections conducted was (357);
- 2022/2023 the average inspections conducted was (348);
- 2021/2022 the average inspections conducted was (268)

There has been an improvement considering the large number of water users that must be monitored. The number of water users registered with the DWS is 134524 according to the latest WARMS data (obtained 1 April 2024).

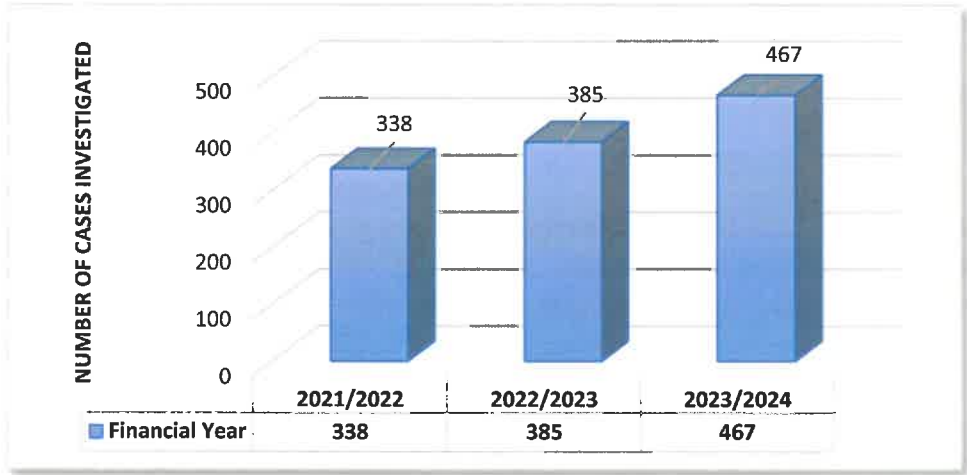
This implies that CM monitored approximately 0.72 % ( $973/134524 \times 100\%$ ) water users for the last three financial years. This also implies that DWS (CM) monitors water users at a average rate of approximately 0.25% ( $324/134524 \times 100\%$ ) per financial year for the past (3) financial years. Meaning that the department is approximately performing compliance inspections of an average of far less than 1% per financial year of the water users registered with the department. This highlights the lack of capacity to perform the regulatory functions within the department and CMAs and that other compliance monitoring tools should be considered that could be quicker to verify compliance of the water user and initiate rectification of non-compliances should the latter being observed.

2.4.2 ENFORCEMENT

During the 2023/2024 financial year, a total of 583 cases of non-compliance were reported. Of these, 467 were duly investigated, meeting the target with an 80% achievement rate. This notable increase in the number of cases examined is attributed to several factors, including a rise in reported pollution incidents and unlawful water uses identified during blitz operations.

It needs to take note that these results for cases and enforcement actions taken includes BOCMA and IUCMA as well for those enforcement cases registered on the Enforcement Case Management System (ECMS).

Table 6: Overview of Enforcement cases investigated during from 2020/21 - 2023/24



DWS received complaints of suspected non-compliances against water-related legislation. In addition, other cases were referred to the Enforcement units, originating from various units within the DWS. Consequently, the referred cases were duly investigated to establish compliance with pertinent water-related legislation and regulations governing the water sector.

During the financial year under review, there was a significant increase in the number of cases investigated compared to the previous financial year.

In the financial year 2022/2023, a total of 385 cases were investigated. This number rose to 467 cases in the financial year 2023/2024, representing an increase of 82 additional cases investigated even though the enforcement officials did not increase (Table 6). The increase from 385 cases to 467 cases

signifies a percentage increase of approximately 21.3%. The substantial rise in the number of cases investigated highlights the increased efforts and focus on thorough investigative processes during the financial year 2023/2024.

From the cases investigated, findings arising from these investigations revealed non-compliance with the afore-mentioned water-related regulations. In response to these contraventions, the Department invoked its authority to initiate administrative enforcement actions aimed at rectifying the identified contraventions. Furthermore, where necessary the DWS acted by initiating criminal charges or pursue civil actions in instances where such enforcement measures were deemed appropriate and necessary to address cases of significant non-compliance.

The Department undertook both administrative and criminal actions against water users found to be non-compliant. A total of two hundred and seven (207) notices of intention to issue directives were duly issued. Subsequently, fifty-nine (59) directives were issued.

During the reporting period, the Department successfully closed 126 cases, as the transgressors complied by rectifying the contraventions and implementing the requirements outlined in the Notices and Directives issued. Some of the administrative actions resolved originated from or dated back to periods outside the financial year under review.

Furthermore, the Department laid sixty-three (63) criminal charges against non-compliant water users and polluters, and twelve (12) case dockets were finalized and referred to the National Prosecuting Authority for a decision. For comprehensive specifics pertaining to the aforementioned information, please refer to Table 19.

## 2.5 PERFORMANCE SUMMARY FOR CMAs

The BOCMA and IUCMA compliance monitoring inspections and enforcement actions are included for the second financial year into the CME Annual Report.

Both CMAs have again received CME phase 1 training on the CME generic concepts, process, procedures and tools and how to compile a good compliance inspection report and the use of the NCIMS and ECMS during February 2023. BOCMA received CME phase 2 sector specific and enforcement actions training during August 2023. Unfortunately, IUCMA experience internal organisational re-structuring issues and requested that the CME phase 2 training be provided on a later stage.

Both CMAs used the ECMS for enforcement cases, but only BOCMA used the NCIMS for compliance monitoring reporting and followed the CME / EMI standard operating procedures and provide PoE during 2023/24.

### 2.5.1 COMPLIANCE MONITORING

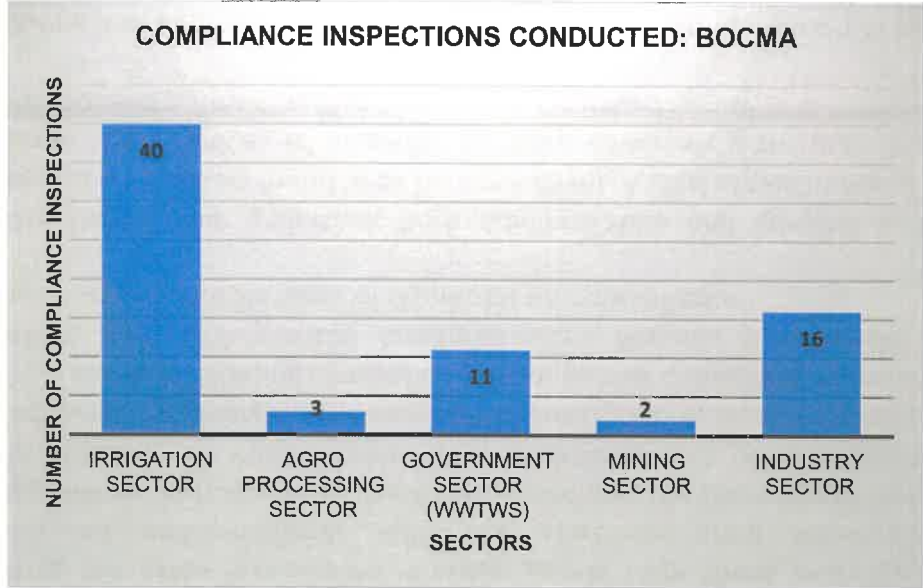
#### 2.5.1.1 BREEDE-OLIFANT CATCHMENT MANAGEMENT AGENCY (BOCMA)

**BOCMA** has used the NCIMS and captured the compliance inspection reports on the system and status of compliance of the facilities inspected were calculated. BOCMA implemented the CME SOP, tools and systems for the 2023/24 financial year.

BOCMA planned to oversee 80 water users in 2023/2024 and achieved 72. An average performance level of 79% is achieved for the overall water

sectors (in total 72 compliance inspections) for compliance with the requirements against the water use authorization’s conditions in respect of the National Water Act, 1998. The 79% status of compliance of the water sectors is calculated as per those inspections captured on the NCIMS. However, nine (9) inspections were not completed using the NCIMS and reporting template and status of compliance of facilities were not calculated. Therefore, could not be included as part of overall summary of status of compliance but will be uploaded onto the NCIMS and incorporated in the Section 7.1 for describing facilities inspected.

Table 7: BOCMA compliance inspections per sectors for 2023/24.



The above bar graph provides the overview of the compliance inspections being undertaken per sector in this catchment area. Within the BOCMA, it is evident that the irrigation sector is the highest sector being monitored

due the number of waters users in conducting intensive irrigation along the Breede River as well as extensive farming and small town economy in this catchment area.

2.5.1.2 INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY (IUCMA)

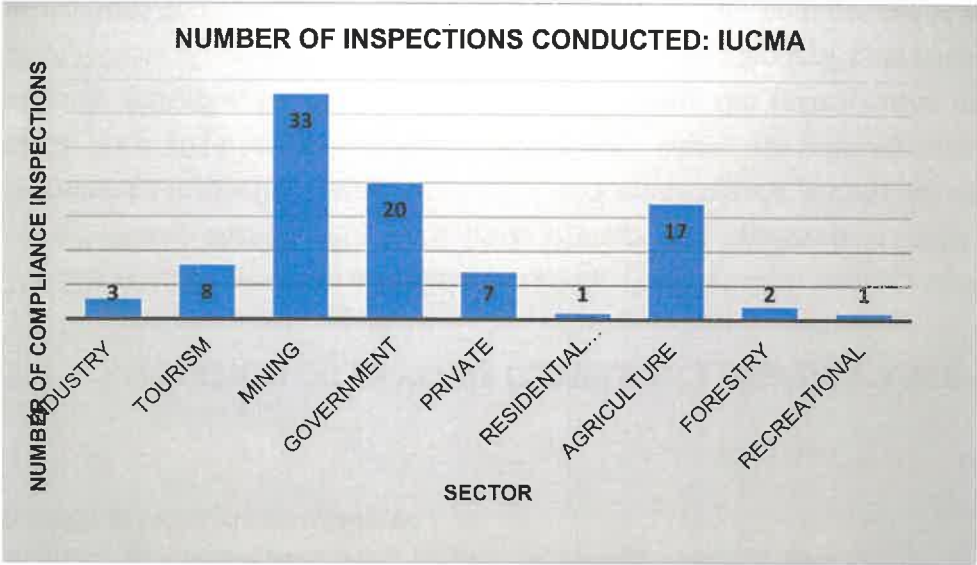
IUCMA are not using and capturing inspection reports on the NCIMS for the last 2 financial years. The CME standard operating procedures process for compliance inspections has not been used and the standardised reporting template, as well as calculation of the status of compliance of these facilities not being conducted and no PoE being provided manually or uploaded on the NCIMS during the reporting period.

IUCMA conducted though ninety-two (92) desktop audits using their own reporting template for various water sectors during 2023/24. No PoE was provided, and status of compliance could be calculated for the water sectors performance.

The Table 8 bar graph below provides an overview of the desktop audits being undertaken per sector in this catchment area. The sector that showed the highest desktop audits conducted is the Minings Sector (33), Government Sector WWTWs (20) and followed by the Agricultural Sector (17). Meaning, the predominant water users are the Mining, WWTWs and irrigation, however, this is not limited to the remaining sectors.



Table 8: IUCMA desktop audits conducted by the IUCMA during 2023/2024



2.5.2 ENFORCEMENT

2.5.2.1 BREEDE-OLIFANT CATCHMENT MANAGEMENT AGENCY (BOCMA)

During the review period, on the ECMS seventeen (17) cases were reported and sixteen (16) cases investigated for BOCMA. Thirty-seven (37) administrative actions were initiated against suspected transgressors and four (4) criminal case was opened against a Municipality that did not comply with the prescripts of the water legislations. BOCMA has not registered all

the enforcement cases for 2023/24 on the ECMS and therefore their statistics do not align with DWS ECMS data.

Table 9: BOCMA Enforcement activities during 2022/23 and 2023/24

Enforcement Activities in BOCMA	2022/2023	2023/2024
Reported Cases	14	17
Investigated Cases	11	16
Administrative Action	35	37
Criminal Cases Opened	1	4
Case Referred to NPA	0	3

2.5.2.2 INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY (IUCMA)

The enforcement activities in IUCMA for 2023/2024 indicate a high level of responsiveness, with all 24 reported cases fully investigated. Of these, 21 cases resulted in administrative action, showcasing the authority's focus on resolving matters through non-criminal means. Only one criminal case was opened, and no cases were referred to the National Prosecuting Authority (NPA), reflecting a largely administrative approach to enforcement within this period (Table 10).

**Table 10: IUCMA Enforcement activities during 2022/23 and 2023/24**

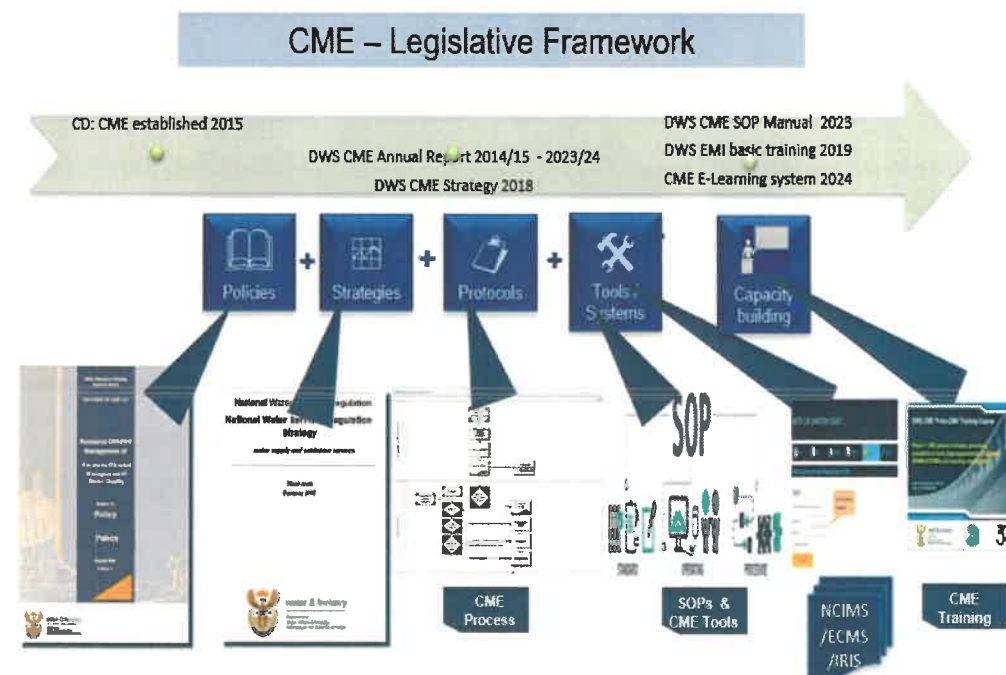
Enforcement Activities in IUCMA	2022/2023	2023/2024
Reported Cases	6	24
Investigated Cases	5	24
Administrative Action	4	21
Criminal Cases Opened	0	1
Case Referred to NPA	0	0

During the period under review, the IUCMA received twenty-seven (27) reported pollution incidents related cases for investigation. Take note these are separate to the enforcement complaints reported. All reported matters were attended to with 24 hours of reported period as per the IUCMA SOP. Majority of these issues were related to sewage overflow as a results of municipal infrastructure failure.

## 2.6 REFLEXION OF 10-YEARS COMPLIANCE PERFORMANCE

The CD: WUCME has been established in 2015. The DWS CME Strategy was compiled and aligned with DFFE CME Strategy and approved in 2018. Compliance inspections were conducted and enforcement actions taken place since 2014 for various water sectors with water use authorisation officials indicating to move to the CME Unit during the restructuring in 2014/2015. The development of DWS CME process, standard operation procedures and compliance monitoring tools and systems commenced in a

phased manner with the requirement to be in line with DFFE EMI framework and network (Figure 2).



**Figure 1: DWS CME Framework Overview**

The DWS EMI basic training was developed and DWS officials trained to be designated as EMIs in 2019 and when most CME officials were trained and designated as EMIs, the DWS slotted in with the DFFE EMI basic training course to train DWS CME officials for EMI designation. Advance DWS EMI training courses focusing on DWS and water sector requirements are now

develop and provided to DWS EMI officials, for example Docket Management. The e-Learning System developed and rolled out in 2024/25.

The DWS CME / EMI SOP Manual has been signed by Minister in 2023, and the ECMS and NCIMS IT Application systems have commenced being developed in 2014 and 2015 respectively and been enhanced continuously and in phases manner to assist the Administrative system users with regards to their IT user requirements and to enable strategic statistical analysis and reporting. It is proposed to integrate the CME application systems into IRIS from 2024/25.

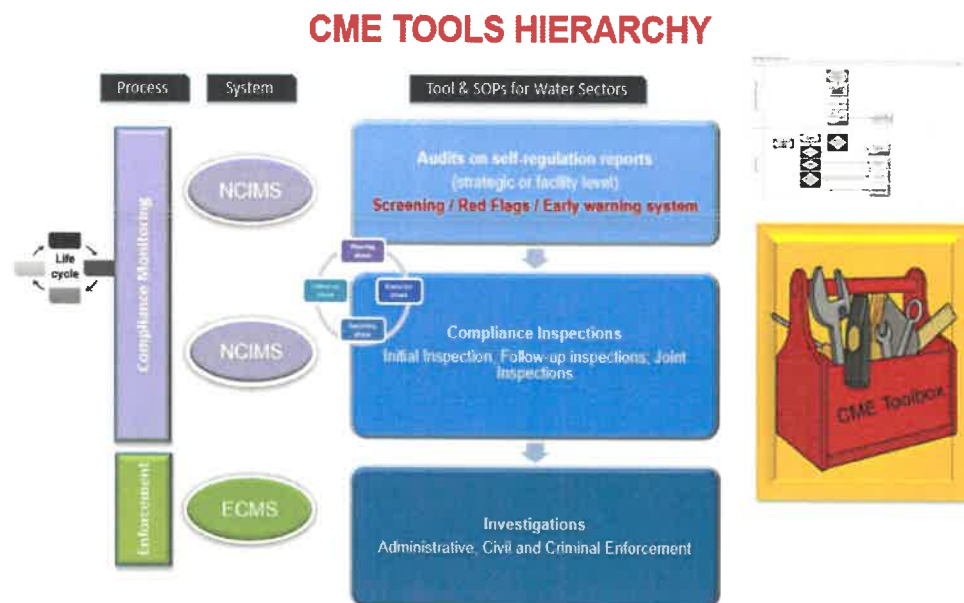


Figure 2: DWS CME /EMI Tools hierarchy

CME Annual Reports have been compiled since 2014/15, although not most been signed off by DG or Minister it summaries the status of compliance of the water users and the performance of the water sectors and enforcement cases reported and resolved. It also reflects the growth and progress of the DWS CME Unit and where improvements are required or gaps to be dealt with through the last decade (Figure 1&2).

## 2.6.1 COMPLIANCE MONITORING

Compliance inspections were mainly focused on the beginning around the Mining sector, Irrigation sector and Municipalities and the other water sectors gained momentum and are equally inspected in the last few years. The inspections declined during 2020 during the Covid-19 epidemic and increased again in numbers and are now stabilized.

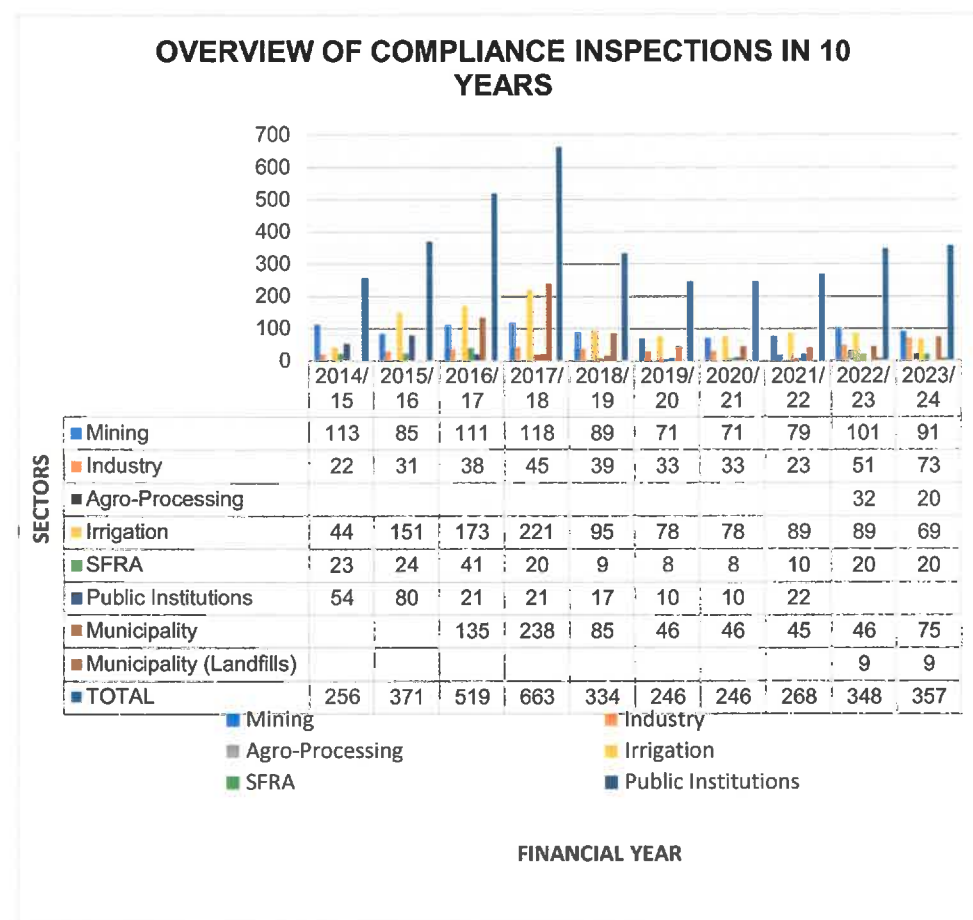
During the last 10 years DWS has conducted a total of 3608 compliance inspections for various water users (excluding dam safety infrastructure inspections). Therefore, an average of 361 compliance inspections have been conducted each year (Table 11). With 134524 water users registered on WARMS on 1 April 2024 only 2.7 % water users have been inspected. This gives a reality check on the enormous task at hand for about 70 Compliance Monitoring officials in DWS and CMAs to conduct these compliance monitoring inspections and audits.

**Table 11: 10-year compliance inspections conducted from 2014 – 2024**



Even if 70 CM officials conduct 1 inspection and finalise the report per week it means 30 inspection reports will be finalized per official for a financial year (excluding public holidays, vacation or sick leave). With about 70 CM officials, then 2 100 inspections will be conducted per year. Although the values given here are generic and not factoring in the environment in which this is being conducted it is to illustrate that even when a person has an unrealistic schedule to conduct compliance inspections most of the water users will not be inspected in the next 10 years and more capacity must be created and other strategic plans and mechanisms must be put in place to be able to verify the status of compliance of water users and water sector performance and reduce non-compliances and pollution while protecting the water resources.

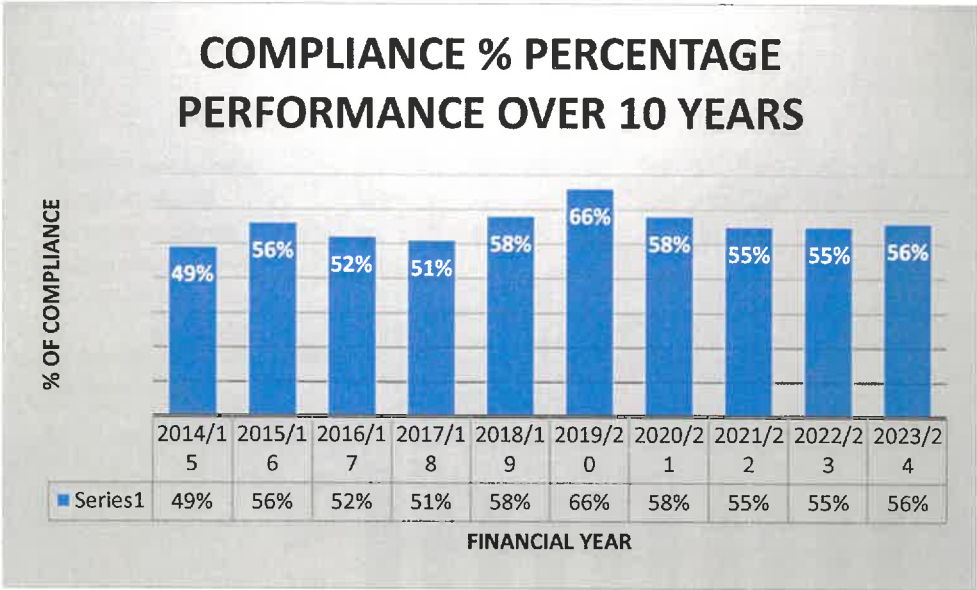
**Table 12: Overview of compliance inspection conducted in 10 years for various water sectors**



The above number of 357 compliance inspections excludes the 72 compliance inspections conducted by BOCMA for 2023/24. It amounts to 429 compliance inspections conducted in combination between DWS and BOCMA.



Table 13: 10-year water sectors compliance percentage (%) performance



The average of the compliance performance percentage (%) for the water sector are 55% over the last 10 years for DWS.

2.6.2 ENFORCEMENT

Enforcement cases investigated for the last decade as per the ECMS data are tabled in Table 14 below. Enforcement actions taken and cases resolved are also included in Table 14A & B. Cases closed were only recorded during the 2023/24 annual reporting period.

Table 14A: 10-years of enforcement cases and actions taken depicted from 20214-2024.

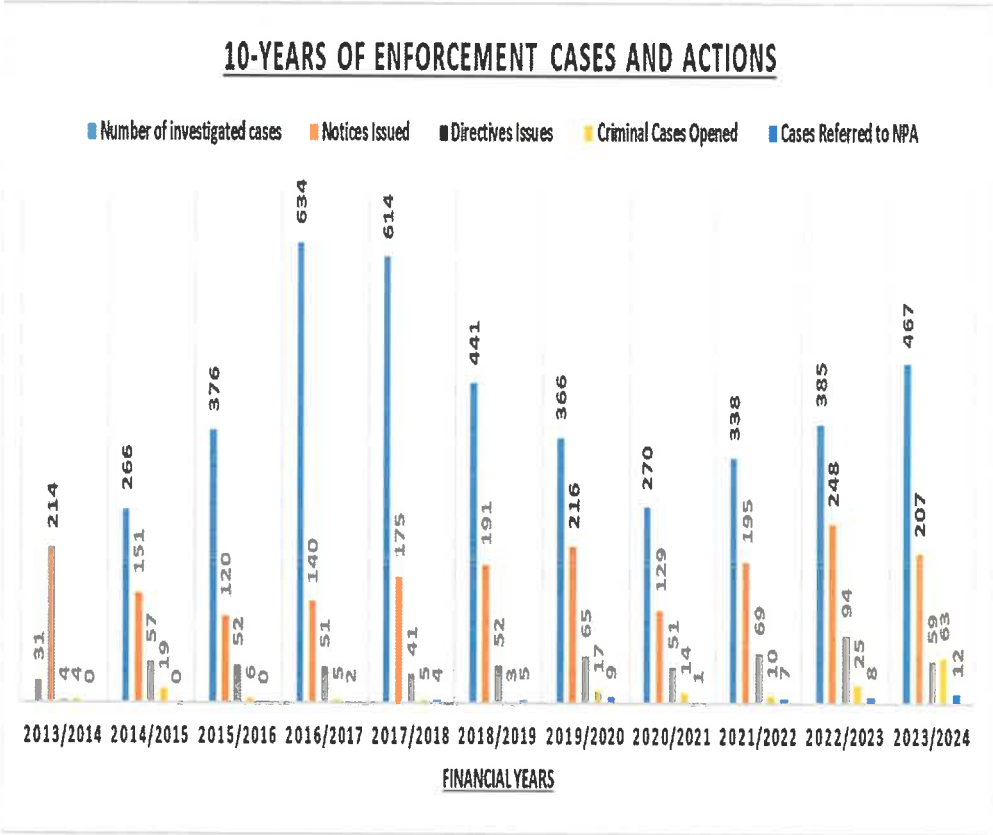
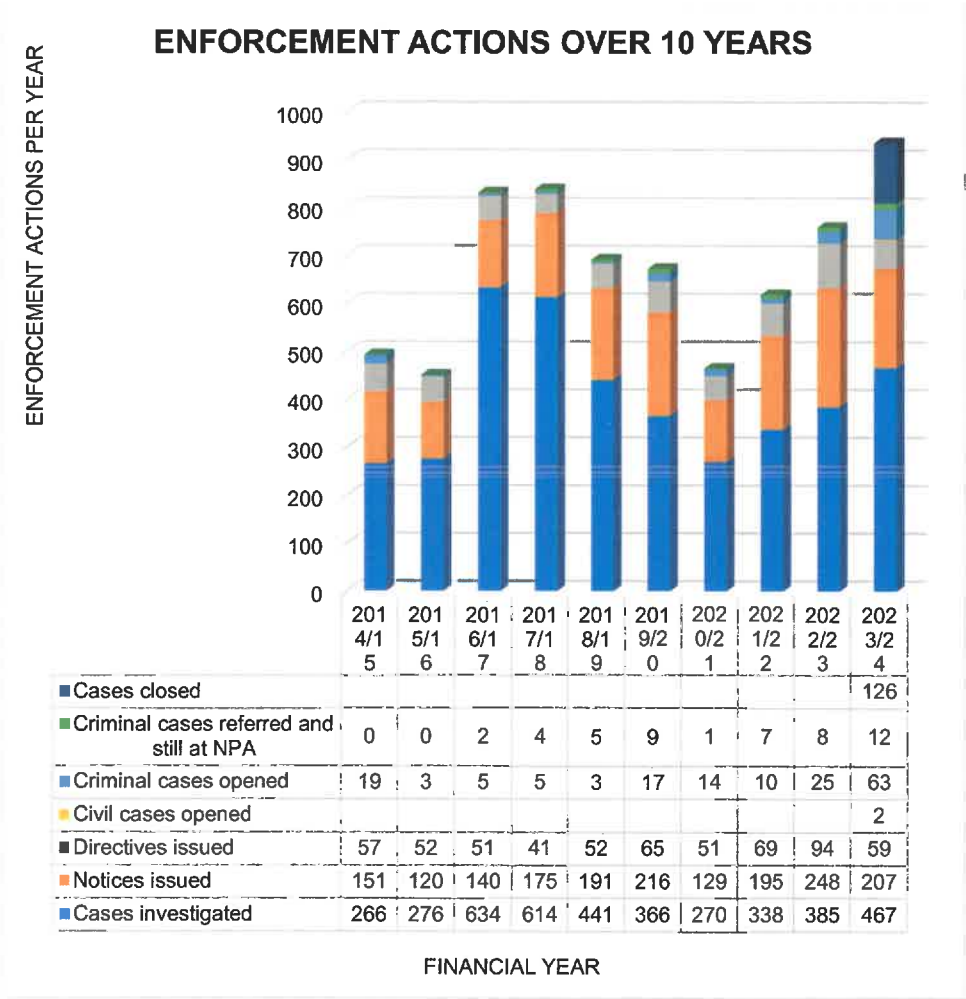


Table 14B: 10-years of enforcement cases and actions taken depicted from 20214-2024.



### 3. OVERALL DWS CME STATISTICS FOR 2023/2024

#### 3.1 COMPLIANCE MONITORING AND ENFORCEMENT PRIORITISATION AND PLANNING

##### 3.1.1 COMPLIANCE MONITORING PRIORITY LIST FOR 2023/2024

A list of water users was identified for compliance monitoring as per performance indicator 5.1.5 – DWS Annual Performance Plan (APP) targets.

##### 3.1.2 COMPLIANCE MONITORING OUTCOME 10 INDICATOR

In the Medium-Term Strategic Framework (MTSF) and Outcome 10 performance agreement an impact indicator is used to determine the level of performance of the water users and sectors. The purpose of the impact indicator is to add value to the statistics of users monitored by indicating the status of compliance against the conditions of the authorisation. A score card has been developed and is used to accurately and consistently measure/score performance and forms of part of the portfolio of evidence together with the inspection report.

The General Compliance Performance Levels has been set as:

**Table 15: General Compliance performance levels**

Percentage Compliance	Condition	Description
75-100%	Acceptable	Technical conditions are met in most circumstances; few administration actions should be undertaken. Request proof of compliance electronically.
50-74%	Good but at risk	The implementation of water use conditions is implemented with several actions still outstanding. Action plan required to ensure full compliance. Follow up audit required.
25-49%	Not acceptable	Compliance meets less than half of the substantive implementation and administrative actions in the license. Action plan required to ensure full compliance. Follow up audit required. Decision to be taken on improvement of compliance. If so, follow-up audit scheduled, if not, hand over for enforcement action.
0-24%	Not acceptable	User meets minimal conditions, both implementation and administrative actions in the license. Decision to be taken if non-compliance is potentially or detrimental or fatal to water resource. If fatal, hand over for enforcement action, if not an action plan required to ensure compliance. Follow up audit required and scheduled.

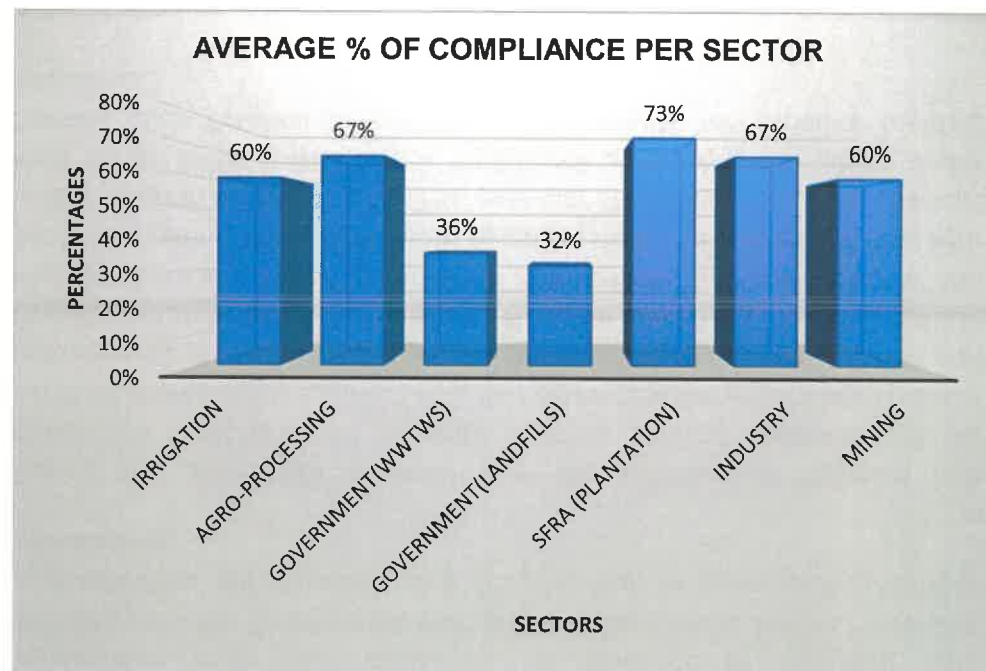
The target set for percentage (%) level of compliance with water user authorisations obligations per sector is 65%.

The 357 water users monitored achieved a combined average performance level of 56%. The combined average performance percentage level of all water users per sector monitored for compliance from 2022/2023 (58%) to 2023/2024 (56%) shows a decline by 2%.

The SFRA (Plantations) at (73%), Industry at 67% and Agro-Processing at 67% achieved a compliance percentage score above 65%. The compliance

percentage score for Mining was 60% and Irrigation was 60%, just below 65% target. See Figure 3 for the status of compliance for each water sector.

The Government (WWTWs) sector score of 36% and Government waste disposal facilities (Landfills) score of 32% are sectors that scored a compliance level far less than 65%. When compared to 2022/2023 financial year these sectors have declined in percentage compliance. See Table 17A below.



**Figure 3: Overview of Compliance Monitoring of the water sectors for 2023/2024**

The 433 inspections (with dam safety inspections) conducted for 2023/24 is four (4) inspections more than was reported through Outcome 10 reporting as all the information was not available at the time when the results were required.

### **3.1.3 DWS & CMA ENFORCEMENT PRIORITIES FOR 2023/2024**

#### **3.1.3.1 REGULATIONS**

In the previous financial year, the Department prioritized investigations into the use of groundwater for agricultural purposes across all provinces, with a particular emphasis during the Blitz Operation. The majority of cases investigated were in the Eastern Cape Province. These investigations focused on ensuring compliance with the Metering Regulation, which mandates that water used for irrigation purposes must be accurately measured, recorded, and reported.

The primary objective of these investigations was to ensure that all agricultural water users adhered to the regulation, thus enabling the Department to effectively monitor water usage. This approach was instrumental in identifying and addressing instances of non-compliance, ensuring that appropriate enforcement actions could be taken against users who failed to meet the required standards.

By prioritizing metering and reporting, the Department has demonstrated the importance of sustainable water resource management. These efforts reflect the Department's commitment to regulatory compliance and the responsible use of groundwater in agriculture, ensuring that water resources are preserved for future generations.

The Department also prioritized addressing non-compliance by local government authorities, particularly focusing on the operation of wastewater treatment works (WWTWs). The Department observed an increase in sewage overflows caused by manhole overflows, malfunctioning pump stations, and WWTWs discharging untreated or partially treated wastewater into water resources. In response to detected non-compliances, the Department has taken enforcement actions, including administrative enforcement, civil actions, and, in some cases, criminal proceedings.

During the 2022/2023 financial year the Enforcement Support unit conducted legal oriented capacity building training sessions with its external stakeholders such as SAPS. Our external stakeholders have a direct involvement in the investigation and prosecution of criminal matters and thereby enforce compliance with the National Water Act. Therefore, these engagements are important to build the capacity and skills base of the personnel within these institutions to successfully investigate and deal with water related criminal cases. The external stakeholder training sessions held for 16 SAPS, 5 NPA and 2 Traditional community are tabled under Section 12.3 External Stakeholder Engagements for capacity building initiatives.

**Table 16: Enforcement Priority for 2023/24**

Performance Indicator	Planned Target on APP 2023/2024	Actual cumulative achievement	Reasons for variance (under or over achievement)
Investigation of non-compliant cases	80%	80 % (467 out of 583)	The established target has been met
Conduct legally oriented capacity building for SAPS and NPA and Community Property Associations	12	23	The overachievement was a result of demand from various SAPS Station Commanders for additional training particularly in KZN and Mpumalanga region.
Number of follow-up inspections conducted on administrative enforcement actions and implement recommendations	48	87	The target was exceeded by thirty-nine (39) follow-up inspections. A total of forty-two (42) representations were assessed during the period under review.



## 3.2 STATISTICS

### 3.2.1 COMPLIANCE MONITORING PERFORMANCE STATISTICS (APP 2023/2024): GEOGRAPHICAL

Table 17A: Compliance Monitoring Performance Statistics for DWS

Performance Indicator		Planned Target on APP 2023/24	Reg: WC	Reg: KZN	Reg: GP	Reg: LP	Reg: EC	Reg: FS	Reg: MP	Reg: NC	Reg: NW	Actual cumulative achievement	Reasons for variance (under or over achievement)
			APP & ADDITIONAL										
PPI 5.1.5: Number of water users monitored for compliance		329 (CM)	32	13	46	85	47	18	48	37	31	357 (CM)	Over-achieved by thirty-four (34) due to additional inspections done by Provincial Offices. A proper breakdown is written below.
		77 (Dam Safety)										76 (Dam Safety)	
TOTAL		406										433	
Sectorial Breakdown for larger target under PPI 5.1.5 above	Number of water users monitored for compliance within the <u>MINING</u> sector	84	4	3	14	16	1	5	24	10	14	91	Conducted eight (8) additional compliance inspections for this period. One (1) compliance inspection (Uitkomst Colliery) that was planned as part of the 84 APP targets will be reported in the Q1 of next financial due to various reasons.
	Number of water users monitored for compliance within the <u>INDUSTRY</u> sector	70	6	2	9	15	17	0	5	11	8	73	Conducted six (6) additional compliance inspections. One (1) compliance inspection (Kendal Power Station) was not conducted as per the APP due to financial constraints. Two (2) compliance inspections (Fort Cunningham WWTW and Kubusie Plantation WWTW) were incorrectly included under the Industry sector as part of the planned 70 targets on the APP in Eastern Cape but was moved to Government sector.

Performance Indicator	Planned Target on APP 2023/24	Reg: WC	Reg: KZN	Reg: GP	Reg: LP	Reg: EC	Reg: FS	Reg: MP	Reg: NC	Reg: NW	Actual cumulative achievement	Reasons for variance (under or over achievement)
		APP & ADDITIONAL										
Number of water users monitored for compliance within the <a href="#">AGRO-PROCESSING</a> sector	16	5	1	0	2	4	3	3	1	1	20	Conducted four (4) additional compliance inspections. APP 2023/2024 targets were met.
Number of water users monitored for compliance within the <a href="#">IRRIGATION</a> sector	62	5	3	9	28	1	4	6	9	4	69	Conducted ten (9) additional compliance inspections. Two (2) compliance inspections (Maitjene Community Development Trust and Westfalia Fruit Estates) were not conducted as per the APP targets planned due to financial constraints.
Number of water users monitored for compliance within the <a href="#">SFRA</a> sector	16	2	1	0	16	0	0	1	0	0	20	Conducted four (4) additional compliance inspections. APP 2023/2024 targets were met.
Number of water users in the <a href="#">MUNICIPAL: WWTW</a> sector monitored for water use compliance	73	6	3	14	7	24	5	8	4	4	75	Conducted two (2) additional compliance inspections. Two (2) compliance inspections (Oberholzer WWTW and ERWAT Heidelberg WWTW) were not conducted as per the APP targets set due to financial constraints. Two (2) compliance inspections (Fort Cunningham WWTW and Kubusie Plantation WWTW) were incorrectly included under the Industry sector as part of their planned APP targets in Eastern Cape and was moved to Government sector.
Number of water users in the <a href="#">MUNICIPAL: LANDFILL</a> sector monitored for water use compliance	8	4	0	0	1	0	1	1	2	0	9	Conducted one (1) additional compliance inspection. APP 2023/2024 targets were met.

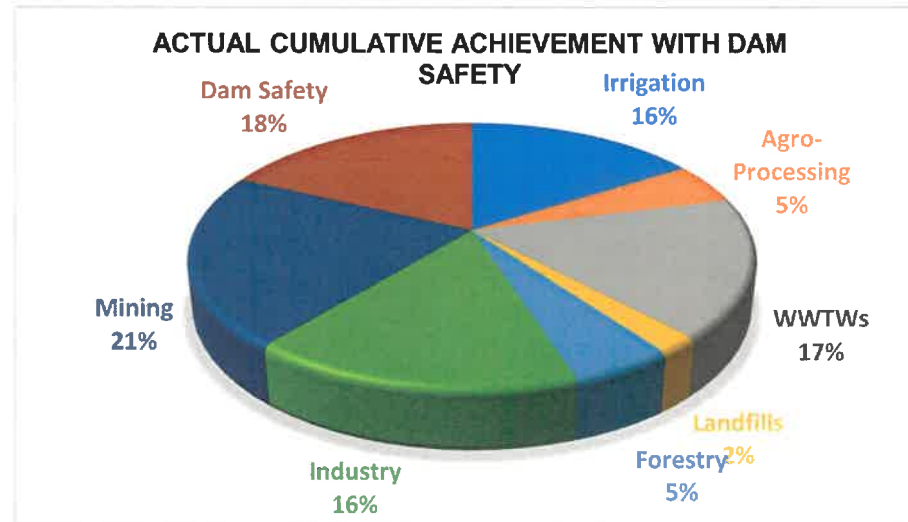
The resource quality within South Africa continues to be under threat due to increasing discharge of substandard wastewater into our water resources. The main contributors to water quality problems are mining (acidity and increased metals content), urban development (salinity, nutrients and microbiological), industries (chemicals and toxins) and agriculture (sediment, nutrients, agro-chemicals and salinity through irrigation return flows). Untreated or poorly treated wastewater is severely affecting the quality of water in many areas.

**Table 17B: Compliance Monitoring Performance Statistics for CMAs**

Performance Indicator		Planned Target on APP 2023/24			Actual cumulative achievement	Reasons for variance (under or over achievement)
<b>Programme 2</b> <b>2.3.2: Number of water users monitored for compliance for BOCMA</b>			80		72	The water users were inspected conducting an onsite inspection and desktop review for the facilities. It is also noted that the selection of water users was not based on sectoral division but rather the various water uses based on quantity, quality and most activities taking place in the catchment. Therefore, the planned targets per sector was not populated. However, nine (9) compliance inspections were not processed through the NCIMS and therefore was not included and calculated as part of the status of compliance for the sectors in this financial year.
<b>Sectorial Breakdown for larger target under Programme 2</b> <b>2.3.2: for BOCMA</b>	Number of water users monitored for compliance within the <u>IRRIGATION</u> sector				40	
	Number of water users monitored for compliance within the <u>INDUSTRY</u> sector				16	
	Number of water users monitored for compliance within the <u>AGRO-PROCESSING</u> sector				3	
	Number of water users monitored for compliance within the <u>MINING</u> sector				2	
	Number of water users in the <u>MUNICIPAL: WWTW</u> sector monitored for water use compliance				11	
<b>TOTAL</b>					72	

Performance Indicator		Planned Target on APP 2023/24		Actual cumulative achievement	Reasons for variance (under or over achievement)
<b>Programme 4</b> <b>4.3: Number of water users monitored for compliance for IUCMA</b>		172		92	A desktop audit was conducting for the facilities. The SOPs and use of the NCIMS were not applied. For this reason, the scorecard was not calculated as part of the status of compliance for the sectors in this financial year for compliance inspections conducted. It is also noted that the selection of water users was not based on sectoral division but rather the various water uses based on quantity, quality and most activities taking place in the catchment.
Sectorial Breakdown for larger target under Programme 4 4.3: for IUCMA	Number of water users monitored for compliance within the <b>INDUSTRY</b> sector			3	
	Number of water users monitored for compliance within the <b>TOURISM</b> sector			8	
	Number of water users monitored for compliance within the <b>MINING</b> sector			33	
	Number of water users monitored for compliance within the <b>GOVERNMENT</b> sector			20	
	Number of water users monitored for compliance within the <b>PRIVATE</b> sector			7	
	Number of water users monitored for compliance within the <b>RESIDENTIAL DEVELOPMENT</b> sector			1	
	Number of water users monitored for compliance within the <b>AGRICULTURE</b> sector			17	
	Number of water users monitored for compliance within the <b>FORESTRY</b> sector			2	
	Number of water users monitored for compliance within the <b>RECREATIONAL</b> sector			1	
<b>Total</b>				92	

Compliance inspections per water sector for the 2023/24 financial year with Dam Safety inspections.



Compliance inspections per water sector for the 2023/24 financial year without Dam Safety inspections

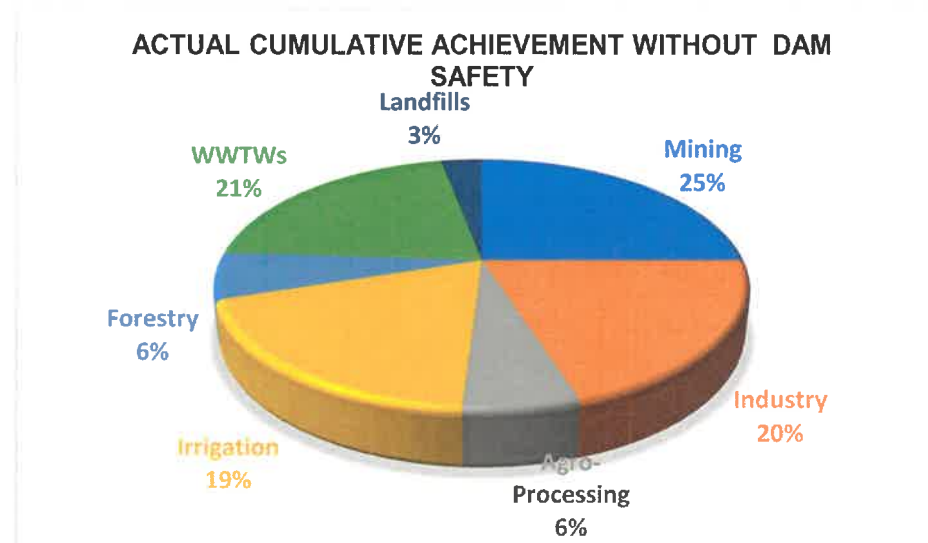
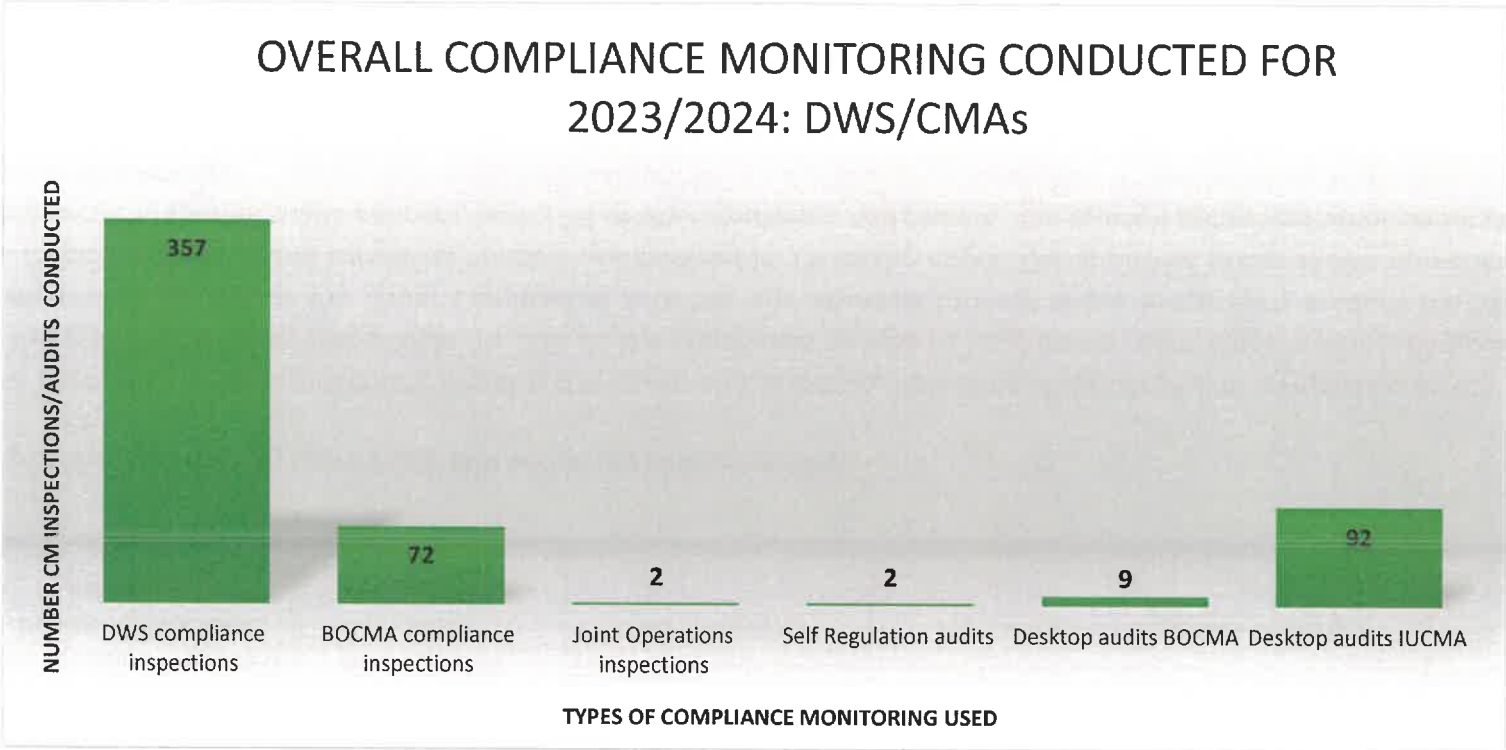




Table 17 C: Overall Compliance Monitoring conducted for 2023/24: DWS & CMAs



DWS conducted 357 compliance inspections and BOCMA conducted 72 compliance inspections. Additionally joint compliance monitoring of thirteen (13) for compliance with WARMS unit were performed under Irrigation Sector for Water Management Institutions (WMIs) and two (2) joint compliance monitoring inspections for Waste Disposal Facilities (WDF) were conducted with DFFE as well as two (2) self-regulation desktop audits for WDF were conducted. IUCMA conducted 92 desktop audits and BOCMA 9 desktop audits.

### 3.2.2 DWS AND CMA ENFORCEMENT PERFORMANCE STATISTICS

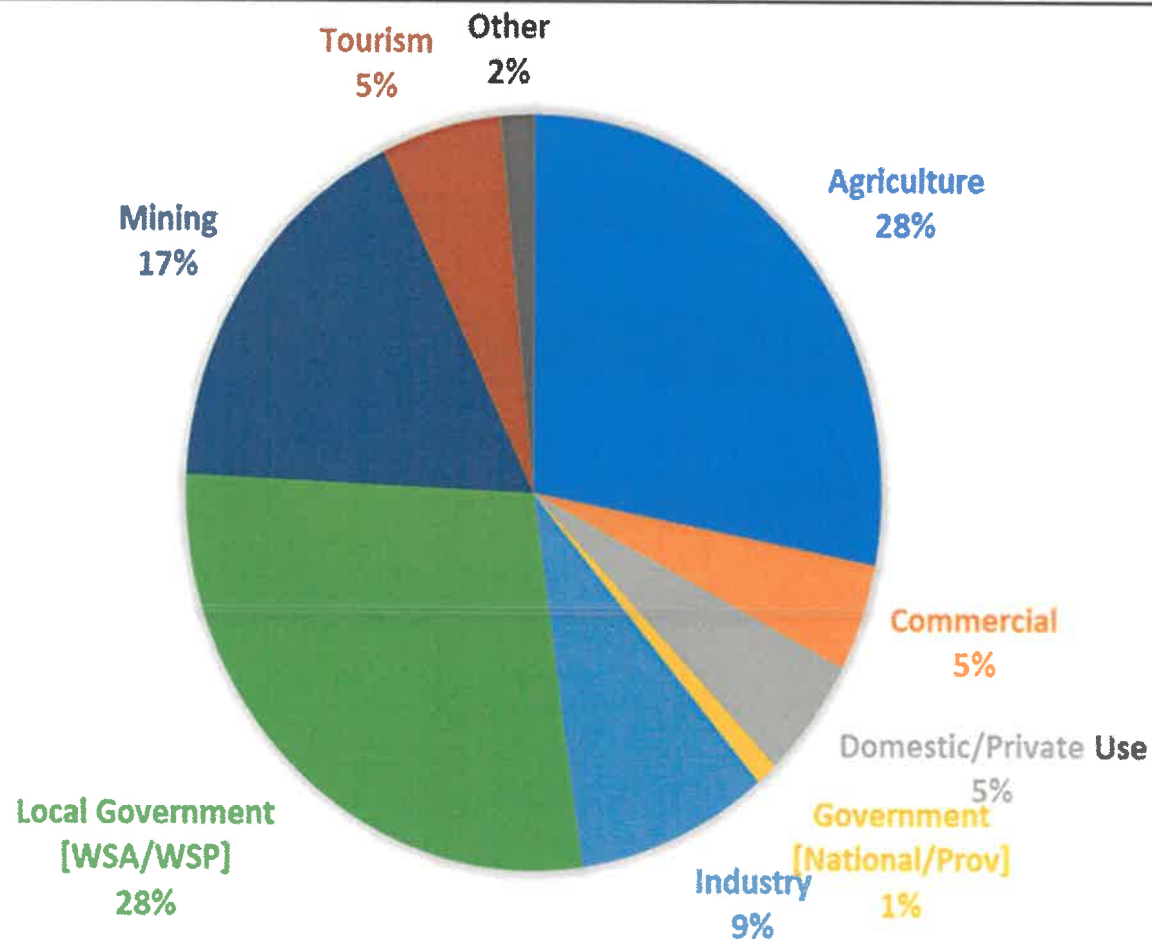
**Table 18: Enforcement: Reported non-compliance cases investigated for DWS**

Sub-Programme		Enforcement		
Performance Programme Indicator (PPI) no	Performance indicator	Planned target 2023/2024	Actual achievement 2023/2024	Comment on deviations
5.1.6	Percentage of reported non-compliant cases investigated	80%	467/583 (80%)	The established target has been met

The figure below reflects the enforcement cases dealt with within the various sectors:

Numerous complaints have been lodged concerning illegal water usage and pollution, indicating widespread non-compliance across various sectors. The agriculture sector is the primary offender, responsible for 28% of the complaints as well as local government municipalities, particularly those managing wastewater treatment, represent 28% of the issue. Commercial activities and domestic/private water usage each account for 5% of the complaints. Government sectors, including national and provincial entities, are involved in 1% of the cases. The industrial sector shows non-compliance in 9% of the complaints. The mining sector is another major concern, with 17% of the complaints. Additionally, the tourism sector and other sectors contribute to 5% and 2% of the reported cases, respectively.

## REPORTED NON-COMPLIANCE CASES IN DIFFERENT SECTORS



DWS And CMAs Enforcement cases per sector for the 2023/24 financial year

**Table 19: The table depicts enforcement actions taken against non-compliant water users and water polluters in the various provincial offices**

Region	Percentage of reported non-compliant cases investigated	*Notices Issued	*Directives Issued	*Cases Registered with SAPS	*Cases referred to NPA
Breede-Olifants CMA	16	31	6	4	3
Eastern Cape	84	26	1	2	2
Free State	23	26	8	3	0
Gauteng	66	4	1	11	1
IUCMA	19	11	9	1	0
KwaZulu Natal	55	14	2	3	0
Limpopo	19	15	8	2	1
Mpumalanga	67	34	11	9	6
North-West	80	26	9	9	1
Northern Cape	28	10	4	18	1
Western Cape	10	10	0	1	0
<b>Total</b>	<b>467</b>	<b>207</b>	<b>59</b>	<b>63</b>	<b>12</b>

**Table 20: Enforcement action taken**

CATEGORIES	FY 2023/2024
Cases Reported	583
Cases Investigated	467
Notices Issued	207
Directives Issued	59
Criminal Cases Opened	63
Criminal Cases Referred to NPA	12
Resolved Cases	126

**Note:** \*Some letters, notices, directives criminal cases and NPA referrals are linked to previous financial year/s cases

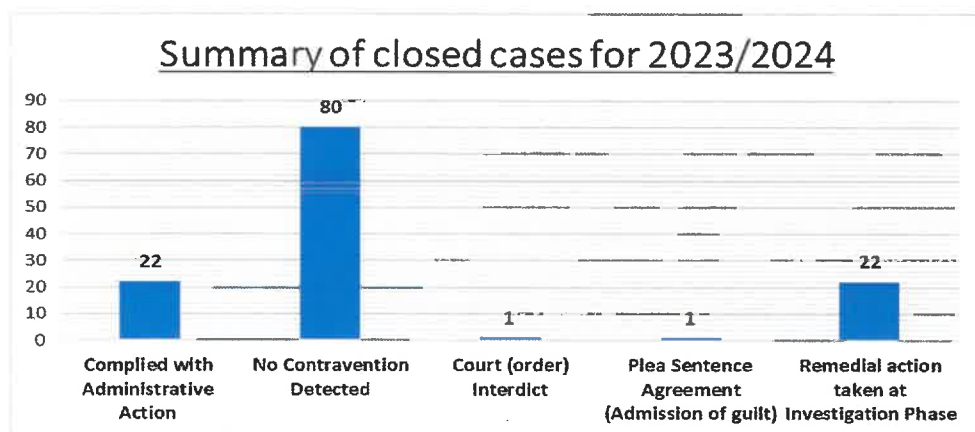
**Table 21: Sectorial breakdown of cases reported and investigated nationally and compared to previous financial year**

Sector	Reported non-compliance cases			Investigations Conducted			Notices issued*			Directives*			Criminal Cases Opened			Cases Referred to NPA		
	(21/22)	(22/23)	(23/24)	(21/22)	(22/23)	(23/24)	(21/22)	(22/23)	(23/24)	(21/22)	(22/23)	(23/24)	(21/22)	(22/23)	(23/24)	(21/22)	(22/23)	(23/24)
Agriculture	91	125	162	88	105	124	52	55	55	15	9	10	2	-	9	-	1	1
Commercial	7	11	25	7	9	19	3	6	7	-	1	2	-	-	-	-	-	-
Government [National/Prov]	7	11	7	6	10	5	4	4	7	3	2	1	-	1	-	-	-	2
Industry	40	41	56	36	38	40	16	16	11	3	9	6	-	-	-	-	-	-
Local Government [WSA/WSP]	103	125	171	92	97	139	66	65	71	30	42	24	1	7	53	-	5	8
Mining	60	95	96	56	88	84	16	36	30	9	8	8	3	9	-	-	-	1
Private Use/Domestic	39	24	27	37	20	25	8	13	15	-	-	3	-	-	1	-	-	-
Tourism	14	9	29	14	9	23	10	10	9	3	2	4	-	-	-	-	-	-
Other Sectors	6	15	10	5	10	8	-	-	2	1	1	1	-	-	-	-	-	-
All Sectors	367	456	583	338	385	467	175	205	207	64	74	59	6	17	63	0	6	12

*\*Some letters, notices, directives criminal cases and NPA referrals are linked to previous financial year/s cases*



Summary of Resolved Cases	No
Complied with Administrative Action	22
No Contravention Detected	80
Court (order) Interdict	1
Plea Sentence Agreement (Admission of guilt)	1
Remedial action taken at Investigation Phase	22
<b>Total</b>	<b>126</b>



\*A decision not to prosecute will be indicated by the legal term “nolle prosequi” literally meaning “not to wish to prosecute”. The certificate nolle prosequi is a certificate issued by the DPP of the region, to the effect that the DPP has considered the matter and declines to prosecute on behalf of the state for varying reasons.

During 2023/2024 financial year, there were twenty-two (22) cases where compliance was achieved through administrative actions, demonstrating a positive response by water users to regulatory requirements. In eighty (80) instances, investigations concluded with no contraventions detected.

There were no cases marked as nolle prosequi or declined for prosecution, highlighting the decisive actions taken without the need to forgo charges. One case was resolved through a plea sentence agreement, indicating an admission of guilt. Additionally, remedial actions were taken in 22 cases during the investigation phase, emphasizing a commitment to early mitigation. These outcomes reflect the effectiveness of the regulatory framework and the diligence of enforcement efforts across various sectors.

Throughout the 2023/2024 period, the Department referred a total of twelve (12) cases to the National Prosecuting Authority (NPA) for decision to prosecute. Comparatively, in the previous financial year 2022/2023, seven cases were referred to the NPA.

During this period, legal proceedings led to the successful issuance of 1 court order and the conclusion of 1 plea sentencing agreement. These outcomes were achieved following the court's careful review and finalization of both cases in accordance with the applicable legal procedures and standards.

The Department has opened sixty-three (63) criminal cases against non-compliant water users, with the majority of these charges targeting local government entities, particularly municipalities, for polluting water resources. This represents a significant increase compared to the previous financial year of 2022/2023, during which only seventeen (17) criminal charges were filed against offenders. The rise in criminal charges demonstrate stricter enforcement of legislation aimed at protecting water resources from pollution. This stance is essential in addressing and mitigating impacts on water resources caused by non-compliance, ensuring that water resources are protected for future use.

The Department has implemented its recently approved organizational structure. As part of this process, the Enforcement Unit introduced a added

a new official responsible for the Criminal Investigation Unit. This role has been established to ensure the thorough investigation and finalization of criminal cases for prosecution.

Furthermore, officials were seconded to the Criminal Investigation Unit, where they assisted in opening criminal cases, having been trained to manage case dockets for investigation. This has significantly strengthened the capacity of the Criminal Investigation Unit at DWS Head Office.

The BOCMA and IUCMA Enforcement actions against non-compliant water users are also depicted in Table 19 and part of the statistics provided for 2023/24 on the ECMS.

**Total CME performance for 2023/24**

CATEGORY	ACHIEVED
Number of EMI’s on 31 March 2024	124
Number of Compliance Inspections conducted (DWS + BOCMA)	357 + 72 = 429
Number of Cases Reported	583
Number of Cases Investigated	467
Number of Administrative Notices Issued	207
Number of Directives Issued	59
Number of Criminal Cases Opened	63
Number of Criminal Cases Referred to NPA	12
Number of Civil Cases Opened	2
Number of Cases Resolved	126

**4. SECTORAL PERFORMANCE STATISTICS FOR 2023/2024**

The water sector performance status of compliance recorded in this section are pertaining to compliance inspection and audits conducted by DWS (head office and provincial) CM officials.

**4.1. MINING SECTOR PERFORMANCE**

**4.1.1 COMPLIANCE MONITORING**

The target for the compliance monitoring of the mining sector was 84 for the financial year 2023/2024. From the 84 targets planned on the DWS APP one (1) water user, Uitkomst Colliery, was inspected but the report was not completed and signed off within this reporting period.

Ninety-one (91) water users were inspected and reported on during the 2023/24 period. One (1) outstanding inspection report will be submitted and reported within Quarter 1 of 2024/2025. Therefore eighty-three (83) compliance inspections as per the APP 2023/2024 were achieved and eight (8) additional mines inspected by the DWS provincial offices. See Table 23 below for status of compliance of facilities.

This number represents mines that have been selected in different provinces including the CMAs. These mines extract different mineral commodities. The criteria for selection of mines amongst others include mines that were inspected previously with unacceptable status of compliance and require follow-up inspections, mines that were never monitored before since authorisations were granted.

During 2023/2024, from the ninety-one (91) water users were monitored and achieved a compliance range as follows:

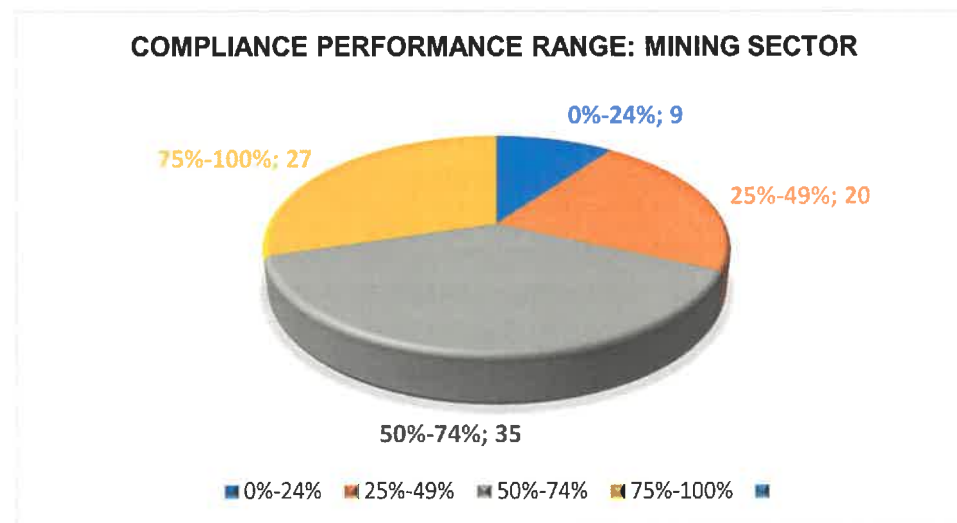
- 9 users have compliance level of 0 -24%

- 20 users have compliance level of 25%-49%
- 35 users have compliance level of 50%-74%
- 27 users have compliance level of 75%-100%

The compliance performance of forty-eight (48) mines inspected were found to be unacceptable as they have performed below 65% as per the compliance scorecard, whereas forty-three (43) mines compliance performances were found to be above 65%.

An average performance level of 60% is achieved for the mining sector for compliance with the requirements of the National Water Act, 1998.

Sixty-eight (68) mines inspected were required to provide corrective action plans. Eight (8) mines were recommended for Enforcement via NCIMS to the ECMS depending on the risk pose to the water resource. The monitoring of the corrective action plans and follow-up inspections at mines shall be prioritised until such time the mines achieve acceptable compliance performance in accordance with the requirements and objectives of National Water Act, 1998.

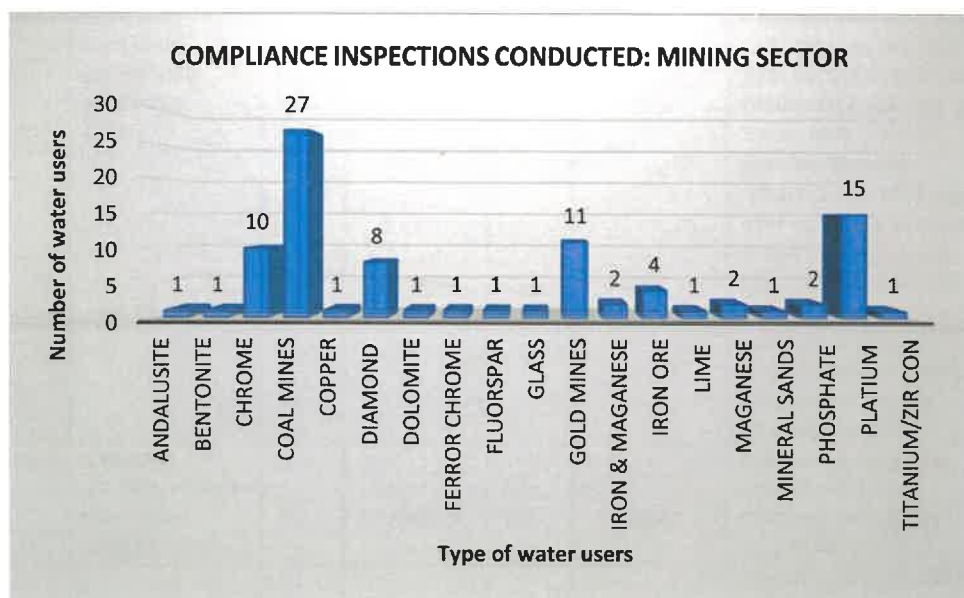


**Figure 4: Status of compliance for Mining Sector**

**Table 22: Different Mining Sectors inspected during 2023/24**

Type of water user	Number of inspections conducted
Andalusite mine	1
Bentonite mine	1
Chrome mine	10
Coal mine	27
Copper mine	1
Diamond mine	8
Dolomite mine	1
Ferric Chrome mine	1
Fluorspar mine	1
Glass mine	1
Gold mine	11
Iron & Manganese	2

Iron Ore mine	2
Lime mine	1
Manganese	2
Mineral Sands	1
Phosphate	2
Platinum mine	15
Titanium/Zir Con mine	1
<b>Total</b>	<b>91</b>



**Figure 5: Compliance inspections conducted per sectors**

The above table and bar diagram indicates that priority was given to coal mine compliance inspections and was followed by platinum mines and then gold mines and chrome mines in 2023/2024.

**Table 23: Individual performance: Mining Sector**

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
Q1						
1	Gold One Africa	FS	Gold Mine	APP	100%	Exploration stage. An action plan is requested for timeframes of commencement with mining operations.
2	Harmony One Operation	FS	Gold Mine	APP	100%	Action plan is required. The mine has applied for WUL, currently only authorised through a permit issued under 1956 Water Act. Most dirty water and waste containment facilities are not authorised.
3	Gold Fields - South Deep Mine	GP	Gold Mine	APP	100%	It is recommended that the mine must finalize the lining of the Old Return Water Dam to avoid water resource pollution occurrence.
4	Anglo Gold Ashanti (West Wits Operations)	GP	Gold Mine	APP	67%	Action plan is required. It is recommended that; the mine must submit an Action Plan addressing remaining non-compliances identified during follow-up inspection.
5	Harmony Gold Mining Company Ltd: Kusasaletu	GP	Gold Mine	APP	87%	Action plan is required. It is recommended that mine apply for S 21(a) or (g) for dust suppression, depending on where the



MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						water comes from, apply for S21(c) and (i) channel water use/s. The TSF should be completely rehabilitated or revegetated to prevent spread of harmful dust.
6	Sibanye Cooke Operation: Ezulwini Mining Company	GP	Gold Mine	APP	93%	No further action required. During site inspection, it was observed that Cook 4 Operation is not operational, but the underground pumping operations continues.
7	Vele Colliery	LP	Coal Mine	APP	94%	Action plan is required. The Mine must submit an action plan thirty (30) days after receipt of the report to address all the non-compliances.
8	Exxaro Resources Tshikondeni Coal Mine	LP	Coal Mine	APP	50%	Action plan must be submitted thirty (30) days after receipt of the report to address all the non-compliances.
9	DMI Minerals South Africa (PTY) LTD: Krone And Endora Project	LP	Diamond Mine	APP	77%	The mine must submit an action plan with time frames addressing all the non-compliance within 30 days of receipt of the findings of the compliance audit report.
10	Exxaro Coal (Pty) Ltd: Thabametsi Coal Mine	LP	Coal Mine	APP	100%	No Regulatory finding, currently no activities are taking place on site.

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
11	Ivanplats (Pty) Ltd: Platreef Mine (Ivanplats Mokopane)	LP	Platinum Mine	ADD	95%	Action plan is required to be submitted within 30 days on rectifying non-compliances.
12	Seriti: South 32 Coal Holdings Pty Lt: Klipspruit Extension-Weltevreden	MP	Coal Mine	APP	21%	The mine must submit an action plan within 30 days regarding rectification of non-compliances.
13	Seriti Khutala Colliery	MP	Coal Mine	APP	61%	The mine must submit an action plan within 30 days regarding rectification of non-compliances.
14	Landau Colliery - Kromdraai Section	MP	Coal Mine	APP	85%	Action plan is required. The Department requires the mine to present a long-term plan to remedy the AMD situation and ensure the i water does not affect a larger footprint. The Department expects that the action plan attends to all the cited non-compliances identified during inspection process.
15	Foskor (Pty)Ltd Mining Division	MP	Phosphate Mining	APP	20%	Action plan is required. Foskor Mine must provide a detailed action plan with reasonable timeframes to addresses all findings raised in the report and submit within



MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						30 days after receipt of report.
16	Batihako Mining Limited: Ruighoek Chrome Mine	NW	Chrome Mine	APP	73%	Action plan is required with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in the inspection report. Amendment application in terms of S 50 and S158 of the NWA. Mine to engage with DWS Water Use Authorisation regarding the unauthorised water uses listed to clarify which water uses are triggered (not only section 21 e) by storage and use of dirty water from and into the void.
17	Rooipoort Developments Pty Ltd: Rooipoort Mine	NC	Diamond mine	APP	97%	Action plan is required. An action plan on how the mine is planning to maintain their storage of return water from FTSE/Puddle dam must be submitted to the Department. An amendment of the property description of farm Blesbok NO.143 as it was found to be incorrectly described.
18	Crown Resources Pty	NC	Diamone mine	APP	88%	Notice was issued in terms of S 53 for failure

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
	Ltd (KUM Joint Venture					to comply with conditions of a licence and set an appointment to audit Ekapa Minerals as they receive water used in mining processes from Ekapa Resources
19	Hautian Manganese Lomoteng	NC	Maganese mine	APP	71%	Action plan is required. The mine was found to be contravening the NWA, S 151(1) where the mine is disposing of waste rock material into the watercourse. The mine must develop an action plan to highlight timelines and actions regarding the non-compliances identified. Notice to be issued for the dumping and disposal of waste rock material into the watercourse.
20	Thabazimbi Iron Ore Mine	NW	Iron Ore mine	APP	56%	Action plan is required. The mine must develop an Action Plan with specific, measurable timeframes and dedicated personnel to address all the non-compliances identified in inspection report.
21	Merafe Ferrochrome & Mining - Boshhoek Smelters	NW	Ferrochro me mine	APP	71%	Action plan is required. The mine must develop an Action Plan with specific, measurable timeframes and

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						dedicated personnel to address all the non-compliances identified in inspection report.
22	Northam Platinum Ltd: Booyensdal Mine (replacing Stibium Mopani Mine)	MP	Platinum Mine	APP	72%	This inspection report must be read with the report received in February 2023 until all actions are fully implemented. In line with the discussions of 7 June 2023, Booyensdal Platinum Mine as developed and submitted a comprehensive action plan dated 29 June 2023 with clear short-, medium- and long-term milestones and associated timeframes. The action plan shall be monitored for compliance and Booyensdal must provide regular updates on progress of implantation of actions.
23	PPC Limev(Pretoria Portland Cement)	NC	Lime Mine	APP	60%	The PPC Lime is recommended to implement a proper storm management protocol.
24	Manngwe Mining Assen (MNE)	NW	Iron Ore mine	ADD	12%	Enforcement action (Notice) will be issued, because there hasn't been any improvement

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						since the 2018 audit findings.
Q2						
1	Elitheni Coal Mine	EC	Coal Mine	APP	37%	Action plan is required. The Department would follow-up on the developments as there are constructions on site and preparations to ensure that the mine is in production phase. The Department requires that the mine ensure that stormwater management plan on site is attended to, and that clean and dirty water must be separated and not be allowed to report in a demarcated region and contradict the existence of the respective water infrastructure. The Department requires that the facility lines all PCDs and trenches on site.
2	Harmony Chemwes	FS	Gold Mine	APP	68%	Action plan is required. The mine must develop an updated action plan with reasonable timeframes, responsible personnel, and corrective measures (plans) on non-compliance findings
3	Glen Douglas Dolomite Mine (Pty) Ltd	GP	Dolomite Mine	APP	31%	Recurring non-compliances with the

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						water use licence conditions. Therefore, the facility is referred to enforcement.
4	Mission Point	GP	Coal Mine	APP	79%	It is recommended that the Licensee drafts and reports on their non-compliance in a form of a recovery plan and present the way forward to the Department.
5	Coal of Africa (Pty) Ltd - Mooiplaats Colliery (replaces Blyvoor Mine)	GP	Coal Mine	APP	38%	Refer to Enforcement. The mine is expected to provide a comprehensive action plan with actionable deliverables for recurrent non-compliances as identified per the DWS CM Audit 2022/23 FY.
6	Steynol Ukufisa Colliery 2021	GP	Coal Mine	APP	74%	Action plan is required. The facility is required to have an action plan to rectify non-compliance.
7	Mashala Resources Pty Ltd - Geluk Mine	KZN	Coal Mine	APP	4%	Action plan is required. The mine submitted a corrective action which is currently being monitored on a quarterly basis. If not implemented, enforcement actions must be taken.
8	Grassvalley Chrome mine Pty Ltd	LP	Chrome Mine	APP	46%	Mine must provide a detailed action plan with reasonable timeframes to

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						addresses all findings raised in the report and TSF Structural stability report and submit within 30 days after receipt of the report.
9	De Beers Consolidated Mines: Venetia Mine	LP	Diamond Mine	APP	43%	Venetia Mine must provide an updated action plan aligned with the timelines of the projects which were presented to the Department during the compliance follow-up inspection and also address all findings raised in the report and submit within 30 days after receipt of report.
10	Rustenburg Platinum: Mogalakwena Mine (Anglo American Platium)	LP	Platinum Mine	ADD	64%	Action plan is required. Mine should provide the Department with the action plan to all non-compliances within 30 days of the receipt of this report.
11	Glencore Operations: Thorncliffe Mine (Replaces BECSA Middleburg mine)	MP	Chrome Mine	APP	4%	Mine is referred to enforcement.
12	Glencore Xstrata: Magareng section (replaces	MP	Chrome Mine	APP	0%	Mine is referred to enforcement.

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
	Grooteboom Minerals)					
13	Rustenburg Platinum: Twickenham Mine	MP	Platinum Mine	APP	39%	Action plan is required. The mine must submit corrective action plan within 30 days of receipt of this report covering all the findings.
14	ASA Metals Pty Ltd: Dilokong Chrome Mine (Cheetah Chrome Mine and Tubatse Alloy Smelter)	MP	Chrome Mining	APP	53%	Action plan is required. There are unlawful water uses identified. The mine is advised to read the follow up inspection report in conjunction with the previous audit report of the compliance audit dated 15 July 2022.
15	Wescoal Elandspruit Colliery	MP	Coal Mine	APP	62%	Action plan is required to be submitted with corrective measures of reasonable timeframes together with responsible personnel for the observations and findings in this report.
16	Bokoni Platinum	MP	Platinum Mine	ADD	66%	Corrective action plan must be submitted thirty (30) days after receipt of this report.
17	Thunderston Investment	NC	Diamond Mine	APP	35%	The facility is expected to formulate an action to address the non-compliances identified during the audit inspection.

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
18	Irireleg Bakgatla Mineral Resoruces Sedibelo Platinum Mine	NW	Platium mine	APP	56%	Action plan is required to be submitted with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in report. Engage with DWS Water Use Authorisation on the process for amendment application in terms of S 50 and S 158 of the NWA.
19	Royal Bafokeng Platinum Pty Ltd: Styldrift Tailings Facility Extention	NW	Platinum Mine	APP	72%	Mine must develop an Action Plan with timeframes and dedicated personnel to address all the non-compliances indicated in compliance report.
20	Rolfes Silica (replaces Wesizwe Platium Bakubung Minerals)	NW	Fluorspar mine	APP	46%	Mine must develop an Action Plan with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in report.
21	Consol Glass (Pty)Ltd	WC	Glass Mine	APP	88%	Action plan is required. The Department will issue an audit findings letter outlining the findings of the audit to Consol Glass (Pty)Ltd.
22	Kropz Elandsfontein	WC	Phosphate Mine	APP	100%	No further action required. A consensus

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
	Exploration Mine (Pty) Ltd					understanding pertaining to S 21C&I was reached, compliance has been ascertained. Kropz-Elandsfontein (Pty) Ltd will be issued with an audit findings letter.
23	Ledjada Coal: Boikarabelo Coal Mine (MNE)	LP	Coal Mine	APP	29%	Boikarabelo Mine is provisionally liquidated and Namane Company in the process of section 11 transfer process. The Mine is not operational and not yet cleared the vegetation to start mining. Non-functional flow meter at the ZK03 abstraction borehole.
Q3						
1	Harmony Joel Operations	FS	Gold mine	APP	71%	Harmony Joel Mine exceeds the allocated volumes in some of their permit conditions and the non-compliance is noted on the report. Chlorination is conducted after the clarifier and not at the final discharge point. The mine indicated that they have applied for a new water use license.
2	Rand Uranium	GP	Gold Mine	APP	41%	Action plan is required.
3	City Deep Gold Mine	GP	Gold Mine	APP	89%	Action plan is required. it is recommended that the

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						mine attend to all non-compliances noted in the report.
4	Mooikraal Colliery	GP	Coal Mine	ADD	95%	Refrain from exercising any section 21 water use in terms of NWA without authorisation Refrain from using herbicide at the PCDs. Require an action plan.
5	Future Coal (Pty) Ltd: Chelsmford Colliery	KZN	Coal Mine	APP	64%	To submit a detailed action plan on rectification of non-compliances. Implement a proper stormwater management plan. A Notice of intention must be issued to the mine for failing to comply with license conditions and unauthorized activity
6	Tivani mine	LP	Iron Ore mine	APP	25%	Action plan is required. The Mine must submit corrective action plan within 30 days of receipt of this report covering all the non-compliance and findings.
7	Grootegeeluk Coal Mine	LP	Coal mine	APP	33%	Mine will submit an action plan to DWS.
8	Vele Coal	LP	Coal mine	ADD	67%	Action plan is required. Slurry dam was full to capacity, overflowed on to the dam wall. Incident was contained by the mine, the contaminated



MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						soil was cleaned. Slurry dam is receiving more material that it can evacuated.
9	Overlooked Colliery	MP	Coal Mine	APP	89%	Action plan is required. The mine is required to provide an action plan with reasonable timelines to ensure that all the identified non-compliances and regulatory findings are addressed.
10	Palabora Copper Mine (PMC)	MP	Copper Mine	APP	67%	Action plan is required.
11	Rustenburg Platinum Mine: De Brochen	MP	Platinum Mine	APP	67%	The Mine must submit an action plan within the 30 days of receipt of this report and clearly indicate with feasible timelines actions that will be taken to remediate all the non-compliances and all contraventions.
12	Samancor Tweefontein	MP	Chrome mine	APP	66%	The mine must develop action plan within 30 days of the receipt of the report with corrective measures, reasonable time frames and responsible officials to implement the corrective measures.
13	Glencore Tweefontein Mine	MP	Coal Mine	APP	89%	Progress on corrective measures in some areas are acknowledge,

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						however, the mine must provide an updated action plan within 30 days of receipt of the report with reasonable timeframes.
14	Modikwa Mine	MP	Platinum Mine	APP	77%	The mine should update stormwater management plan and implementing the stormwater infrastructure. Sewage management problems
15	South 32 SA Coal Holding - Wolvekrans North	MP	Coal mine	ADD	53%	The Department received an action plan in 2022 after the audit, and it is acknowledged that some quick corrective measures have been implemented. However, not all have been undertaken, since some implementations are depended on studies and assessments. The mine must implement by time frames indicated in the action plan.
16	Mototolo Mine	MP	Platinum Mine	APP	41%	The Mine must submit an action plan within the 30 days of receipt of this report and clearly indicate all the steps including feasible timelines that will be taken to remediate all

MINING WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
					the non-compliances and all contraventions.	
17	Navigation Mine	MP	Coal Mine	APP	74%	The mine is required to provide an action plan for the non-compliances encountered during the inspection.
18	Kadgame mine	NC	Manganese Mine	APP	98%	Generally, the mine found to be compliant with most conditions.
19	Naswal Mining: Nuwejaarskraal (replaces Sarel Lombard)	NC	Diamond Mine	APP	76%	Facility does not have any groundwater monitoring network and no stormwater infrastructure in place.
20	Helam Mine	NW	Diamond Mine	APP	54%	The mine must develop an Action Plan with specific, measurable timeframes and dedicated personnel to address all the non-compliances identified in the report. Overflows from Plastic dam must be stopped immediately, measures and alternatives be put in place. Issues surrounding the oil separator spillages be addressed.
21	Sibanye Rustenburg Platinum	NW	Platinum Mine	APP	46%	An action plan is requested to address all the non-compliances.

MINING WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
22	Phoenix Platinum Mine (Sylvania Mine)	NW	Platinum Mine	APP	70%	The mine must develop an Action Plan with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in the report.
23	Tronox MSP (01/F60E/CEGBI /8127) (MNE)	WC	Titanium ore/Zir con mine	APP	94%	Audit findings letter was issued outlining outstanding findings that must be addressed.
Q4						
1.	Mantsopa Minerals	FS	Bentonite mine	APP	53%	Action plan requested.
2.	Umsobo Coal	GP	Coal Mine	APP	63%	An action plan based on the non-compliances identified in report must be submitted to address the findings outlined.
3.	Burnstone	GP	Coal Mine	APP	55%	Action Plan is required.
4	Ergo Mining Pty (Ltd): Valley Silts (replaces Randfontein Estate: Kusasa Mine)	GP	Gold bearing silt reclaiming	APP	58%	Action Plan is required.
5	Ivanplats	LP	Platinum Mine	APP	77%	Action Plan requested.

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
6	Anglo American Platinum Ltd: Mogalakwena Mine	LP	Platinum Mine	APP	64%	Action Plan requested.
7	Venetia Mine	LP	Diamond mine Diamond Mine	ADD	88%	Action Plan requested.
8	Grootegeeluk Exxaro Resources	LP	Coal Mine	APP	53%	Action Plan requested.
9	Imerys Refractory Minerals SA: Annesley Andalusite Mine	MP	Andalusite Mine	APP	49%	Action Plan requested.
10	Exxaro Leeuwpan Mine	MP	Coal Mine	APP	0%	Mine referred to enforcement.
11	New Clydesdale Colliery	MP	Coal Mine	APP	55%	Action Plan requested.
12	Helena Mine (replaces Kreil Colliery)	MP	Chrome Mine	APP	17%	Mine is referred to enforcement.
13	Cosa Mining: Doornpan Operations	NC	Iron and manganese	APP	0%	Action plan required on the admin conditions as per WUL. (although mine not operational)
14	Cosa Mining: Driehoekpan Operations	NC	Iron and manganese	APP	57%	Action plan required

MINING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
15	Sedibeng Iron Ore (replaces Cosa mining Jenkinspan Operations)	NC	Iron Ore mine	APP	75%	Recommendation for issuance of notice.
16	Samancor Chrome Ltd: Haakdoorn drift Chrome Mine	NW	Chrome Mine	APP	49%	Requested action plan.
17	Lanxess Chrome Mining (Rustenburg Chrome)	NW	Chrome Mine	APP	45%	Action plan requested.
18	Wesizwe Platinum: Bakubung Minerals (this APP target was replaced by Rolfe Silica)	NW	Platinum Mine	APP	45%	Referred to enforcement (recommendation for issuance of notice)
19	Samancor Chrome: Varkensvlei Mine	NW	Chrome Mine	APP	27%	Action plan requested.
20	Tronox Mine (01/E33H/CGBI/8186)	WC	Mineral Sands	APP	38%	An audit findings letter will be issued, outlining the findings of the audit.
21	Uitkomst – Wykom Siding Colliery (MNE)	KZN	Coal Mine	APP	96%	Action plan required to address non-compliances.

#### 4.1.2 ENFORCEMENT

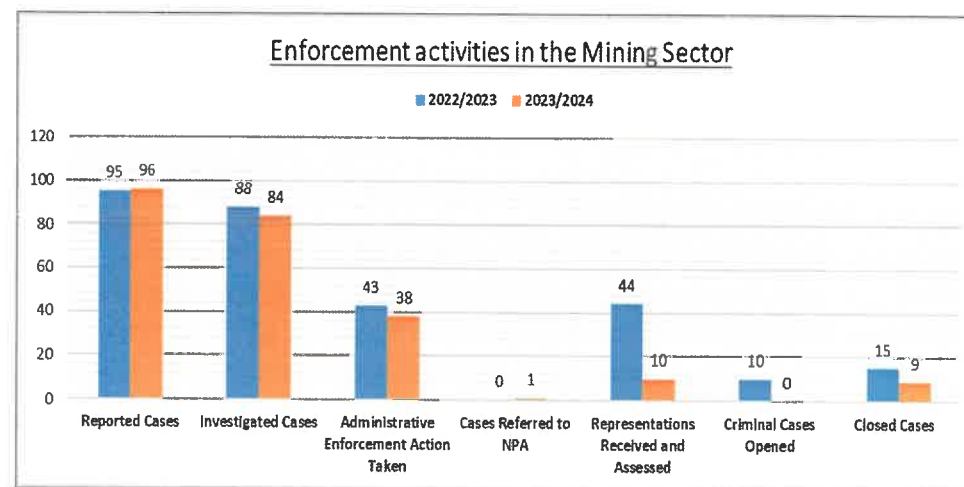
Water plays a crucial role in the mining sector in South Africa. As a water-scarce country, South Africa faces significant challenges in managing and protecting water resources effectively. In the mining industry, water is essential for various activities, including mineral processing, dust suppression, and cooling of machinery. However, mining operations often consume large volumes of water, placing strain on water resources and ecosystems. The responsible and sustainable management of water resources in the mining sector is critical to ensure minimal impact on the water resources and surrounding communities. Implementing efficient water management strategies, such as water resources strategy, can help reduce the sector's water footprint and mitigate potential water-related risks.

The Compliance Monitoring Unit has referred a combined total of six (6) cases to the Enforcement Unit, warranting the implementation of enforcement measures. Within this set of cases, the (2) mining operators, demonstrating non-compliant behaviour, were duly issued notices of intention to initiate directives. Enforcement Unit remains actively engaged by monitoring implementation of the Notices issued.

During the review period, Enforcement Units received ninety-five (96) complaints of suspected non-compliances in the mining sector and out these reported cases eighty-eight (84) cases were investigated. Investigation findings revealed an array of non-compliances which pose a threat to the water resources.

**Table 24: Enforcement activities in mining sector for last 2 financial years**

Enforcement Activities in the Mining Sector	2022/2023	2023/2024
<b>Reported Cases</b>	95	96
<b>Investigated Cases</b>	88	84
<b>Administrative Enforcement Action Taken</b>	43	38
<b>Cases Referred to NPA</b>	0	1
<b>Representations Received and Assessed</b>	44	10
<b>Criminal Cases Opened</b>	10	0
<b>Closed Cases</b>	15	9



Enforcement activities in the mining sector against unlawful water use and pollution cases reported have shown significant action and response. A total of 84 cases were investigated, indicating a commitment to addressing these non-compliances. Thirty-eight (38) administrative actions were taken by the DWS to enforce compliance and hold responsible parties accountable. One criminal investigation case from the previous financial

year was finalized and referred to the National Prosecuting Authority (NPA) for a decision. These enforcement actions highlight the importance of protecting water resources and ensuring that mining operations adhere to water legislations. The combination of investigations, administrative actions, and criminal proceedings reflects a comprehensive approach to addressing unlawful practices in the mining sector and safeguarding the water resources.

## 4.2 INDUSTRY SECTOR PERFORMANCE

### 4.2.1 COMPLIANCE MONITORING

Due to restructuring within the department compliance monitoring reporting of some sectors have been merged with the Industry Sector since 1 April 2022. Public Institution Sector have merged into the Industry Sector with Agro- Processing (reported separately for this report) and the compliance monitoring and reporting will hence forth form part of the Industry Sector and not dealt with separately as in the past.

The number of compliance inspections planned for the industry sector was seventy (70) as per the APP targets for 2023/2024. Seventy-three (73) water users were inspected during 2023/24, of which includes sixty-seven (67) compliance inspections as per planned DWS APP targets and six (6) additional industries inspected by the DWS provincial offices. One (1) compliance inspection (Kendal Power station) on the DWS APP targets in Mpumalanga region was not conducted due to cost containment during this period. Two (2) compliance inspections (Fort Cummingham WWTWs and Kubusie Plantation WWTWs) were incorrectly included under the Industry Sector as part of the planned 70 targets on the APP in Eastern Cape but was moved to Government Sector. Table 26 provide the detail of all facilities inspected and status of compliances.

During 2023/2024, seventy-three (73) water users were monitored and achieved a compliance range as follows:

- 8 users have compliance level of 0-24%
- 7 users have compliance level of 25%-49%
- 21 users have compliance level of 50%-74%
- 32 users have compliance level of 75%-100%
- 5 users have no applicable scorecard (out of scope)

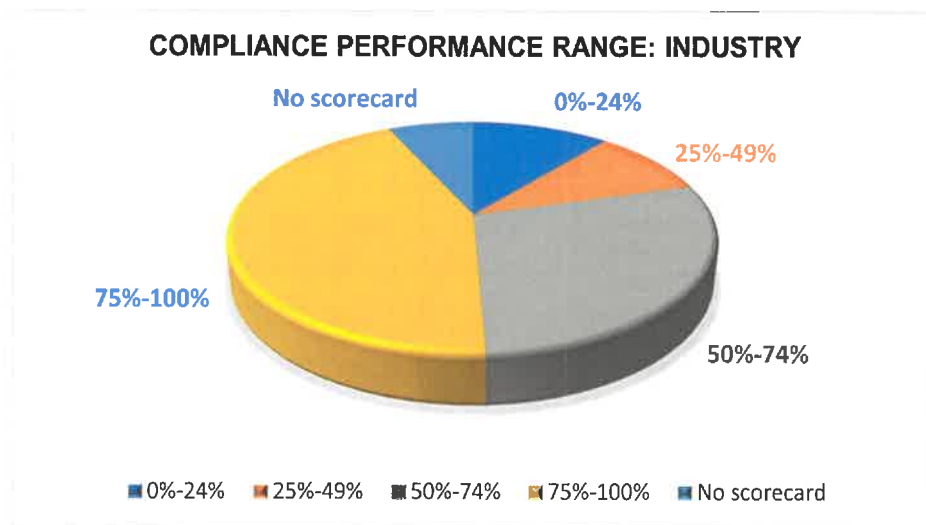
The compliance performance of thirty (25) industries inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score cards, whereas thirty-seven (43) industries compliance performance was found to be above 65%. Five (5) water users have not yet commenced with the activities recorded as no score since all conditions were all out of scope and could not be calculated.

An average performance level of sixty two percent (67%) is achieved for the Industry Sector for compliance with the requirements of the National Water Act, 1998.

Forty-three (43) facilities inspected were required to provide corrective action plans. Six (6) facilities were found to have no activities taking place.

Six (6) Industries (including Public Institutions) were recommended to Enforcement via the NCIMS to ECMS for enforcement actions, depending on the risk pose to the water resource and non-submission of corrective action plans. Drive-by inspections occurred for confirmations.



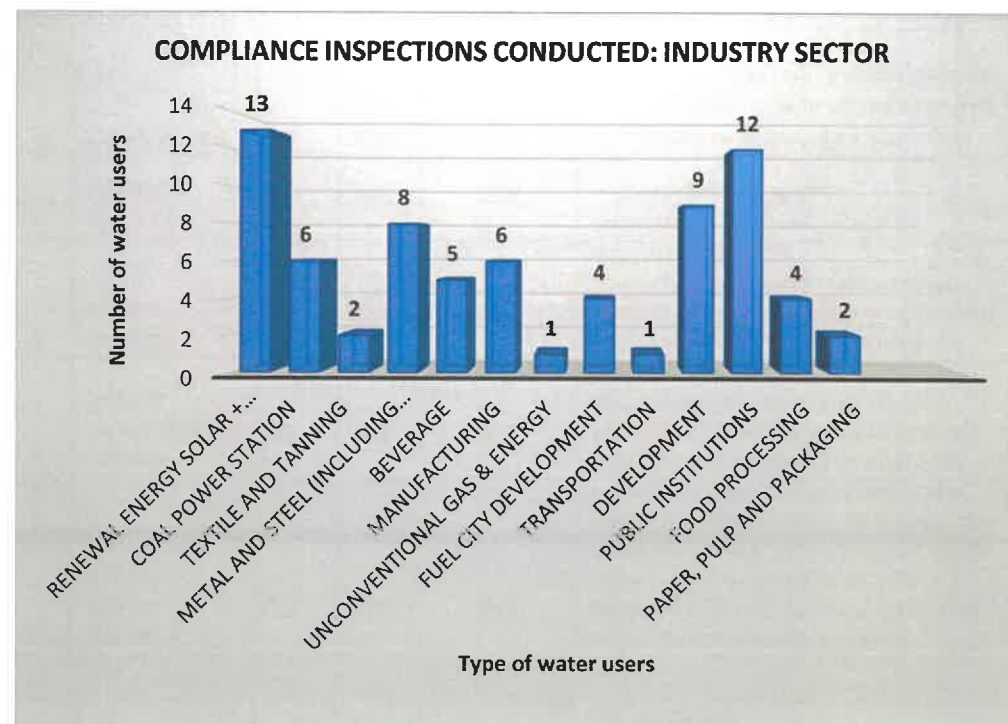


**Figure 6: Status of compliance for Industry Sector**

**Table 25: Industrial Sectors were inspected in 2023/2024**

Type of Water Users	Number of inspections conducted
Renewal Energy solar + Renewal Energy Wind	13
Coal Power Station	6
Textile and Tanning	2
Metal and Steel (including smelters)	8
Beverage	5
Manufacturing	6
Unconventional Gas & Energy	1
Fuel City Development	4
Transportation	1
Development	9
Public Institutions	12

Food Processing	4
Paper, Pulp and Packaging	2
<b>Total</b>	<b>73</b>



**Figure 7: Compliance inspections conducted per sub-sector**

The above table and bar diagram indicate that priority was given to renewal energy solar and wind compliance inspections and was followed by Public Institutions, then developments and metal and steel (including smelters) industries. Thereafter coal power stations and manufacturing industries were given priority in 2023/2024.

**Table 26: Individual performance: Industry Sector**

INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
Q1					
1.	SA Dorper Properties: Proposed abstraction of groundwater at City Deep	GP	APP	86%	An Action Plan to address all non-compliances has been requested by the Department. The Licensee was requested to implement water conservation and water demand management on site.
2.	Pioneer Foods	LP	APP	93%	No further action required.
3.	Octane Dew 106	LP	APP	0%	Currently no water use activities taking place on site.
4.	Silicon Smelters	LP	APP	72%	Smelters must submit an action plan thirty (30) days after receipt of the report to address all the non-compliances.
5.	Tobivox	LP	APP	93%	No further action required.
6.	Western Breeze 387 (Pty) Ltd: Die Oog Retirement Village	LP	APP	100%	No further action required. During compliance inspection there was no unauthorised or non-compliance activities found on areas that were visited.
7.	SR Fuel	NC	APP	93%	No major regulatory finding was discovered at the facility during the inspection. The facility does not keep records of system malfunctions.
8.	Glencore Operations South Africa:	NW	APP	64%	Action plan is required. The smelter has several unauthorised water uses onsite including a slag dump within a tributary.

INDUSTRY WATER USERS 2023/2024					
Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings	
	Rustenburg Smelters				Several pollution incidents were recorded at the site.
9.	The Kingdom Development Company	NW	APP	52%	Several unauthorised S21 (c) and (i) water uses observed onsite. Most of the transgressions relate to failure of the water user to monitor or submit documents on timeframes required by the department.
<b>Q2</b>					
1.	Coca Cola Fortune (replacing Grano Passi)	EC	APP	50%	Action plan is required. Notice of intention to issue a Directive in terms of Section 53(1) of the NWA for non-compliance to the WUL conditions will be issued and request an action plan on how the non-compliance will be addressed.
2.	Mthatha Correctional Services	EC	APP	29%	Action plan is required. The DPW must submit an action plan with time frames, detailing the actions to address the findings of this report.
3.	Bulembu Airport	EC	APP	50%	Action plan is required. DPW must monitor the Bulembu WWTW and ensure compliance with the conditions of the authorization issued.
4.	Madwaleni Hospital	EC	APP	33%	An action plan was required to be submitted within 60 days.
5.	Elliotdale SAPS	EC	APP	18%	The NDPWI must submit an action plan with time frames, detailing the actions to address the findings of this report within 14 days.
6.	Elliotdale CS WWTW	EC	APP	10%	There has been compliance monitoring inspection conducted at Elliotdale prison WWTWs by the DWS in the past, however; this is the first to be conducted by the Proto CMA.

INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
7.	Cadbury	EC	ADD	68%	Action plan is required.
8.	Reckitt Benkiser	GP	APP	0%	Action Plan requested to correct identified non-compliances.
9.	BIC South Africa RF Ltd:	GP	APP	79%	Action Plan requested to correct identified non-compliances
10	Lapalala Natuurberwaring Operation Melote & Noku Camp	LP	APP	95%	No further action required. Melote Camp lodge is now operational, although it's still under construction.
11	Anglo Platinum LTD Polokwane Metallurgical Complex) - Anglo Platinum	LP	APP	84%	Action plan is required. According to the Polokwane Metallurgical Complex Integrated Water and Waste Management Plan 2023 Annual update the following is required to be undertaken during 2023-2024 period and the Department agrees with the outlined IWWMP.
12	Eskom Matimba Power Station	LP	APP	98%	No further action required. Groundwater quality limit exceedances noted for follow-up inspection. There are no further outstanding issues.
13	Eskom Holdings: Matla Power Station	MP	APP	71%	Action plan is required.
14	Samancor Ferrochrome	MP	APP	82%	Action plan is required.
15	Duvha Power Station	MP	APP	74%	Action plan is required.
16	Tubatse Alloy (Pty) Ltd	MP	ADD	66%	Action plan is required. The facility must resubmit the updated corrective action plan within 30 days of receipt of this

INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					report taking into consideration all findings raised by the Department, clearly providing tangible milestones. The action plan must detail the nature of findings, scope of work and start and completion dates of implementation.
17	Kappa Solar Power Plant	NC	APP	No score	No water use activities taking place onsite and no solar panel project has started. The project has not yet implemented because there is no connection of the power to the Eskom Line.
18	Kagiso Solar Power Plant	NC	APP	No score	This was a drive-by inspection and was undertaken to monitor to confirm that there no operations on the facility.
19	Protea Solar Power Plant	NC	APP	No score	No water use activities taking place onsite and no solar panel project has started. The project has not yet implemented or established there is no connection from the existing Eskom power line which is the existing Mookodi Magopela 132Kv Line adjacent to the property.
20	Tsepo Solar Hotazal	NC	APP	No score	It was found that the facility is authorised for Section 21 (b) (c) &(i) and (g) of the NWA, however construction and operation has not commenced.
21	Sun International: Sun City Family Resorts	NW	APP	59%	Action plan is required with timeframes and dedicated personnel to address all the non-compliances indicated in inspection report findings.
22	The Allen du Buys Trust - Kwa Motswere Resort	NW	APP	No score	No further action required. The water use activities were not being exercised. The proposed resort development did not materialise.

INDUSTRY WATER USERS 2023/2024					
Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings	
23	South African Breweries	WC	ADD	83%	No further action required. The facility is still within their authorised abstraction volume, however data regarding the abstracted volumes are not shared with the Department.
<b>Q3</b>					
1	Tsitsikamma Crystal Spring Water (Pty) Ltd	EC	APP	67%	Action plan is required.
2	Department of Public Works: Middelrift Prison	EC	APP	32%	Action plan is required. - Piggery maturation ponds do not receive influent at the works due recurring overflow of wastewater from the pump station sump at the piggery.
3	National Ceramic Industries Phoenix Til (replaces Hifos: Phosphoric Acid Plant)	GP	APP	100%	No further action required.
4	Sappi Southern Africa Limited Stanger Mill	KZN	APP	83%	Action plan is required.
5	Western Breeze Trading 387 (Pty) Ltd: Die Oog Retirement Village Die oog Retirement Estate	LP	ADD	81%	This was a follow-up inspection. Action plan is required. It has been found that the facility exceeds an authorised volume of water abstracted from boreholes.
6	Ekland Safaris Manupont 124(Pty) Ltd	LP	APP	96%	No further action required.

INDUSTRY WATER USERS 2023/2024					
Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings	
7	ABO Wind Lichtenburg (replaces Mulilo Sonnedix Prieska)	NC	APP	60%	No further action required. The project is in the construction phase. It is recommended that a follow-up inspection be conducted during rehabilitation or after construction.
8	ABO Wind Lichtenburg 2 PV (replaces BPB Gypsum)	NC	APP	92%	No further action required. This is Lichtenburg 2 project, it is in its construction phase. The project started on 18 September 2023 and is planned to be completed in March 2024.
9	Magalies Park resort	NW	APP	55%	Action plan is required.
10	Rotabrite C: N4 Kroondal Filling Station	NW	APP	8%	The report will be handed over for enforcement action. The water user must ensure that they take appropriate action in response to the administrative enforcement action that will be initiated.
11	Liesbeek Leisure Properties	WC	ADD	88%	Action plan is required. An audit findings letter will be issued as feedback of the findings of the audit.
12	Coca-Cola Peninsula Beverage	WC	APP	97%	No further action required. The facility is impressively compliant with the conditions of their WUL. This Department commends the industry for all actions taken to be fully compliant.
<b>Q4</b>					
1	EC Department of Health: Nqamakwe Community Health (replaces Ekuphumleni Old Age)	EC	APP	17%	The Department of Health must submit an action plan with time frames, detailing the actions to address the findings of this report. The matter will be escalated to enforcement for the continuous overflow of raw sewage at the sump.



INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
2	Gubb & Inggs	EC	APP	87%	Action plan is required.
3	MBSA (Mercedes Bens SA)	EC	APP	68%	Action plan is required.
4	Nompumelelo Hospital	EC	APP	20%	Department of Health must also provide an action plan indicating measures to be taken in resolving all the problems identified during the facility audit.
5	Storms River SAPS	EC	APP	60%	Action plan is required. The facility does not have competent personnel to operate and maintain the plant currently. The issues of all non-compliance must be dealt with by the water user and provide an action plan as to how these non-compliances raised will be addressed.
6	Patensie Prison	EC	APP	41%	Action plan is required. The water user will need to install an outflow meter to record the discharge volumes. Better recordkeeping needs to be done. Effluent samples need to be collected for qualitative analysis.
7	Tafalofefe Hospital	EC	APP	17%	Action plan is required. - DOH must fully comply with the conditions of the GA and submit all the required documentation to the Department within the stipulated time frames.
8	St Matthews (replaces Byletts)	EC	APP	36%	There is no fence to prevent unauthorised entry. This is likely to pose great danger to the students at St Matthews High School.
9	Calodex (Pty) Ltd: Solar Springs	GP	APP	100%	No further action required. Calodex (Pty) Ltd: Solar PV - Springs is not yet constructed due to lack of funds and market to sell electricity too. Scoring is

INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					attributed to no impact yet from construction.
10	Linhle Beverages (Pty) Ltd	GP	APP	81%	No further action required. It is recommended that the facility representatives go through the contents of the report and address any non-compliances noted by means of an action plan with timelines.
11	Eskom Holdings SOC: Grootvlei Power Station	GP	APP	75%	Action plan is required. Eskom is required rectify all the technical non-compliance before 15 December 2024 as stated in the inspection report.
12	Rockwool SA (Pty) Ltd: Rockfibre	GP	APP	100%	Full compliance was observed. Action plan is required for other observations made on site relating to stormwater. Compliance monitoring is to provide feedback in a form of a report notifying the water user of the non-compliances and compliances.
13	Arcelor Mittal Steel South Africa Limited	GP	ADD	93%	An Action plan with timelines of how and when each non-compliance will be rectified must be develop and submitted to DWS.
14	Sappi Southern Africa Ltd Tugela Mil (Mandeni)	KZN	APP	72%	Action plan is required for correction within 30 days of receiving the feedback letter. Sappi must rectify the house keeping around the coal stockyard and ensures that coal does not spill over on the unlined surface. Sappi must rectify all the non-compliance as listed in the report



INDUSTRY WATER USERS 2023/2024					
	Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
15	Anglo Operations Limited: Anglo American Thermal	LP	APP	56%	No further action required. There are no outstanding issues, and follow-up inspections will be conducted when activity commence with its operations.
16	Musina Internmodal (MAC Group)	LP	APP	75%	No further action required. The facility is not yet operational. Evaporation dam not yet constructed. Spillages of oil at Kamogelo Logistics workshop were observed on the ground.
17	Eskom Matimba Power station: Ashing Facility	LP	APP	98%	No further action required There are no outstanding issues.
18	Eskom Holding Soc (Pty) Ltd: Medupi Power Station	LP	APP	87%	An updated action plan to be submitted to DWS within 14 days after receipt of this report. Referred an unauthorized activity - Storage of wastewater in a Raw water dam (Cocodile West Dam) to Enforcement.
19	Royal Macadamia	LP	APP	75%	No further action required During compliance audit the factory was not operational. Facility must liaise with Licensing to request section 21(a) conditions within 30 days to address the matter. The water user should determine or quantify the amount of water from the factory disposed of into the pit. The disposing of waste in a manner which may detrimentally impact on a water resource; is a water use which should be authorised.

INDUSTRY WATER USERS 2023/2024					
	Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
20	Omnia Fertiliser Dryden	MP	APP	91%	Action plan is required. Follow-up inspection is needed after action plan is submitted and implemented.
21	ABO Wind Lichtenburg 1 PV (replacing SA Mainstream renewable power)	NC	APP	46%	No further action required. There are no outstanding issues, follow-up can be done for follow all the stages of the project, construction, operation and maintenance. The water user must submit the proof of payment for November and December for water charges to prove it receives the monthly statement and pays as required.
22	Xina Solar (replaces Delta Solar Power)	NC	APP	99%	Action plan is required.
23	Khi Solar (replaces Lesedi Solar Power)	NC	APP	91%	Action plan is required
24	TC Smelter (International Ferro Metals)	NW	APP	43%	Action plan is required with timeframes and dedicated personnel to address all the non-compliances indicated in the inspection report. •Facility to engage with the Water Use Authorization of the DWS on all the unauthorised water uses identified. Ensure that a stormwater management plan is developed for the better management of dirty and clean water around the site.
25	Zolograph Investment Property Ltd:	NW	APP	67%	Action plan is required with specific, measurable timeframes and dedicated

INDUSTRY WATER USERS 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
	De Wildt PV Solar Plant				personnel to address all the non-compliances indicated in the report. Facility to engage with the DWS Water Use Authorisation on unauthorised water uses identified during inspection.
26	Porterville Olives (Pty) Ltd	WC	APP	64%	Action plan is required with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in the report.
27	Strategic Fuel Fund (replaces Tiger Brands)	WC	APP	67%	Action plan is required. On the previous audit the facility title deed was with the Department of Energy. At the time of the follow up audit all admin related non-compliances were resolved. Strategic Fuel Funds has the correct title deed under their name. The facility is not compliant to taking samples monthly as per the conditions of the GA.
28	ACWA Power Solar Reserve Redstone Solar (replaces Postmasburg Solar Plant)	NC	APP	73%	Pre-directive. Issue a notice in terms of sections 53(1) of NWA for non-compliance for corrective action plans.
29	Tronox Smelter (01/G10M/G/8 121)	WC	APP	83%	Action plan is required. Follow up inspection is required for the water user to ascertain compliance with the water use condition.

## 4.2.2 ENFORCEMENT

Several industries contribute to the pollution of water resources, posing significant water resource. Taking enforcement action against non-compliant water users in the industries is of utmost importance. It not only holds responsible parties accountable for their actions but also acts as a deterrent for future contraventions. Enforcement action sends a clear message that polluting water resources will not be tolerated, and compliance with water related regulations is mandatory.

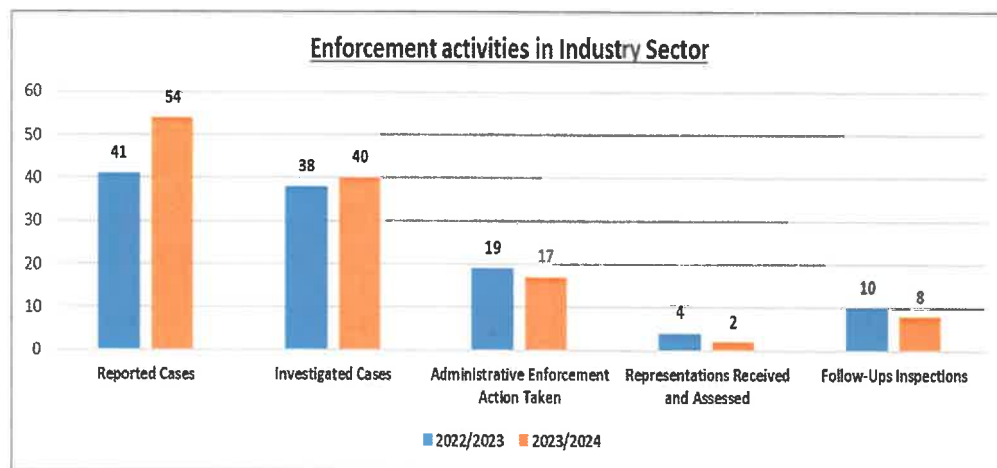
In the Industry sector, the Compliance Monitoring Unit has identified and referred six (6) cases to the Enforcement Unit for further action. Based on these referrals, the Enforcement Unit may proceed with administrative measures or initiate criminal or civil proceedings in cases of non-compliance.

During the review period, Enforcement Units received fifty-six (56) complaints of suspected non-compliances in the industrial sector and out these reported cases forty (40) cases were investigated. Investigation findings revealed an array of non-compliances which pose a threat to the water resources. This has prompted Enforcement to take administrative action against identified non-compliant water users to compel them to rectify the contraventions detected. Eighteen (18) administrative actions were initiated against suspected transgressors.

**Table 27: Enforcement activities in Industry sector**

Enforcement Activities in Industry Sector	2022/2023	2023/2024
Reported Cases	41	56
Investigated Cases	38	40
Administrative Action	25	18
Representations Received and Assessed	4	2

Enforcement Activities in Industry Sector	2022/2023	2023/2024
Follow-Ups (Investigations & Inspections)	10	8



### 4.3. AGRO PROCESSING SECTOR PERFORMANCE

#### 4.3.1 COMPLIANCE MONITORING

Compliance Monitoring Industries is responsible for the compliance monitoring of Agro-Processing and set a DWS APP target of sixteen (16) compliance inspections to be conducted for 2023/2024. Twenty (20) compliance inspections were conducted, which include the planned sixteen (16) compliance inspections as per the APP targets and four (4) additional inspections for 2023/2024. Table 29 below provides the detail of the facilities inspected and status of compliance.

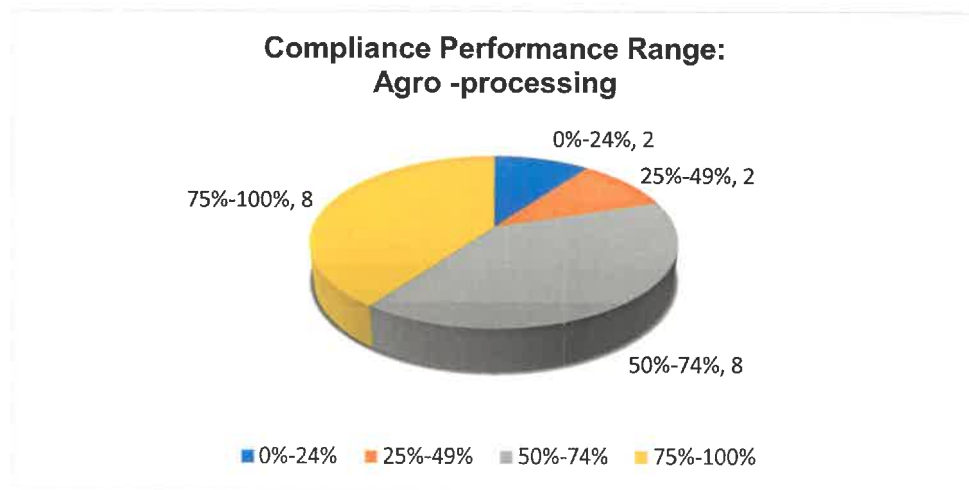
During 2023/2024, twenty (20) facilities were monitored and achieved a compliance range as follows:

- Two (2) users have compliance level of 0% -24%
- Two (2) users have compliance level of 25% - 49%
- Eight (8) users have compliance level of 50% - 74%
- Eight (8) users have compliance level of 75% - 100%

The compliance performance of nine (9) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas eleven (11) facilities compliance performance was found to be above 65%.

An average performance level of 67 % is achieved for the agro-processing sector for compliance with the requirements of the National Water Act, 1998.

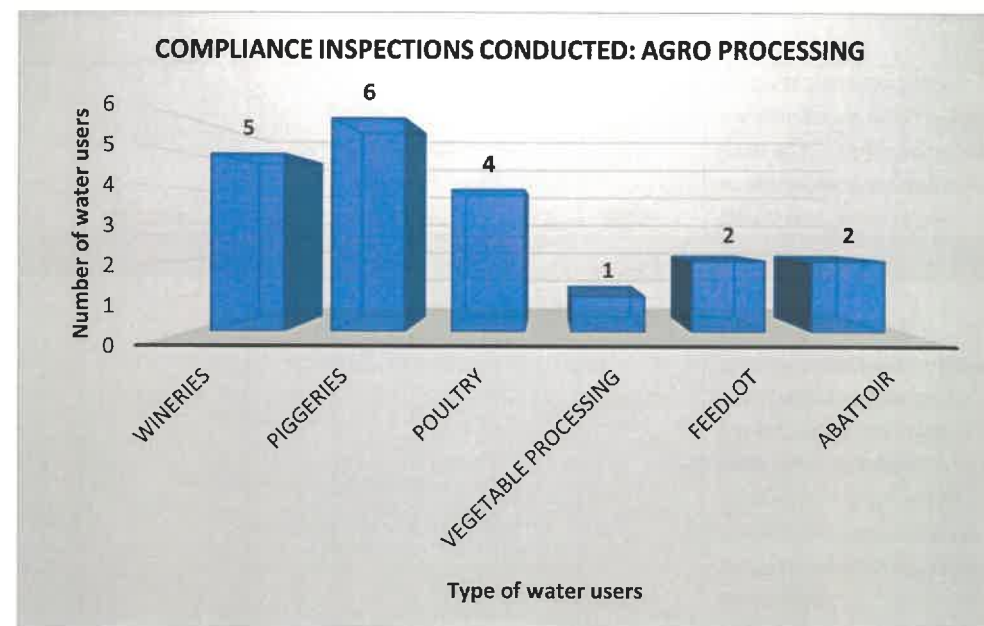
Eleven (11) facilities inspected were required to provide corrective action plans. Two (2) facilities were found not operational and listed to be sold of which the water users must inform the DWS of the changes. One (1) facility inspected were recommended for Enforcement depending on the risk posed to the water resource. One (1) facility requires a follow-up visit for confirmation of lawfulness of activities that was handed over in 2022/23 to enforcement. Four (4) facilities are reported to not have immediate follow up actions.



**Figure 8: Status of compliance for Agro-processing Sector**

**Table 28: Agro-Processing Industry sectors were inspected for 2023/2024**

Type of Water User	Number of inspections conducted
Wineries	5
Piggeries	6
Poultry	4
Vegetable processing	1
Feedlot	2
Abattoir	2
<b>TOTAL</b>	<b>20</b>



**Figure 9: Compliance inspections conducted for Agro processing sub-sectors**

The above Table 28 and Figure 9 bar diagram indicate that priority was given to piggery agro-processing industries and was followed by wineries and then poultry in 2023/2024.

**Table 29: Individual performance: Agro-Processing**

AGRO-PROCESSING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
Q1						
1	ABO Acres Chicken Broiler	FS	Industry: Agro Processing (Poultry)	APP	50%	Report handed over to Enforcement
2	Green Farm Nut	LP	Industry: Agro Processing (Nut Processing)	APP	44%	Action plan with timeframe should be submitted to the Department 30 days after receipt of the report. The water user must rectify the non-compliances identified during the audit.
3	Vus'ithemba Project Solutions	LP	Industry: Agro Processing (Piggery)	APP	98%	Report has been handed over to the Enforcement (ECMS) for further actions. The WUL for the Piggery which was approved on the 18/05/2013 has expired, the WUL was valid for 10 years.
4	Shirley Mashadi Kekana	MP	Industry: Agro Processing (Winery)	APP	12%	The facility is currently not in operation and is listed to be sold. If that happens Ms Kekana must inform the Department of the change of the legal status.
5	AA Badenhorst Family Wines	WC	Industry: Agro Processing (Winery)	ADD	61%	Facility uses a borehole for both domestic and cellar production, the lawfulness of the borehole has not been

AGRO-PROCESSING WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
						ascertained. Lawfulness needs to be ascertained.
6	Welbedacht Wine Estate	WC	Industry: Agro Processing (Winery)	ADD	54%	No further action required.
7	Stellar Winery	WC	Industry: Agro Processing (Winery)	ADD	100%	No further action required. The Winery tries to comply with the legislation. No non-compliances were found.
8	Lutzville Winery	WC	Industry: Agro Processing (Winery)	ADD	79%	Action plan is required. Assistance is required with their lease agreement for irrigation with the municipality. No Water quality effluent analysis has been received since 2017, a soil analysis report was requested in 2018 but not received as well as the agreement that states that the winery may irrigate their wastewater on municipal.
<b>Q2</b>						
1	Sparta Beef	FS	Industry: Agro Processing (Feedlot)	APP	100%	Sparta was found to have improved with compliance to most of the WUL conditions for abstraction only. Effluent requires characterisation.



AGRO-PROCESSING WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
						Dust suppression, effluent storage and irrigation activities require follow-up inspection. ELU confirmation is required for storage.
Q3						
1	Fort Hare Piggery Trust (replaces Thorn Farm Dairy)	EC	Industry: Agro Processing (Piggery)	APP	90%	Action plan is required.
2	Xhashimba Abattoir	EC	Industry: Agro Processing (Abattoir)	APP	0%	No access allowed. A follow up inspection is recommended, and the facility owner must be available for the inspection. Facility owner must indicate if he is planning to open the abattoir again to exercise his authorised water uses or if he is planning to surrender the authorisation. Facility owner must indicate if he is still engaging in a water use S21 (a) (abstraction of water from a borehole) that was found an unauthorised water use during compliance inspection on 27 November 2017.
3	Ida Piggery	EC	Industry: Agro Processing (Piggery)	APP	96%	No further action required. The findings of the audit will be communicated with the facility.

AGRO-PROCESSING WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
4	Walt Landgoed Ltd - Expansion of existing piggery operation	MP	Industry: Agro Processing (Piggery)	APP	60%	Action plan is required. The farm has non-compliances with conditions of WUL and transgressing provisions Section 22 (1) of the NWA. The farm must provide an action plan within 30 days of receipt of the report.
Q4						
1	Andrews Abattoir (Farm Ecowa Wastewater Treatment Works)	EC	Industry: Agro Processing (Abattoir)	APP	90%	No further action required. The abattoir operations are within the prescripts of the GA conditions.
2	Harmony Piggeries (remainder Atie 236)	FS	Industry: Agro Processing (Piggery)	APP	71%	There is no outstanding issue currently as the water use activities just commenced, the follow-up inspection to be conducted will have more information to substantiate full compliance.
3	Caine Farming (Karan Beef)	KZN	Industry: Agro Processing (Feedlot)	APP	79%	Action plan is required to be submit with time frames to DWS within 30 days of receipt of the report, addressing all the non-compliances.
4	Afgri Operation Dryden rendering Facility	MP	Industry: Agro Processing (Poultry Feed Processing)	APP	62%	A detailed action plan with reasonable timeframes to address all findings raised throughout the report must be submitted within 30 days after receipt of the report.

AGRO-PROCESSING WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
5	Orange River Wine Cellars	NC	Industry: Agro Processing (Winery)	APP	71%	Action plan is required. The user authorised for section 21(e) of NWA but on the ground practice an activity as Section 21(g) of NWA.
6	Eagles Pride Hatchery (Poultry)	NW	Industry: Agro Processing (Poultry)	APP	46%	An Action Plan must be submitted with specific, measurable timeframes and dedicated personnel to address all the non-compliances indicated in the report. Ensure that the updated IWWMP and RSIP is in place. Conduct all the studies and assessment listed in the conditions of the WUL.
7	Chalala Farms - piggery	WC	Industry: Agro Processing (piggery)	APP	68%	An action plan must be submitted with time frame to DWS within 30 days from the date of receipt of the report, addressing all the non-compliances stated on the report.

### 4.3.2 ENFORCEMENT

The enforcement activities in the Agricultural sector) Irrigation, agro-processing and forestry) show a notable increase in reported cases, rising from 125 in 2022/2023 to 162 in 2023/2024. Investigated cases also grew from 105 to 124, reflecting a stronger response to non-compliance. Administrative actions remained consistent, with 64 in 2022/2023 and 65

in 2023/2024. However, criminal cases opened increased significantly, from none in 2022/2023 to 9 in 2023/2024, indicating a more aggressive enforcement action. Follow-up inspections slightly decreased from 21 to 17, while the number of cases referred to the NPA remained unchanged at one for both years.

Enforcement Cases logged for Agro-Processing are included in the agriculture (Agro-processing, irrigation and forestry) Sector under the Irrigation Sector in paragraph 4.4.2.

## 4.4 IRRIGATION SECTOR PERFORMANCE

### 4.4.1 COMPLIANCE MONITORING

#### A. Irrigation water use

Irrigated sector is categorised into: -

- **Large-scale commercial irrigation farmers/schemes:** and these are divided into three groups:
  - **State water schemes** (Government Water Schemes), comprising about 19% of the area under irrigation. They are found situated in various areas:
    - Central Cluster- Northern Cape areas (37);
    - Eastern Cluster- Kwazulu Natal areas (18);
    - Northern Cluster-Limpopo areas (91);
    - Southern Cluster- Eastern Cape areas (83);
    - Southern Cluster- Western Cape areas (28).

- Irrigation Boards, comprising of about 22% of the area under irrigation.
- Private irrigation farmers/schemes, comprising about 59% of the area under irrigation.
- And **Small-scale commercial irrigation farmers/schemes**: which are comprised of Small-farmer irrigation schemes which were mainly found in the former homelands which had about 47 000 ha under irrigation. These schemes included both small-scale commercial irrigation farmers and so-called “food plot holders”. Most schemes had both commercial farmers and food plot holders, in different ratios, but several had only commercial farmers or only food plot holders (Agriculture Sector Position Paper, 2009).

Agriculture in the South African economy, around 2009 have strongly contributed to over 30% of the gross value of the country’s crop production and due to increased production of field crops and horticultural and animal products, the agricultural sector expanded by 15,1%. This sector was the only positive contributor, contributing 0,3% to GDP during the second quarter of 2020 (according to Stats SA). Therefore, monitoring compliance of the irrigation water use is crucial to ascertain compliance.

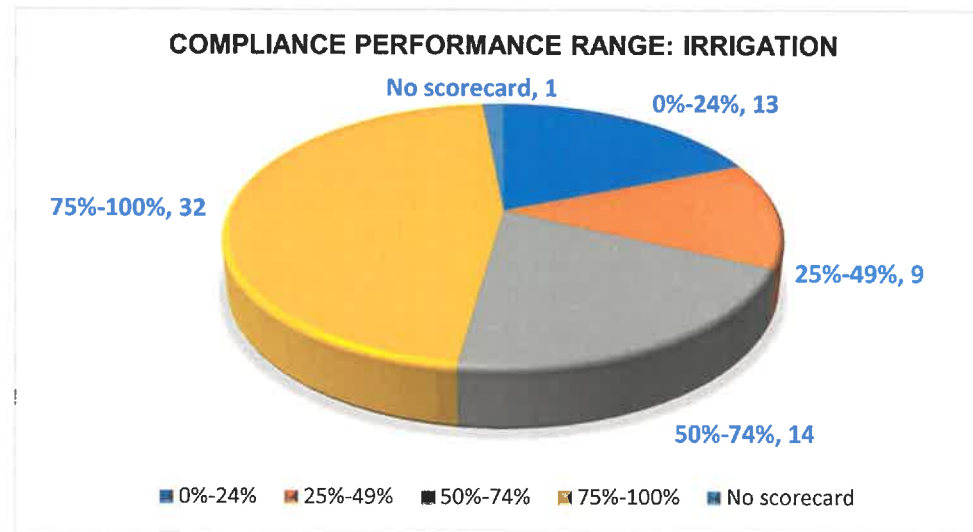
The number of compliance inspections for the Irrigation sector were sixty-two (62) as per the APP target 2023/2024. A total of sixty-nine (69) compliance inspections which includes nine (9) additional inspections were conducted for 2023/2024. Two (2) compliance inspections (Maitjene Community Development Trust and Westfalia Fruit Estates) were not conducted due to financial constraints. Table 31 shows the detail of the facilities inspected and the status of compliance.

During 2023/2024, sixty-nine (69) water users were monitored and achieved a compliance range as follows:

- Thirteen (13) users have a compliance score of 0% - 24%
- Nine (9) users have a compliance level of 25% - 49%
- Fourteen (14) users have a compliance level of 50% - 74%
- Thirty-two (32) users have a compliance level of 75% - 100%
- One (1) user have no applicable scorecard (not commenced).

The compliance performance of thirty-one (31) water users inspected were found to be unacceptable as they have performed below the 65% as per the compliance score card, whereas thirty-seven (37) water users’ performance was found to be above 65%. One (1) water user have not yet commenced with the activities. One (1) water user was handed over via the NCIMS to ECMS for enforcement action.

An average performance level of 60% is achieved for the Irrigation sector for compliance with the requirements of the National Water Act, 1998.



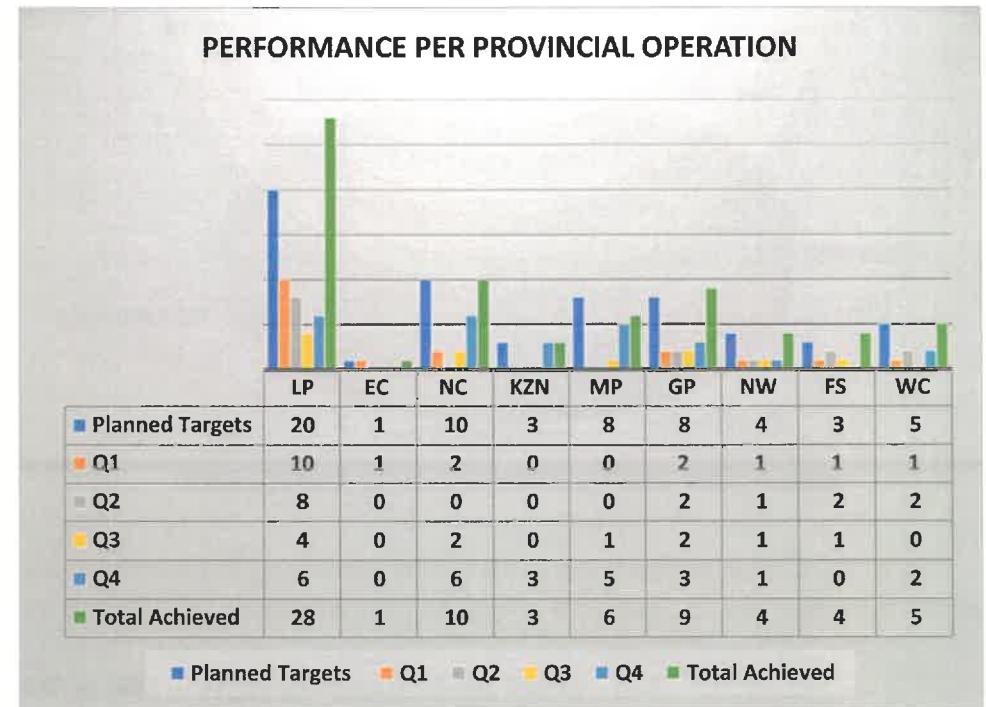
**Figure 10: Status of compliance for Irrigation Sector**

**Table 30: Quarterly Performance per Province for Irrigation sector**

Quarterly Performance per provincial region and total achieved per region						
Provincial Operation	Planned Targets	Q1	Q2	Q3	Q4	Total Achieved
LP	20	10	8	4	6	28
EC	1	1	0	0	0	1
NC	10	2	0	2	5	9
KZN	3	0	0	0	3	3
MP	8	0	0	1	5	6
GP	8	2	2	2	3	9
NW	4	1	1	1	1	4
FS	3	1	2	1	0	4
WC	5	1	2	0	2	5
<b>Total</b>	<b>62</b>					<b>69</b>

The determination of compliance status depends on the analysis of the conditions attached to the authorization. All the water users that are issued with a water use license under the NWA are required to record and submit their abstraction records as one of the conditions in the water use license. Based on the findings, some water users do not measure the abstracted water, and therefore their actual use per annum cannot be determined easily. Without measuring water abstracted, it is also difficult to determine the compliance of the water users in terms of their allocation or as per authorization. However, individual water users that are exercising their water rights as the existing lawful water use do not have conditions attached to their entitlements. Although crop water requirements can be estimated using the SAPWAT 4 model, such a volume is an estimate and does not reflect the actual usage. The existing lawful water users are obliged to comply with GN 34 of 2020 which states that all irrigation farmers outside of Water User Associations and Irrigation Boards must install meters, must measure the water that is abstracted from the water

resources for the purposes of irrigation. It is therefore also recommended that V&V and compulsory licensing completed speed.



**Figure 11: Quarterly Performance per Province for Irrigation sector**

**Table 31: Individual performance: Irrigation Sector**

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
Q1						
1.	Xantium Trading	EC	Irrigation	APP	100%	The facility representative has dispute with the determination on the authorization certificate. Water user to receive an amended section 35(4) from verification unit.
2.	Midnight star trading (Brandewynsk uil 102/19)	FS	Irrigation	APP	50%	Four additional unauthorised abstraction boreholes were observed; one is non-operational; the water user is still within the authorised volume though; no proof of installation of measuring devices. An action plan is requested to be submitted to rectify non-compliances and the unauthorised boreholes.
3.	Emerald Fire Trading 62 cc (Bengapath) (replaces HBEH Herman)	GP	Irrigation	APP	22%	No measuring devices installed and no records available.
4	Mr FJ Botha (replaces Harvest Fresh CC	GP	Irrigation	APP	30%	No measuring devices installed and no records available.
5	Cattle Connexion	LP	Irrigation	APP	38%	Not yet started exercising irrigation. No measuring devices installed.

IRRIGATION WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
6	Mr JP Botha	LP	Irrigation	APP	0%	There was no irrigation during the inspection period. The Licensee sold the property. The Department was not notified. The new owner does not measure the water abstracted for the measuring device has not been operational since 2020.
7.	Nicor Landgoed	LP	Irrigation	APP	83%	There is no metering devices installed to measuring the volume of water used. The water user must submit an action plan indicating how and when the corrective measures for the non-compliances identified will be addressed.
8.	Carel Johannes Roos	LP	Irrigation	APP	41%	The water user should liaise with DWS Water Use Authorisation for using water from the river, the licence is issued for abstracting of water from the boreholes.
9.	Joe Kloppers	LP	Irrigation	APP	90%	No irrigation taking place on the day of inspection, only preparation activities.
10.	Aylesham Trust	LP	Irrigation	APP	17%	The water user must ensure that the requested information is submitted to the Department within 30 days of the receipt of the report.



IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
11	Thompson NC	LP	Irrigation	APP	100%	No Regulatory finding, currently no irrigation activities taking place on site. The Licensee indicated that there are other farmers who will lease on his property, and that will be communicated with the Department.
12	Vica Investments and Trading Eighteen	LP	Irrigation	APP	0%	Officials were denied conducting the site inspection. The new property owner is exercising water use, without informing the Department.
13	Eucalyptus Farm	LP	Irrigation	ADD	83%	No record of submitted internal audit report. It has been indicated that water use for irrigation is less than 50% of authorised volume.
14	Kubu Group	LP	Irrigation	ADD	100%	The water user complied with all conditions of the ELU.
15	Berekisanang Trust (replaces Groenheuwel /Thusano Empowerment	NC	Irrigation	APP	83%	Shareholder agreement breakdown and Annual financial statement are not submitted. No internal and external audit conducted. No calibration/ accuracy verification corticate for flow meters.
16	Triple D Farms	NC	Irrigation	APP	88%	No internal and external audit submitted. Two dams only authorized, the third storage dam not part of the license: dam capacity &

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						proof confirming the storage capacity of 3 dams not exceeding the authorised volume not submitted. One abstraction point authorized, the second point not part of the licence.
17	Tweerivier Wildlife (replaces CF Le Roux)	NW	Irrigation	APP	24%	No groundwater levels and quality monitoring from BH02 and BH03. Annual internal and external audit not conducted. Measuring devices not installed on the boreholes.
18	Leef of Hoop farm (Bergsig Trust)	WC	Irrigation	APP	100%	Registered for section 21(a) and (b) however V&V not completed. Authorized activities have not commenced yet.
Q2						
1	W van Wyk Familie trust Brandewynsk uil 141/0	FS	Irrigation	APP	78%	Follow up to be done. 7 boreholes on the farm are used for abstraction; the licence only authorized three boreholes; therefore, the other four boreholes are unauthorised. Calibration certificate was not submitted.
2	Xhariep Development Partners (Pty) Ltd	FS	Irrigation	ADD	50%	There is no active irrigation on-site. The activities have not yet commenced due to outstanding Environmental Authorization. The water user must

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						provide the Department with proof of registration with WUA. Follow up inspection to be conducted once activities commenced.
3	Lucky Farms (replaces Ma Africa Borwa Property Investment	GP	Irrigation	APP	50%	During the site inspection storage of water in dam was observed and the dam is not authorised. A SAPWAT estimate has proved that the user is non - compliant with the authorised volume. Water use is not confined to the property for which water is confirmed. Action plan required and follow-up inspection.
4	Sibethuba Farm	GP	Irrigation	APP	5%	Follow-up to be done. An Unauthorised Dam was observed which is used for livestock feed; the concerning issue is that the dam is constructed within the Klein Vaal River and that is altering and impeding the flow. There was also a Septic Tank observed and it is not properly maintained as is its showing leakages.
5	Wiedeman JWF	LP	Irrigation	APP	0%	There is no irrigation at the farm. The license is cancelled by WARMS as per water user request.

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
6	Dan Du Plessis (replaces JP Botha)	LP	Irrigation	APP	85%	For the current inspection period no internal and external audits were conducted.
7	Nicor Landgoed	LP	Irrigation	APP	85%	There were no findings, the activity is authorized and operated according to conditions of WUL. Most conditions (83%) are out of scope.
8	Greenway Farms Property Ltd (Ptn 0 & 1 Kafferskraal 168KR) Licence no 07/A61H/AIA BCI/8420	LP	Irrigation	APP	88%	No meter records, no audit reports.
9	Greenway Farms Property Ltd (Ptn 3 Bokpoort 312KR) License No: 07/A61H/1/8 166	LP	Irrigation	APP	92%	The water user did not conduct both internal and external annual audits.
10	PH Storm	LP	Irrigation	ADD	50%	No irrigation taking place.
11	Ramusia Mbegeni	LP	Irrigation	ADD	50%	No Internal and External annual audit report submitted.
12	Smart Farm	LP	Irrigation	ADD	68%	During the visit there was no irrigation taking place. They must install a water

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						meter; they must conduct annual external and internal audit reports. A follow up inspection to be conducted since the property was inaccessible.
13	Inspired Leaf Farms	NW	Irrigation	APP	0%	The Water use activities were not being exercised; the licensee was evicted from the farm. Licensee want to surrender the WUA. The Licensee to contact the DWS.
14	Le Roux Trust	WC	Irrigation	APP	0%	A revised motivation to address the redress of HDIs must be submitted to the Department for review; an action will be required to correct non-compliances. Only one condition was evaluated.
15	Boksveldkloof Boerdery	WC	Irrigation	APP	71%	The dam was still under construction. The inflow and outflow measuring devices were not installed.
16	CJ Mulke Trust (replaces Kridyn Pty Ltd)	NC	Irrigation	APP	79%	The facility falls under a Water Management Institution, therefore management and control is done by the Orange- Vaal WUA even through inspected as an individual water user.
Q3						

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
1	Mr S Naude Dwasbalg 76/1	FS	Irrigation	APP	20%	No measuring devices, the annual internal and external audit reports were not submitted, and the annual crop and irrigation system report was not submitted.
2	Dalene Shamely Family Trust	GP	Irrigation	APP	90%	There is no measuring devices installed. Amendment will be submitted to increase current borehole/s water volume, correct property portions, remove Section 21(e). A follow up inspection is required.
3	Hentiq 22511	GP	Irrigation	APP	31%	No internal & external audit. Metering records not submitted.
4	Oor die Muur Boerdery	LP	Irrigation	APP	79%	There is no measuring device installed.
5	Feste	LP	Irrigation	APP	75%	There no water use taking place in the farm and change of ownership is not yet done by the new farm owner of Feste (Pty) Ltd
6	RWM Boerdery (Pty) Ltd	LP	Irrigation	ADD	85%	The water user did not conduct both internal and external audits.
7	Greenway Farms (Pty) Ltd (Ptn 5 Bokpoort 312 KR)	LP	Irrigation	APP	92%	The water user did not conduct both internal and external audits.
8	Faeroes Properties – Proposed two	MP	Irrigation	APP	85%	No upstream measuring device, the annual internal

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
	instream dams					and external audit reports were not submitted.
9	Songololo Groblershoop	NC	Irrigation	APP	92%	Action plan is required. The water is measured however it is not recorded. To issue a notice of intention to issue a directive in terms of section 53(1) of NWA.
10	CR Visser Boerdery (replaces PJC Pretorius)	NC	Irrigation	APP	76%	No measuring devices installed.
11	Grootpoort Neute (Pyt) Ltd (replaces Wired Farm)	NC	Irrigation	APP	44%	No upstream measuring device, the annual internal and external audit reports were not submitted.
12	JCB Promotions (replaces GM van Heerden)	NW	Irrigation	APP	50%	Water measuring device not installed and no groundwater level and quality report, and calibration certificates submitted; Annual Internal and External Audit reports were not conducted.
Q4						
1	Mr TJB Strydom	GP	Irrigation	APP	48%	No measuring devices installed and non-submission of measuring records. Action plan to rectify non compliances is required.
2	Bloubosspruit Trust	GP	Irrigation	APP	88%	Water measuring device not installed and non-submission of water measuring records; Annual

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						Internal and External Audit reports were not conducted
3	Eustace JPC	KZN	Irrigation	APP	55%	The annual internal and external audit reports were not submitted.
4	Burnlea Trust	KZN	Irrigation	APP	89%	Groundwater monitoring plan is not yet in place. Water quality analysis for irrigation with sludge is not yet implemented.
5	Mullins Broers	KZN	Irrigation	APP	55%	The abstraction records were not submitted. There is no monitoring of the minimum flow to ensure Ecological Water Requirements in Mzimvubu River.
6	Overvlakte Eiendom (Land parcel 125 of Minor Region Musina Land Parcel 120 MS)	LP	Irrigation	APP	90%	ELU has been confirmed for the several companies related to the activity. The water user is exceeding the allocated volume.
7	Overvlakte Vervoer (Driekloof 690 KQ ptn0)	LP	Irrigation	APP	92%	Water user required to send proof of documents. A follow up meeting will be conducted.
8	Gerhard Schoeman	LP	Irrigation	APP	No score	Activity not active.
9	Waterberg Berries	LP	Irrigation	APP	62%	There is no record of internal and external audit reports.

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
10	Mashtown Vervoer (Pty) Ltd	LP	Irrigation	ADD	67%	No meter was installed. No external and internal audit compliance reports
11	Yoanda Energy Pty Ltd	LP	Irrigation	ADD	67%	No meter was installed. No external and internal audit compliance reports
12	Distant Star Trading 567	MP	Irrigation	APP	27%	The annual internal and external audit reports were not submitted. There were no measuring devices on-site.
13	Jurgen Boerdery (replaces SN Wildlife-Blyde Village)	MP	Irrigation	APP	92%	The annual external audit report was not submitted.
14	Tzaneen View Trust Broederstroo mdrift	MP	Irrigation	APP	43%	No annual internal and external audit reports, and the groundwater level and quality report, and calibration certificates not submitted.
15	Full circle project eleven closed cooperation	MP	Irrigation	APP	9%	The annual internal and external audit reports were not submitted. There were no measuring devices on-site.
16	Silver Charm Investments	MP	Irrigation	APP	87%	No annual internal and external audit reports submitted.
17	Lobola Farming - Ma Africa Bonwa	NC	Irrigation	APP	88%	Not submitting annual monitoring, no measuring devices installed at any of the pipelines.

IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
18	Massive Agriculture Christiana	NC	Irrigation	APP	32%	No measuring devices installed. No annual monitoring report was compiled. No internal & external audit conducted. Financial statements not submitted. Quantity of water is not recorded.
19	Norriseep Woment Empowerment (replaces Jep J Metsi Bloemhof)	NC	Irrigation	APP	100%	Currently no water uses activities taking place, still waiting for the issuance of a WUL. The water user will inform the Department immediately when the activities commence.
20	S & F Farming (Pty) Ltd	GP	Irrigation	ADD	73%	The facility just recently received their new WUL. The regulator must follow up for submission of all required reports.
21	JH Teessen (replaces Midwater BK)	NW	Irrigation	APP	77%	No measuring devices installed. No annual internal and external audits conducted. Monitoring of groundwater levels and quality not done. Five boreholes are used but only one is authorised. Transfer of water without an approval.



IRRIGATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
22	Uit die Bloute	WC	Irrigation	APP	0%	Uit die Bloute Ltd is not complying with their license conditions. The Department to meet with facility owner to ascertain whether the assistance from MciSA is going well. During the time of the audit, there was no abstraction taking place.
23	MciSA Agri & Tourism	WC	Irrigation	APP	0%	Internal and External Audit reports and Section 27 migration are still outstanding.

#### **B. Number of Water Management Institutions (WMIs) monitored for effective compliance monitoring**

Countrywide, there are Water Management Institutions (WMIs) which are comprised of Irrigation Boards, 257 Government Water Schemes, Water User Associations (WUA) which in this category, some have been transformed from the Irrigation Boards, some WUA were established. However, the Department is currently embarking on the process of amalgamating some Water User Associations and Irrigation Boards as part of transformation.

Six (6) Water Management Institutions (WMI's) were planned for compliance inspections. The overall achievement was thirteen (13) because these entities were jointly monitored for compliance with WARMS unit, this included the Community Property Associations in the respective areas. This was triggered by the escalating non-payment of water use charges by the water users and the alleged over-abstractions. This process

does not follow the WMI monitoring process due to high volume of the work done, however a follow-up visit is requested with a respective WMI to conduct a site visit to check all the abstraction points, diversions, storage facilities and the irrigation fields.

The Act provides for a fundamental transformation of water resources management and governance, through decentralisation of the responsibility and authority for water resources management to appropriate, representative, regional and local institutions. Therefore, the Minister, as the public trustee of water resources, has the powers to delegate the powers and duties to Departmental officials or Water Management Institutions i.e Water User Associations. They operate in terms of a formal constitution as set out in guidelines prepared by the Department and may exercise management powers, functions and duties to the extent these have been assigned or delegated to it. Irrigation Boards have been established under the 1956 Act, Act No 54 of 1956 and the powers and functions were given in terms of the said Act.

The status quo for monitoring compliance remains: -

The Institutions have been structured differently, therefore the audits are conducted in two phases: -

- *Phase one-* is a planning stage. The DWS official send a request for a plenary meeting to the said WMI with a list of documents required prior to the meeting, requesting the Institution to provide the audit team with the documents not limited to among others the documents giving the powers, duties of the institution, the approved allocation schedule, the institution's compliance to the allocation schedule, the institution's compliance to its duties to control water use, other than taking of water in terms of the allocation schedule, the institution's own water use entitlements, Records of the taking of water from water resources, any

notices including gazette notices issued to the board, voter's list etc. During the preliminary audit inspection meeting, the audit team peruse all the documents received and prepare the audit checklist.

- *Phase two-* this is an execution stage. The audit team evaluate all the documents received during the plenary meeting and all the documents received via emails or hand delivered. This is done to determine the compliance status of the said WMI and a field visit is conducted either during the first phase or the second phase on the sampled water users in different sub-districts or water distribution areas. Then the audit report is compiled, and the compliance status is determined after considering several issues such as the determination of the crop water requirements.

**Table 32: Compliance monitoring for WMIs for Irrigation sector**

WATER MANAGEMENT INSTITUTIONS 2023/2024					
Name of Facility		Prov	CM: OP	% of Compliances of facilities	Comments / Findings
Q1					
1	Boegoeburg WUA	NC	CM: OP	Complying	The entity is submitting the measuring records. They are paying their water use charges.
2	Gamtoos IB	EC	CM: OP	Complying	The entity is provided Water Use Accounting Efficiency Report as part measuring records. They are paying the water use charge.
3	Lower Sundays River WUA	EC	CM: OP	Not Complying	They are not submitting measuring records. Follow-up inspection will be conducted.
4	Buffelhoek IB	NW	Joint Op with WARMS	Not complying	WARMS records shows that there are 4 boreholes on site, but the water user stated

WATER MANAGEMENT INSTITUTIONS 2023/2024					
Name of Facility		Prov	CM: OP	% of Compliances of facilities	Comments / Findings
					that they are used for domestic purposes. CM to conduct site visit to verify the lawfulness of water use in the farm. They are not submitting measuring records and not paying water use charges. Follow-up inspection to be conducted.
5	Mokolo WUA	LP	Joint Op with WARMS	Not complying	The entity reported they are only managing Mokolo WUA Sub Area A and not Sub B (ALMA) & Sub Area C (VAAL WATER). D: Institutional Establishment to verify governance issues in the Mokolo WUA. They are not submitting measuring records. Follow-up inspection to be conducted.
6	Upper Selati IB and CPA's	MP	Joint Op with WARMS	Not complying	The entity has debt with DWS, but they need individual bills as they are not the billing agent for DWS. They are not submitting measuring records. Follow-up inspection to be conducted.
7	Letsitele IB and CPA's	MP	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted.
8	Oranje Vaal WUA and CPA's	NC	Joint Op with WARMS	Not complying	The entity has debt with DWS. They are not submitting measuring records. Follow-up inspection to be conducted.
9	Kubusi IB	EC	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted.

WATER MANAGEMENT INSTITUTIONS 2023/2024					
Name of Facility		Prov	CM: OP	% of Compliances of facilities	Comments / Findings
10	Katrivier IB	EC	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted
11	Upington Main IB	NC	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted
12	Sandvet IB	FS	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted
13	Tshiping WUA	NC	Joint Op with WARMS	Not complying	They are not submitting measuring records. Follow-up inspection to be conducted

#### 4.4.2 ENFORCEMENT

Enforcement actions should be taken against unlawful water users within the agricultural (irrigation, agro-processing and forestry) sector in South Africa to ensure responsible and sustainable water management. Stringent measures such as strict compliance monitoring and enforcement should be implemented to compel those engaging in unauthorised water use. Administrative, civil and criminal should be imposed to discourage such practices, while criminal actions mechanisms should be strengthened to expedite the prosecution of offenders. Enforcement Cases for Irrigation Sector is included under the Agricultural sector.

Within the agriculture (irrigation, agro-processing and forestry) sector, there are three (3) cases originating from the Compliance Monitoring Unit and registered on ECMS for enforcement action (1 x Irrigation, 1 x agro-processing and 1 x Forestry) to ensure appropriate measures are promptly undertaken. The Enforcement Unit is currently engaged in monitoring the compliance of these offenders. It is important to note that further

enforcement actions may be pursued should instances of non-compliance with the administered administrative actions be identified.

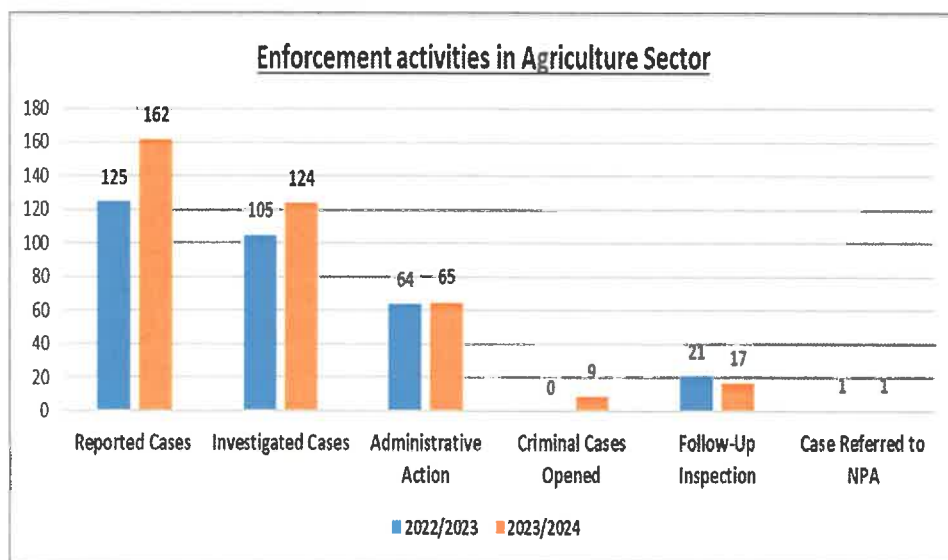
During the review period, the Enforcement unit received complaints regarding suspected non-compliances in the Agricultural (irrigation, agro-processing and forestry) Sector and proactively addressed cases that raised suspicions of non-compliance. A total of 162 cases were reported, originating from various institutions as well as from members of the public. As a result, the Enforcement unit conducted investigations into 124 out of the 162 cases received.

The investigation revealed various non-compliance issues that pose a serious threat to the water resources. In response, the Enforcement Unit acted against the identified offenders to correct the violations. As a result, sixty-five (65) administrative actions were taken, nine (9) criminal cases were opened, and one (1) case was referred to the National Prosecuting Authority (NPA) for further review. These efforts demonstrate the Enforcement Unit's commitment to addressing non-compliance in the agricultural sector and protecting water resources. Enforcement Cases for Irrigation Sector is included under the Agricultural sector.

**Table 33: Enforcement activities in Agriculture sector (Irrigation, Forestry and Agro processing)**

Enforcement Activities in Agricultural Sector	2022/2023	2023/2024
Reported Cases	125	162
Investigated Cases	105	124
Administrative Action	64	65
Criminal Cases Opened	0	9

Follow-Up Inspection	21	17
Case Referred to NPA	1	1



## 4.5 FORESTRY SECTOR PERFORMANCE

### 4.5.1 COMPLIANCE MONITORING

According to the DWS APP 2023/2024, a total of sixteen (16) water use inspections were planned to be inspected in 2023/2024. Twenty (20) inspections were conducted which include four (4) additional inspections. Table 35 provides the detail of facilities inspected and status of compliance.

During 2023/2024, twenty (20) water users were monitored and achieved a compliance range as follows:

- Zero (0) users have compliance level of 0% - 24%
- 1 user have compliance level of 25% - 49%
- 7 users have compliance level of 50% - 74%
- 12 users have compliance level of 75% - 100%

Seven (7) plantations inspected were required to provide corrective action plans. No plantations were found to have no activities taking place.

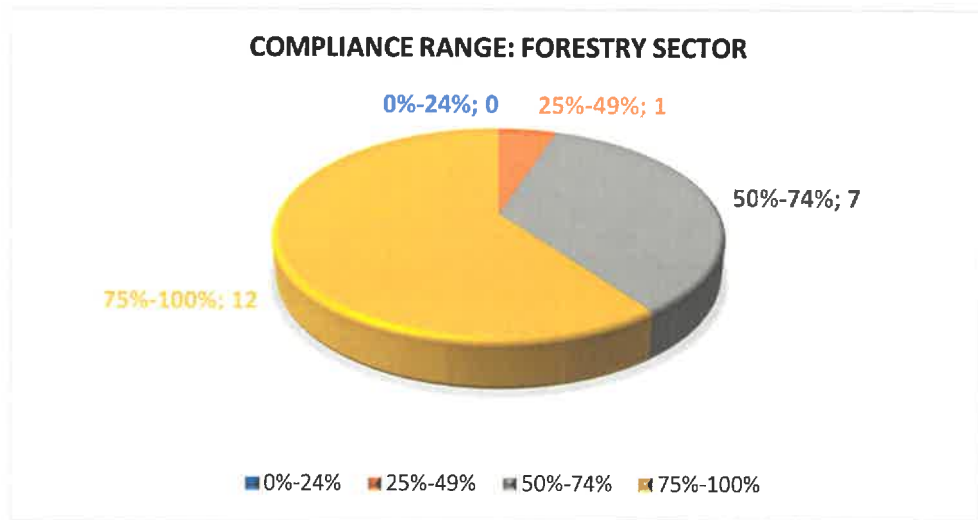
The compliance performance of five (5) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas fifteen (15) facilities compliance performance was found to be above 65%.

The average performance level of 73% is achieved for the industry sector for compliance with the requirements of the National Water Act, 1998.

One (1) plantation was recommended for Enforcement via the NCIMS to ECMS, depending on the risk posed to the water resource. The monitoring of the corrective action plans and follow-up inspections at the plantations shall be prioritised until such time the plantations achieve acceptable compliance performance in accordance with the National Water Act, 1998.

The requirements that most users were found not complying with include failure to manage/control Alien Invasive Species (AIS) and failure to submit annual audit reports (both internal and external). There is a growing trend of water users changing from SFRA water use (s21(d)) to other water uses, without the approval of the DWS.

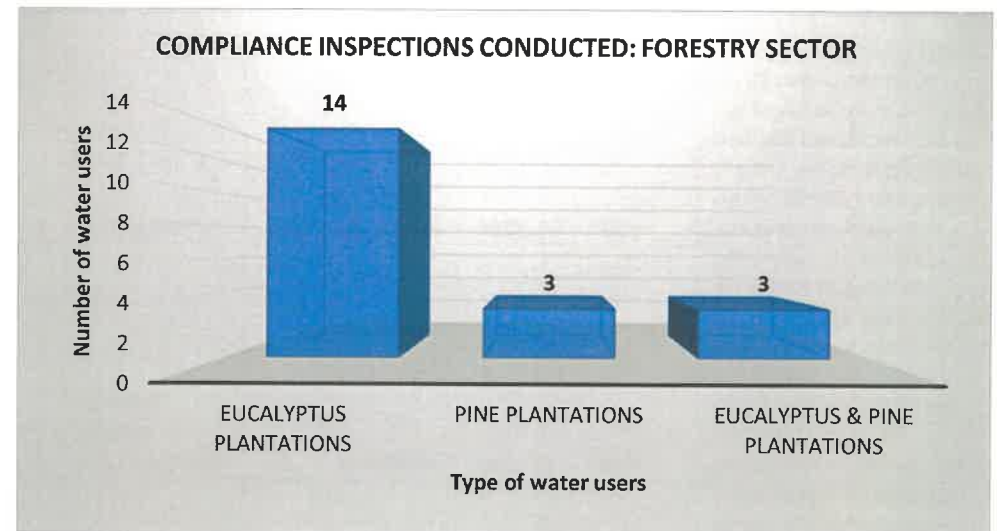




**Figure 12: Status of compliance for Forestry Sector**

**Table 34: Forestry Sectors were inspected in 2023/2024**

Type of water users	Number of water users inspected
Eucalyptus Plantations	14
Pine Plantations	3
Eucalyptus & Pine Plantations	3



**Figure 13: Compliance inspections conducted for Forestry sub-sectors**

The above Table 34 and Figure 13 bar diagram indicate that priority was given to Eucalyptus plantation for the Forestry sector in 2023/2024.

**Table 35: Individual performance: Afforestation (SFRA) Sector**

AFFORESTATION WATER USERS 2023/2024						
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings	
Q1						
1	Piesanghoek 244 Ptn 6, 7, 8 & 9	LP	Plantation	APP	54%	This ELU water user is not managing their plantations due to affordability and a large forest fire that occurred in 2020. The user needs to prepare an action plan to address the non-



AFFORESTATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						compliances noted during the inspection.
2	Silicon Smelters: Sterkstroom 6	LP	Plantation	APP	80%	This ELU water user has replaced most of their afforestation with dryland avocado and irrigated macadamia orchards without prior authorisation. The water user is also not metering their water use. This user must approach the Department to apply for a change of water use.
3	Steven Lumber Mills	LP	Plantation	ADD	50%	This ELU water user is required to implement the specified buffers around watercourses and to manage the infestation of AIS on the properties. The user is to submit an action plan to the Department describing timelines and procedures to rectify the situation
4	Hans Merensky Holdings	LP	Plantation	ADD	88%	This ELU water user is requested to implement appropriate buffers around all watercourses on their properties.
Q2						
1	Sappi Manufacturing	KZN	Plantation	APP	80%	The water user purchased the plantation from the previous owner, the genus exchange must be managed; delineation of buffers and removal of afforestation species from water courses and buffer zones must occur

AFFORESTATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
2	HJ Janse van Rensburg: Sandfontein	LP	Plantation	APP	83%	The water user has converted most of their Eucalyptus to irrigated Avocados and citrus trees without authorisation; user must remove afforestation trees in watercourses and buffer zones
3	Steven Lumber Forestry: Ruigtefontein	LP	Plantation	APP	100%	Water user must notify the Dept of change of ownership
4	Mr Mukumela Malokisa Mulilo	LP	Plantation	APP	69%	The plantation was recently purchased by a new owner. The department was not notified of the change of ownership. New owner is planting new trees and exceeding the authorised volume. The owner has been requested to draft an action plan to address the non-compliances noted onsite.
5	Ms Tovhowani Feliciah Murovhi	LP	Plantation	APP	86%	The plantation has not been managed well, it is overgrown with bush and indigenous trees within the plantation; the water user has been advised to seek the assistance of Dept. of Agriculture for support
6	NS Netshiavha	LP	Plantation	ADD	68%	The previous plantation owner passed away in 2020; her son has recently taken over the plantation; due to the previous owners passing, no management of the plantation has taken place,

AFFORESTATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						including audits, tree thinning or invasive species removal. The new owner must draft an action plan to address the non-compliances
7	Komatiland Forestry	MP	Plantation	APP	80%	The water user has applied for a WUL amendment, which should address some non-compliances noted on site. Water user has submitted documents that were outstanding prior to inspection
8	Deelkraal	LP	Plantation	ADD	29%	Water user was unaware of the plantation and has not used it for commercial purposes; the user has been requested to submit an action plan to rectify the spread of Eucalyptus trees outside the plantation area
Q3						
1	Uilenkraal CC	WC	Plantation	APP	88%	Uilenkraal CC does no longer grow trees for commercial purposes. Consequently, the site is not being maintained or monitored on environmental best practices.
2	Paul Roux Trust (replaces DFFE plantation in Paarl)	WC	Plantation	APP	77%	The water user has no intention of keeping the plantation for commercial purposes and the plantation is currently not being maintained. The water user is recommended to

AFFORESTATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						implement environmental best practices.
3	MJ Tshisevhe	LP	Plantation	APP	76%	The plantations had no firebreaks, The Licensee did not familiarize themselves with all the license conditions. The immediate environment and access roads are not properly cleared off remains are harvesting.
4	MP Musetsho	LP	Plantation	APP	78%	The water user must prepare an action plan to specify how non-compliances identified during inspection will be rectified by a specific timeframe.
5	MD Khakhu	LP	Plantation	APP	64%	This report must be handed over to Enforcement to investigate what seems like abstraction of water from an unknown stream. An action plan must be prepared and submitted to the Department on rectifying non-compliances identified during the inspection by a specific timeframe and apply for the additional plantation to be authorised, failing which, he may have to remove the excess trees.
Q4						
1	TS Muofhe	LP	Plantation	APP	67%	The facility is currently Planting 4ha of eucalyptus trees.

AFFORESTATION WATER USERS 2023/2024						
Name of Facility		Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
						The water user has planted more than the approved hectares of Eucalyptus trees The water user was unaware of the conditions of the WUL as he had not received the licence - Water user must apply for the additional volume of trees planted.
2	Komatiland Forests: Goede Hoop	LP	Plantation	APP	89%	The plantation is well managed, the water user has voluntarily implemented delineated buffers and is managing invasive species on the property.
3	F Netsianda	LP	Plantation	APP	58%	The water user has not planted their full authorised allocation, but still wishes to do so. The water user must write to the Department and request an extension to plant the remaining hectares. No internal or external audit report has been submitted to the Department. No signage was in place around the plantation. No buffer was in place around the stream. The water user indicated that they burns the firebreaks annually, but this was not noticeable during the inspection.

AFFORESTATION WATER USERS 2023/2024					
Name of Facility	Prov	Type of sector	APP / Add	% of Compliances of facilities	Comments / Findings
					No invasive management plan in place to address the Lantana noted on site. No planting or harvesting plan has been submitted to the Department.

## 4.5.2 ENFORCEMENT

Forestry in South Africa significantly impacts water resources, as commercial plantations of water-intensive species like pine and eucalyptus reduce streamflow and groundwater availability. These plantations often replace native vegetation, which further disrupts natural water cycles, leading to reduced water quality and quantity in surrounding areas. Sustainable forestry practices are essential to balance economic benefits with the protection of South Africa's vital water resources.

Forestry sector is grouped part of Agriculture Sector for Enforcement activities in the ECMS and still needs to be separated. One Forestry case from Compliance Monitoring unit handed over to enforcement. Detail of enforcement cases received, investigation conducted, and actions taken are tabled and illustrated under the Irrigation Sector for Enforcement 4.4.2 above to avoid duplication of statistics.

## 4.6 GOVERNMENT SECTOR PERFORMANCE

### 4.6.1 COMPLIANCE MONITORING

Due to the restructuring of the Department the Public Institutions such as the Water Boards (Rand Water, etc.) was moved to the Government Sector in April 2022 for compliance monitoring and reporting. It is noted the Government Sector is focusing mainly on compliance inspections of the municipal WWTWs.

According to the DWS APP 2023/2024, a total of seventy-three (73) water use inspections were planned to be inspected in 2023/2024. Seventy-one (71) compliance inspections as per the planned APP targets were inspected which includes two (2) additional inspections. Two (2) compliance inspections were not conducted as per the DWS APP targets due to financial constraints and will not be reported in this period. However, two (2) compliance inspections (Fort Cunningham WWTW and Kubusie Plantation WWTW) were incorrectly included under the Industry Sector as part of their planned APP targets in Eastern Cape and was moved to the Government Sector. Table 37 provides the detail of facilities inspected and the status of compliance of these facilities.

During 2023/2024, seventy-five (75) water users were monitored and achieved a compliance range as follows:

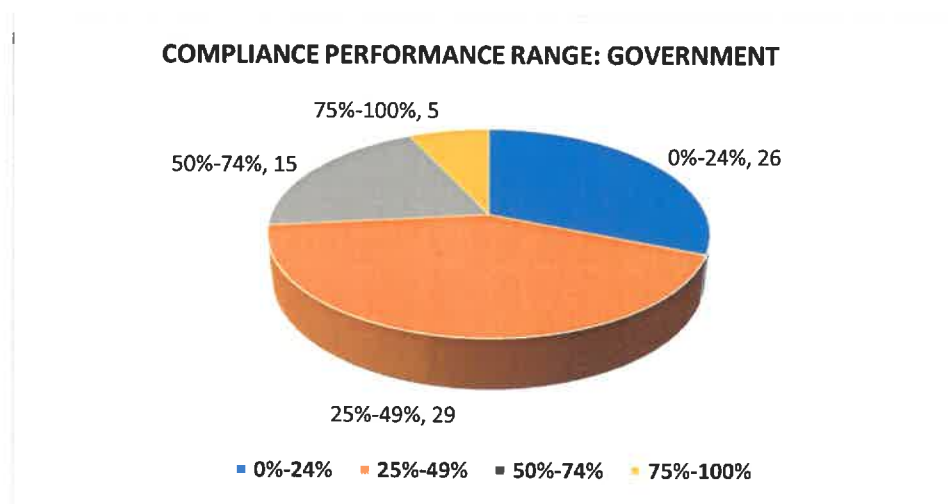
- Twenty-six (26) users have compliance level of 0% - 24%
- Twenty-nine (29) users have compliance level of 25% - 49%,
- Fifteen (15) users have compliance level of 50% - 74%
- Five (5) users have compliance level of 75% - 100%

The compliance performance of sixty-nine (69) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas six (6) facilities compliance performance was found to be above 65%.

Fifty-four (54) WWTWs facilities inspected were required to provide corrective action plan. None of the WWTWs were found to have activities not taking place.

An average performance level of 36% is achieved for the Government Sector for compliance with the requirements of the National Water Act, 1998.

Ten (10) WWTWs facilities were recommended for Enforcement via the NCIMS to ECMS, depending on the risk posed to the water resources.

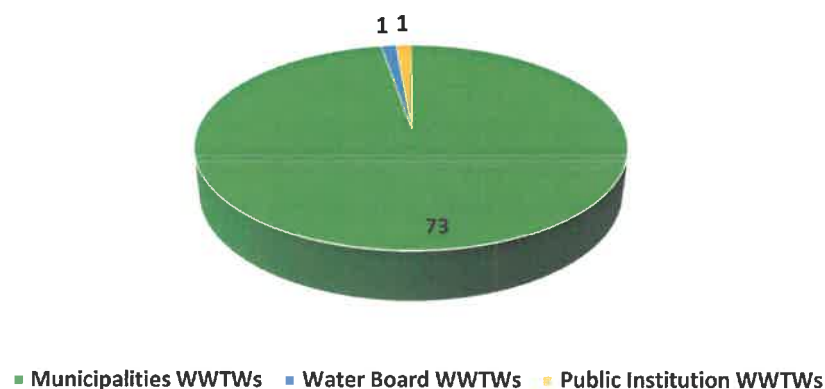


**Figure 14: Status of compliance for Government Sector**

**Table 36: Government Sectors were inspected in 2023/2024**

Type of water users	Number of water users inspected
Municipal WWTWs	73
Water Boards WWTWs	1
Public Institutions WWTWs	1

**NUMBER OF FACILITIES INSPECTED**



**Figure 15: Compliance inspection conducted for WWTW in sectors**

The above Table 36 and Figure 15 pie diagram indicate that priority was given to WWTWs in the Government Sector and mainly for Municipal WWTWs in 2023/2024.

#### 4.6.1.1 WASTEWATER TREATMENT WORKS (WWTWs)

**Table 37: Individual performance: Wastewater Treatment Works**

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
Q1					
1.	Jeffrey's Bay Wastewater Treatment Works (replaces Ugie)	EC	APP	43%	Action plan is required. The municipality is engaging on an unauthorised activity under S 21 (g) of the NWA. The maturation ponds are not lined. Overall, the facility has shown a lot of improvement on the operations of the works as compared to the previous inspection.
2.	Merafong LM (Kokosi)	GP	APP	9%	The works is not fully operational approximately two (2) years or more. Action plan required with time frames for rectifying the non-compliances.
3	Khutsong WWTW	GP	APP	8%	Action plan required with time frames for rectifying the non-compliances.  The works is not fully operational approximately two (2) years or more.
4	Flip Human WWTW	GP	APP	5%	During the audit traces of blood was observed in the Emergency Dam, the spillages all over the works and the dumping of wet sludge on the unlined areas. Action plan required with time frames for rectifying the non-compliances.
5	Bethal WWTW	GP	ADD	27%	Referred to Enforcement.  The Water User is not compliant with most of the conditions of the WUL.



Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
6	Polokwane WWTW	LP	APP	39%	The design capacity of the plant is 25ML/day and currently it operates between 40 -50 ML/day in winter and 70 – 80 ML/day during rainy season.
7	Thohoyandou WWTW	LP	APP	40%	An updated action plan with revised timeframes for outstanding actions has been requested from the Municipality. Regular follow up inspections should be conducted to ensure that the observed non-compliances are rectified.
8	Vhembe DM: Rietvlei WWTW	LP	APP	33%	The inflow meter was not used, hence no inflow volumetric records, and there was no flow meter for the effluent. Screenings are buried onsite. Clarifiers 3 and 4 were not working. Sludge was stacked onsite. Limpopo dairy takes the effluent of the plant for irrigation purposes, for the current inspection period it was confirmed that there was a blockage, which led to the entire effluent discharged to an unknown stream.
9	Rietspruit WWTW	MP	APP	46%	Action plan is required. The Municipality officials dealing with WWTW facility must familiarise themselves with the contents of the WUA in order to implement its requirements.
10	Burgersfort WWTW	MP	APP	43%	The municipality must submit a detailed action plan with time frame for measures to correct the non-compliances Identified during the inspection.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
11	Christiana WWTW	NC	APP	44%	To issue a notice of intention to issue a directive in terms of S 53(1) of NWA.
12	Bloemhof WWTW	NC	APP	37%	To issue a notice of intention to issue a directive in terms of S 53(1) of NWA.
13	Mokgwase WWTW	NW	APP	15%	Facility to develop a detailed corrective Action Plan with timeframes and dedicated personnel to address all the non-compliances identified in report. Implement the recommendations in the stormwater management plan dated September 2017. Conduct all the relevant studies as prescribed in the WUL; 04/A22F/FG/4640.
14	Clocolan WWTW: Setsoto Local Municipality	FS	APP	34%	Municipality must provide an action plan to address issues highlighted during the audit and the report.
Q2					
1	Delareyville WWTW	NC	APP	39%	To issue a notice of intention to issue a directive in terms of S 53(1) of NWA.
Q3					
1	Elliot WWTW	EC	APP	13%	Action plan is required with time frames, detailing the actions to address in the findings of the report.
2	Tsomo WWTW	EC	APP	20%	The Municipality must submit an action plan with time frames, detailing measures to address as per the findings of the inspection report. The WWTWs was not receiving any inflow and the pump station was not operational on the date of the

Wastewater Treatment Works 2023/2024					
Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings	
				inspection. The evaporation ponds had vegetation growth inside, and no water quality monitoring was conducted. The manhole next to the pump station was overflowing to the nearby River. This has been recurring for more than five years. There was a dug trench intended to direct flow from the emergency pond to the environment.	
3	Colesberg WWTW	FS	APP	2%	An Action plan is required indicating the non-compliance identified will be addressed within specified time frames and submitted to DWS.
4	Umgweni Water board - Ixopo Water Supply Scheme	KZN	APP	79%	Action plan is required The facility was found to be compliant with most of the conditions of the WUL and applicable regulations. The Licensee was not compliant reporting conditions by failing to provide proof of submissions.
5	King Cetshwayo - Esikhaleni WWTW	KZN	APP	8%	Action plan is required. A notice of intention must be issued to the City of Umhlathuze Municipality for failing to comply with licence conditions.
6	Harper WWTP	LP	APP	51%	The community members are utilizing treated wastewater to irrigate their crops under S 21 (e) illegally due to lack of knowledge. Municipality must address the matter with the community members and collectively work on tangible solutions.
7	Klipspruit Weltevreden	MP	APP	21%	The mine must submit an action plan based on findings listed in the

Wastewater Treatment Works 2023/2024					
Name of Facility	Prov	APP/ Add	% of Compliances of facilities	Comments / Findings	
				report and submit within 30 days after receipt of the report. On the section 21 water uses being exercised without any authorizations, the Department shall take enforcement action to avoid such from recurring and compel the mine to stop and rehabilitate the already caused impacts.	
8	Kinross WWTW	MP	APP	38%	Action plan is required. The inspection team observed overflowing manholes and pump stations are not properly maintained. No bio-monitoring was conducted. The quantity of wastewater discharged is not known. There was no safety signage along the fence during the inspection. There were no monitoring boreholes on site as required by the WUA. External and Internal audits are not conducted. Follow-up inspection must be conducted to verify the non-compliances Identified are reasonably corrected.
9	Ferrobank WWTW	MP	ADD	30%	Action plan is required
10	Zeerust WWTWs - Ngaka Modiri Molema DM	NW	APP	38%	The User is being referred Enforcement. An Action Plan with specific, measurable timeframes and dedicated personnel to address all the non-compliances identified in report must be submitted.
11	Schweizer Reneke WWTW	NC	APP	4%	WWTW is not in operation. Raw sewer is discharged into the Harts

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					River and allowed to flow to the streets of the township which poses a risk to human and animal health. To issue a notice of intention to issue a directive in terms of section 19(3) and 53(1) of NWA.
<b>Q4</b>					
1	Prentjiesburg WWTW - Joe Gqabi District Municipality	EC	APP	20%	The municipality is to submit an action plan that details action to address the findings of the inspection report within 60 working days of receiving the report. The action plan must include the short-, medium- and long-term plan regarding the functionality of the plant.
2	Joe Gqabi District Municipality: Maclear WWTWs	EC	APP	19%	The municipality to submit the action plan detailing the contingency plan, time frames and financial provisions for fixing of the malfunctions at the plant and pump stations (as the construction in progress) in 30 days of the receipt of the report. Follow up inspection to monitor all the non-compliance are rectified including sections 21(c) and (i) water uses.
3	Buffalo City Metro Municipality- Reeston WWTW	EC	APP	36%	The municipality must submit a detailed action plan with timeframes on measures to be taken to correct the identified non-compliances. The Municipality to apply for the re-classification on the IRIS system and inform the Department in advance and in writing prior diversion of Central to Reeston WWTW.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					Follow-up inspections required.
4	Nelson Mandela Metropolitan Municipality: Despatch WWTW (replaces Misgund WWTW)	EC	APP	85%	The municipality must submit a detailed action plan with timeframes on measures to be taken to correct the identified non-compliances. Establish the groundwater monitoring programme. Follow-up inspections required.
5	Kwa Nobuhle WWTWs (replaces Louterwater WWTW)	EC	APP	63%	A detailed action plan must be submitted with time frames to address the non-compliances identified in the report. The facility does not have signage at the entrance, prohibiting unauthorised entry. The final effluent is measured before the chlorine contact channel, which contravenes the condition of the exemption.
6	St Francis Bay WWTW (replaces TweeRivier WWTW)	EC	APP	61%	Action plan is required
7	Kelvin Jones WWTW (replaces Joubertina WWTW)	EC	APP	62%	Action plan is required
8	Somerset East WWTW (replaces Bikkiesdorp)	EC	APP	10%	Action plan is required
9	Alexandria WWTW (replaces Laurel Ridge WWTW)	EC	APP	39%	The facility must submit a detailed action plan with timeframes on measures to be taken to correct the identified non-compliances. Follow-up inspections required.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
10	Chris Hani District Municipality - Cofimvaba WWTW (replaces Queenstown WWTW)	EC	APP	11%	The Chris Hani District Municipality must submit an action plan with time frames, detailing the actions to address the findings of the report.
11	Mthatha CS Correctional WWTW	EC	APP	46%	Action plan is required The Municipality must submit an action plan within 60 days upon receipt of the compliance inspection report. The action plan must have time frames, detailing measures to address the findings of the report.
12	Amathole District Municipality - Cathcart WWTW	EC	APP	22%	Upon receipt of the report, the Municipality must submit detailed action plan with time frames on measures to be taken for correction of the non-compliance identified.
13	Amathole District Municipality- Peddle WWTW (replaces Butterworth WWTW)	EC	APP	47%	The Amathole District Municipality must submit an action plan within the time frame to be stipulated to rectify non-compliances identified in report. Outstanding documents must be submitted.
14	Kenton on Sea WWTW (replaces Woodlands WWTW)	EC	APP	13%	The Water User must submit an action plan (with short-, medium- and long-term interventions) to address all the non-compliances.
15	Bellmont WWTW	EC	APP	29%	The Water User must submit the action plan detailing the contingency plan and timeframes to fix the malfunctions at the plant and pump stations and all non-compliances identified. Dispose screenings in a proper manner.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					Send monitoring results and report pollution incidents to the Department.
16	Cookhouse WWTW	EC	APP	48%	Action plan required. There were non-compliances with the GA GN 665 conditions. The user has no flow meters to quantify the volumes. There was no incident register kept on site. The water user must implement the corrective measures as set out on the issued notice, dated 17 November 2024.
17	Gonubie WWTW Buffalo City Metropolitan Municipality: Quinera	EC	APP	59%	The Municipality must submit an updated action plan upon receipt of the compliance inspection report. The action plan must have time frames, detailing measures to be taken to address the audit findings of the report.
18	Port Alfred WWTW (replaces Pearston WWTW)	EC	APP	36%	Action plan is required Follow-up inspection required.
19	Dihlabeng Local Municipality: Paul Roux WWTW	FS	APP	61%	Provide an action plan to address the non-compliance identified. No sign postages at the entrance, around the plant and prominent areas with the plant. The facility does not have full access control as no gate was observed on site and there are no security guards.
20	Sterkwater WWTW	FS	APP	25%	It was indicated by the municipal representative that a contractor has been appointed to stop the

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					overflowing wastewater. Follow-up inspections required.
21	Rosendal (Mautse) WWTW	FS	APP	18%	The Municipality must submit an action plan within the specified time frame to indicate the short-, medium- and long-term measures to rectify non-compliances. The water user must consult the Department to request an amended to include S 21(g) water use.
22	Bethlehem WWTWs (replaces Kwazenzele WWTW)	GP	APP	27%	The municipality must reinstate full running of New Module which is broken down and motors were burned so that the Works can function fully as planned. All broken down equipment must be replaced with new ones to restore the functionality of the Works. Visible security must be improved.
23	Hannes van Niekerk	GP	APP	0%	The works is not fully operational for two (2) years or more. Facility must submit an action plan within the specified time frame to rectify non-compliances identified.
24	Emfuleni Local Municipality: Sebokeng WWTWs	GP	APP	42%	Action plan is required Upgrade or put new strong fence around the Works to control access and prevent unauthorised entry. The Works must propose new stormwater management plan for the site and its surrounding to control and to separate clean and dirty water. The Works must improve housekeeping at the Inlets and install meter reading at the Outlet into Rietspruit River.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					Clean up at the manhole used by honey suckers to empty their trucks filled with human waste from mobile toilets located around nearby communities must be done as soon as possible.
25	Carl Grundling WWTW (replaces Rietspruit)	GP	APP	61%	Action plan is required There was no stormwater management at the Works. There was stormwater ingress into the treatment system on the day of the inspection.
26	Herbet Bickley WWTW (replaces Leewkuil WWTW)	GP	APP	62%	Water user is to submit an action plan detailing the action to be taken to fix the Maschaba pump station and other aspects of the facility itself within 14 days of receiving the inspection report.
27	Goudkoppies WWTWs	GP	APP	82%	The water user to submit an action plan with reasonable timeframes addressing the findings of non-compliances.
28	Ratanda WCW (replaces Bushkoppies WWTW)	GP	APP	54%	The case has been referred to enforcement for further investigation and enforcement action.
29	Olifantsvlei WWTW	GP	APP	35%	WWTWs is to be referred to Enforcement Unit for further investigation to be conducted. The Water User must rectify non-compliances identified.
30	Vlakplaats WCW ERWAT	GP	APP	43%	WWTWs is to be referred to Enforcement Unit for further investigation to be conducted. The Water User must rectify non-compliances identified.



Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
31	Rondebult WWTW	GP	APP	50%	The case has been referred to enforcement for further investigation and enforcement action.
32	Bhamshela WWTW – eThekweni Municipality	KZN	APP	46%	The Licensee must provide an action plan detailing how they will attend to the non-compliances in the audit report.
33	Vhembe District Municipality (Nancefield)	LP	APP	57%	The regulatory findings noted forms part of the findings that are being followed up through the Directive issued by the Department in 2022. A follow-up inspection will be conducted once enforcement measures currently underway are concluded.
34	Musina Local Municipality WWTW	LP	APP	24%	Since the previous visit, there was no volumetric flow meter for the incoming flow and the final discharge. Screening was disposed of in a shallow pit. No desludging was conducted at the plant. The whole plant was nonfunctional, incoming flow of wastewater was passed through Ponds then discharged without dosing chlorine. The final effluent (not metered) is pumped to a farmer for irrigation purposes without formal agreement.
35	Greater Tzaneen Local Municipality WWTW	LP	APP	18%	Follow-up inspection required. Action plan must be submitted to rectify non-compliances identified. Greater Tzaneen Local Municipality to contact DWs with all the issues that need amendment in the water use authorisation.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
					Emergency dam adjacent to the dosing house not lined and situated close to the Greater Letaba River floodplain
36	Kwazamokuhle WWTW	MP	APP	6%	Action plan is required to be submit an action plan that details action to address the finding of this report.
37	Klipspruit Sewage Treatment Works	MP	APP	35%	WWTWs has been non-operational since February 2023 due to a major cable theft and vandalism that took place at the Works. The situation at the plant has deteriorated from the finding of the previous inspection. The Municipality must submit an updated action plan with time frames to rectify non-compliances identified upon receipt of the inspection report.
38	Emakhanzeni (Belfast) WWTW	MP	APP	0%	The Municipality must submit an updated action plan with time frames, detailing measures already taken to address previous audit findings and measure still to be taken to address the findings of the inspection report.
39	Magalies Water: Koster WWTW	NW	APP	27%	An Action Plan must be submitted with timeframes and dedicated personnel to address all the non-compliances indicated in report. Contact the DWS-Authorisation unit for the process to follow for amendment application Conduct all the relevant studies and assessments as prescribed in the WUL.

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
40	Hartebeesfontein WWTW	NW	APP	38%	An Action Plan must be submitted with specific, measurable timeframes and dedicated personnel to address all the non-compliances identified in report.
41	Tulbach WWTW	WC	APP	82%	Action plan is required. The facility to formally write to the Department for the amendment of the WUA. facility to formally write to the A follow up audit to be conducted by the Department.
42	Bitou Local Municipality: Gansevalley WWTWs	WC	APP	81%	The Municipality must develop a medium- and long-term plans with time frames regarding the management of sludge, and the lining of the wastewater containment facilities. Appointment of Process Controllers on a permanent basis to comply with the newly gazetted regulation.
43	Kliprivier WWTW	WC	APP	52%	The Swellendam local municipality must submit an action plan that details time frames to rectify non-compliances identified. Follow-up inspection of the facility.
44	Gwaing WWTW	WC	APP	61%	The Municipality must submit an updated action plan with timeframes upon receipt of the compliance inspection report.
45	Worcester WWTW	WC	APP	67%	Action plan is required Follow up inspection required.
46	Knysna WWTW	WC	APP	0%	BOCMA to request a final corrective action plan from the Municipality. Should the Municipality fail to comply a Directive shall be issued.
47	Chris Hani District	EC	APP	6%	CHDM must submit and action plan upon receipt of the compliance

Wastewater Treatment Works 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
	Municipality - No-gate WWTW – Qamata District Municipality (replaces Mdanstane WWTW)				inspection report. The action plan must have time frames, responsible person and details on how the findings in the report will be addressed.
48	Kubusie Plantation WWTW	EC	APP	63%	The site does not record the quantity both inflow and outflow due to the minimal volumes treated at the facility.
49	Fort Cunningham WWTW	EC	APP	20%	An action plan with timeframes must be submitted to rectify non-compliances identified upon receipts of the compliance report.

#### 4.6.1.2 WASTE DISPOSAL FACILITIES

The Department of Fisheries, Forestry and Environment (DFFE) for Hazardous Waste/Class A and the Provincial Environmental Departments for General Waste/Class B are the lead authorities for Waste in terms of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008). The DWS exercises its powers contemplated in the National Water Act, 1998 (Act No. 36 of 1998) after consultation with DFFE or the Provincial Environmental Departments.

In terms of the South Africa State of Waste Report of 2018, on 31 December 2017, there were 1423 licenced waste facilities in South Africa, 704 of the 1423 waste facilities are landfills with a waste management permit/licence including water related condition to be monitored by DWS.

The distribution of licensed Waste Disposal Facilities with water related condition to be monitored by DWS are as follows:

Province	No. of Licensed Landfills
Eastern Cape	57
Free State	76
Gauteng	109
KwaZulu Natal	107
Limpopo	53
Mpumalanga	84
North-West	41
Northern Cape	94
Western Cape	83
<b>Total:</b>	<b>704</b>

These inspections were against the conditions in their Waste Permits in terms of section 20 of the Environmental Conservation Act, 2003 (Act 50 of 2003) or the Waste Management Licence in terms of the National Environmental Waste Act, 2008 (Act 59 of 2008).

According the DWS APP target for 2023/2024, eight (8) water use inspections for waste disposal facilities were planned to be inspected in 2023/2024. Eight (8) inspections were conducted meeting its target for this period and one (1) additional inspection. Table 38 provides the detail of facilities inspected and the status of compliance.

During 2023/2024, nine (9) water users were monitored and achieved a compliance range as follows:

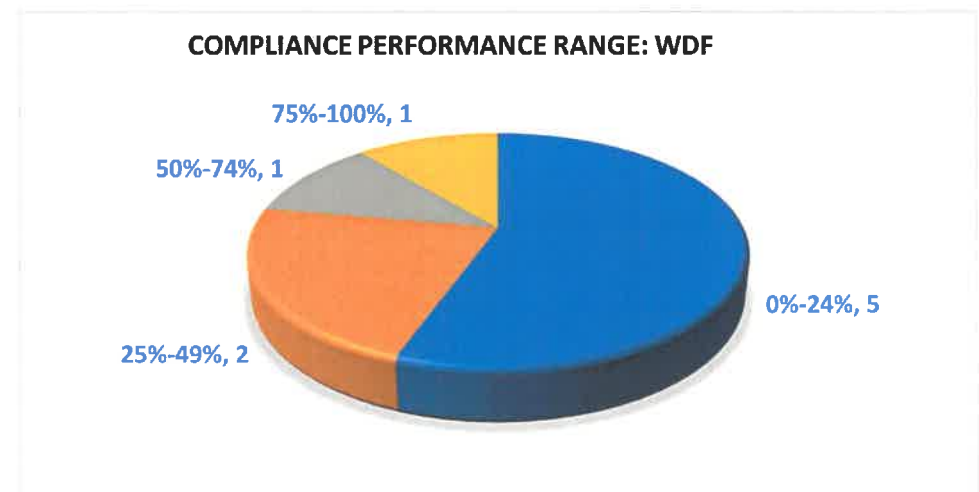
- Five (5) have a compliance level of 0% - 24%
- Two (2) have compliance level of 25% - 49%

- One (1) have compliance level of 50% - 74%
- One (1) have compliance level of 75% - 100%

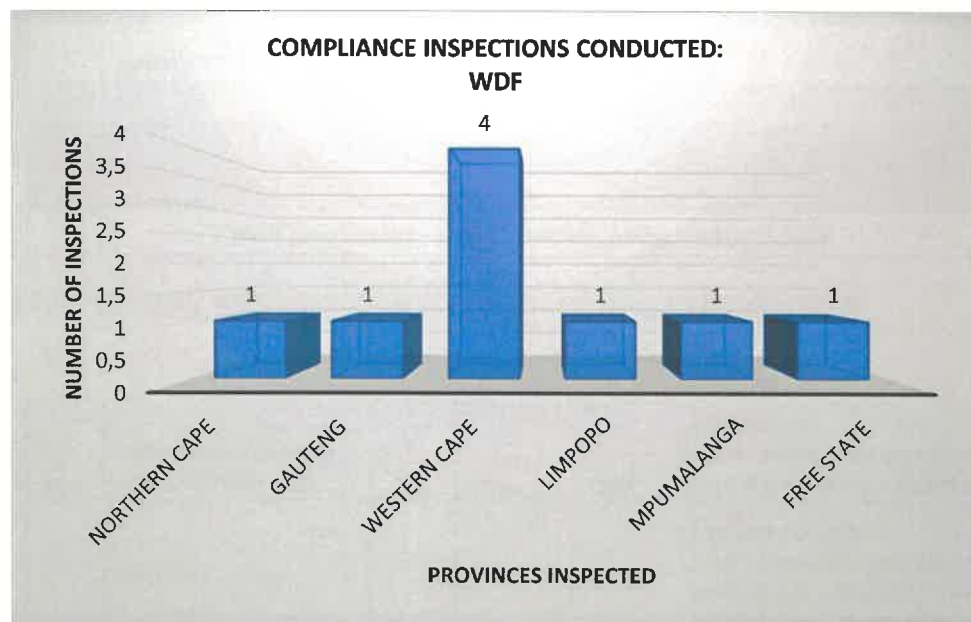
The compliance performance of eight (8) waste disposal facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, and one (1) facility compliance performance was found to be above 65%.

Eight (8) facilities inspected were required to provide corrective action plans. None of the facilities were found to have activities taking place.

An average performance level of 32% is achieved for the waste disposal facilities for compliance with the requirements of the National Environmental Management: Waste Act, 2008 and the National Water Act, 1998. None of the waste disposal facilities were recommended for Enforcement actions.



**Figure 16: Status of compliance for Waste Disposal Facilities (Gov sector)**



**Figure 17: Compliance inspections conducted for WDF in provinces (Government sector)**

The above Figure 17 bar diagram indicate that Western Cape regional office conducted the most inspections for the waste disposal facilities in 2023/2024.

**Table 38: Individual performance: Waste Disposal Facilities**

Waste Disposal Facilities 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
Q1					
1	Kakamas G:S:B- Waste Disposal Site Kai! Garib LM	NC	APP	14%	Action plan is required. Water User to submit an action plan with timeframes for compliance with the conditions of the Waste Permit No: B33/2/450/24/S/P160 dated 30 October 2014.
Q2					
1	Kuruman WDS Ga-Segonyana	NC	APP	33%	Action plan is required. The DWS N/C Regional Office and/or DAERL will decide on the actions to be taken by the Ga-Segonyana LM to rectify the non-compliances of the Kuruman WDS permit conditions.
2	Bellville South WDS City of Cape Town	WC	ADD	80%	A follow-up audit findings letter was sent to facility
Q3					
1	Musina Class B Waste Disposal Site	LP	APP	47%	Action plan is required. The DWS Limpopo Regional Office and/or LEDET will decide on the actions to be taken by the Musina LM to rectify the non-compliances of the Musina WDS waste licence conditions.
2	Coastal Park WDF	WC	APP	50%	Action plan is required. Follow up and investigate the water abstraction non-compliance.
3	Vissershok Waste Management - City of Cape Town	WC	APP	22%	Action plan is required to rectify the non-compliances observed.

Waste Disposal Facilities 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
4	Dullstroom Waste Disposal Site (replaces Kinsros Landfill)	MP	APP	5%	Action plan is required. The DWS Mpumalanga Regional Office and/or Mpumalanga Provincial Department (DARDLEA) will decide on the actions to be taken by the Emakhazeni LM to rectify the non-compliances of the Dullstroom WDS waste licence conditions.
Q4					
1	Ventersdorp G:S:B-Waste Disposal Site JB Marks LM	FS	APP	11%	The DWS Free State Regional Office and/or DEDECT will decide on the actions to be taken by the JB Marks LM to rectify the non-compliances of the Ventersdorp WDS waste licence conditions.
2	Van Rhynsdorp WDS (replaces Muizenberg)	WC	APP	24%	An action plan to address the non-compliances need to be requested.

**Table 39: Joint Inspections - Waste Disposal Facilities 2023/2024**

Joint Inspections - Waste Disposal Facilities 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
Q1					
	None				
Q2					

Joint Inspections - Waste Disposal Facilities 2023/2024					
Name of Facility		Prov	APP/ Add	% of Compliances of facilities	Comments / Findings
	None				
Q3					
1	Mogwase G:M:B-WDS – Moses Kotane Local Municipality	NW	JOINT	71%	An action plan to address the non-compliances was requested by the NW Provincial Department (DEDECT).
Q4					
1	Hartebeesfontein WDS – Madibeng Local Municipality	NW	JOINT	19%	The NW Provincial Department (DEDECT) considered enforcement action.

**Table 40: Self-Regulatory Waste Disposal Facility External Audit Reports evaluated in 2023/24**

Self-Regulatory Waste Disposal Facility					
Name of Facility		Prov	APP/ Add	% of Compliance	Comments / Findings
Q1					
	None				
Q2					
1	Waterval WDS External Audit Report dated November 2022.	NW	Add	51%	The External Auditor gave a score of 90%, which was rectify by the findings of DWS.
Q3					



Self-Regulatory Waste Disposal Facility					
Name of Facility		Prov	APP/ Add	% of Compliance	Comments / Findings
1	Felophepa WDS External Audit Report dated 21 October 2022.	NW	Add	80%	The WDS has no fence and the WQ Monitoring is not the same as the requirements of the Waste Licence.
Q4					
	None				

## 4.6.2 ENFORCEMENT

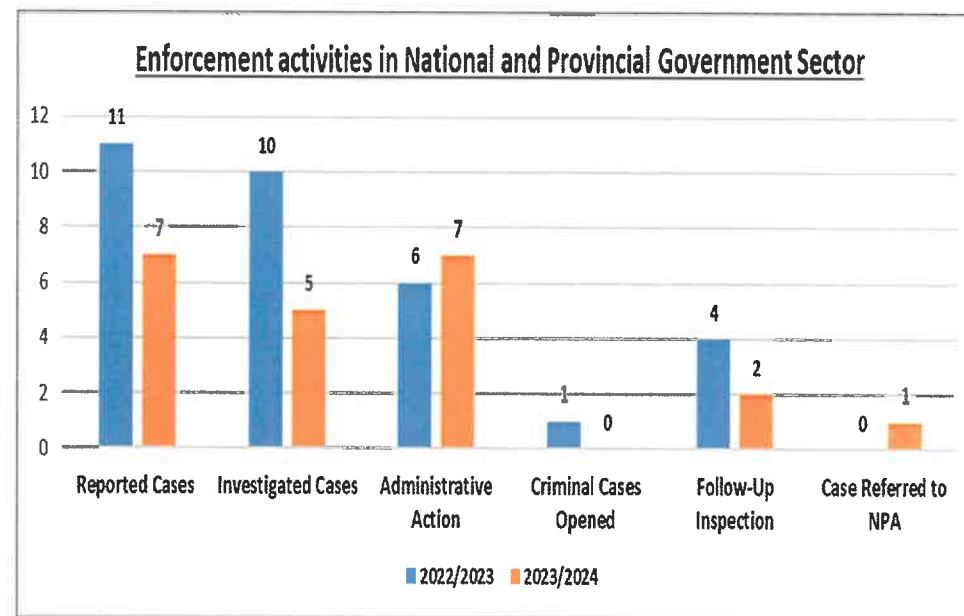
### National and Provincial Government

During the review period, the Enforcement unit received complaints regarding suspected non-compliances in National and Provincial Government and proactively addressed cases that raised suspicions of non-compliance. A total of seven (7) cases were reported, originating from various institutions as well as from members of the public. As a result, the Enforcement unit conducted investigations into five (5) out of the seven (7) cases received.

In the review period, there have been seven (7) notable instances of administrative enforcement actions taken. These actions have ranged from compelling water user to take rectification measures to curb water pollution. The aim has been to address various issues such as non-compliance with water resources legislative requirements.

**Table 41: Enforcement activities in National and Provincial Government sector**

Enforcement Activities in National & Provincial Government Sector	2022/2023	2023/2024
Reported Cases	11	7
Investigated Cases	10	5
Administrative Action	6	7
Criminal Cases Opened	1	0
Follow-Up Inspection	4	2
Case Referred to NPA	0	1

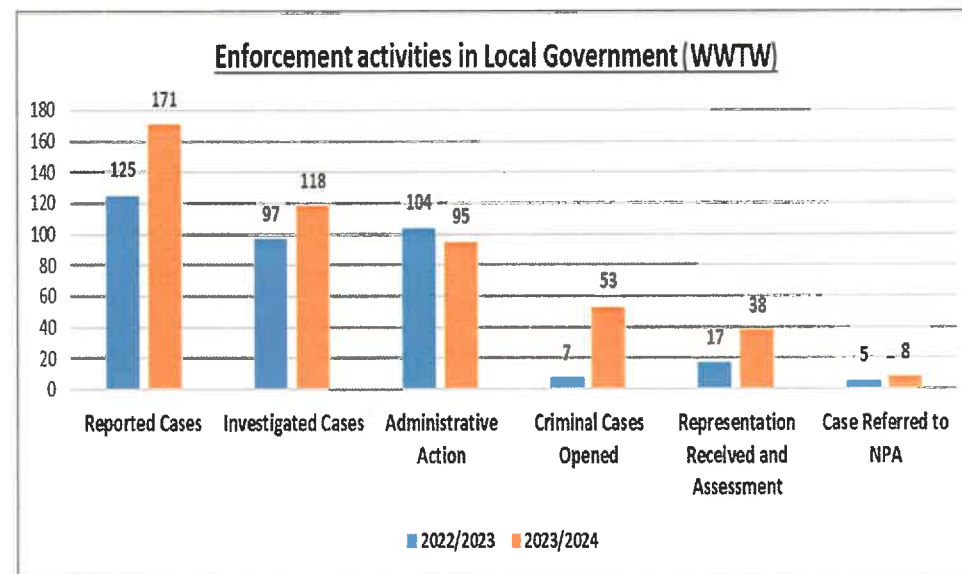


### Local Government (Municipalities)

During the review period, the Enforcement Units received hundred and forty-seven (147) complaints of suspected non-compliances in the local government sector, and out of these reported cases, hundred and eighteen (118) cases were investigated. The investigation findings revealed an array of non-compliances that pose a threat to the water resources. This has prompted Enforcement Unit to take administrative action against identified non-compliant water users, compelling them to rectify the contraventions. A total ninety-five (95) administrative actions were initiated against suspected transgressors. Additionally, fifty-three (53) criminal cases were opened against municipalities that did not comply with the prescripts of the water legislations, and eight (8) cases were referred to the NPA for decision.

**Table 42: Enforcement activities in Local Government sector (WWTW)**

Enforcement Activities in Local Government Sector (WWTW)	2022/2023	2023/2024
Reported Cases	125	171
Investigated Cases	97	118
Administrative Action	104	95
Criminal Cases Opened	7	53
Representation Received and Assessment	17	38
Case Referred to NPA	5	8



## 4.7 DAM SAFETY REGULATION

### 4.7.1 COMPLIANCE MONITORING

#### Dam Safety Compliance Monitoring Inspections (DSCMI)

Compliance Monitoring Inspections were carried out across 9 Water Management Areas by officials of the Directorate: Dam Safety Regulations, Regional Offices and Catchment Management Agencies (including Proto-CMA's). The target set in the departmental annual performance plan was 77 DSCMI inspections to be monitored in 2023/2024 for compliance in accordance with the NWA and 76 were achieved in 2023/2024.

It was reported in the CME Annual Report 2022/23 that due to restructuring of the DWS, the Dam Safety Compliance Monitoring

Inspections (DSCMI) detailed information will be annually reported from 2023/24 in the Dam Safety Annual Reports to avoid duplication of reporting performance by the Dam Safety Office related functions and responsibilities.

Though the compliance inspections conducted by DWS / Proto-CMA / CMA CM officials for section 21 b water uses (storing of water) with or without a safety risk will still be monitored and reported in the CME Annual Reports. Also, any joint operations and enforcement actions taken by the CME or EMI officials within DWS / CMAs will be reported on an annual basis in this report.

**4.7.2 ENFORCEMENT OF DAM SAFETY REGULATIONS**

Sixteen cases were referred to Enforcement as the dam owners or operators, identified as having safety risks, failed to comply with the provisions of the Dam Safety requirements or associated regulations. Thirteen notices were issued to these owners and operators, instructing them to implement corrective measures to address the identified contraventions.

Eight of the dam owners and operators responded to the notices issued under Section 118 of the National Water Act (NWA). The Department reviewed their representations and provided feedback to the respective dam owners. Efforts to engage with the remaining operators are ongoing to ensure full compliance with the prescripts of the NWA.

The Enforcement Unit responded to cases referred by the Dam Safety Office by initiating administrative enforcement actions. These cases primarily involve Dam Owners who have failed to comply with dam safety regulations, *inter alia* failure to submit Dam Safety Inspection Reports by

an Approved Professional Person (APP), failure to conduct necessary dam safety evaluations, and failure to conduct first dam safety evaluation of a newly completed dam. The table mentioned in paragraph 5.2.4 provides valuable insights into the regions where these non-compliant cases are located.

**5. OVERALL NATIONAL TREND ANALYSIS FOR DWS**

**5.1 COMPLIANCE MONITORING STATUS QUO TREND ANALYSIS**

There has been an improvement considering the large number of water users that must be monitored. The number of water users registered with the DWS is 134524 according to the latest WARMS data (1 April 2024). The average number of water users monitored in the past 3 years is 330 water users (excluding Dam Safety inspections). Although there has been an improvement, there are still many water users that must be monitored.

This implies that CM monitored approximately 0.72 % (973/134524) water users up until 2023/2024 financial year. This also implies that DWS (CM) monitors water users at the rate of approximately 0.25% (324/134524) per financial year for the past (3) financial year. Meaning that the department is even nearly performing compliance inspections of 1% of the water users registered with the department. This highlights the lack of capacity to perform the regulatory function within the department and CMAs. During the last 10 years 3608 compliance inspections were conducted for various water users.

This emphasize that other compliance monitoring tools / measures need to be considered and used in the CME hierarchy level to ascertain the

status of compliance sooner of a water user and if non-compliances and impacts to the water resource is detected then it can be rectified quicker.

Self-regulation audits at a desktop level can assess the status of compliance of water users and more water users can be audited through this approach. This is being considered as such a screening tool and early warning sign measure to assess more water users' compliance performance to their water use authorisations. Other compliance monitoring approaches will also be explored to monitor compliance of all water users sooner and quicker.

Human resource capacity to perform these compliance monitoring inspections and audits will also need to be increased to be able to monitor the status of compliance of the large number of water users in South Africa. Set CM performance standards on number of inspections or audits per official per annum needs to be determined as well.

### 5.1.1 MINING SECTOR

Compliance monitoring is a fundamental activity within the regulation function of ensuring that water resources are protected and is one of the main ways by which adherence to limits and laws can be assessed for regulatory purposes. During the financial year 2014/2015, 114 mines were monitored for compliance with the conditions of the water use licence and applicable provisions of the National Water Act (Act 36 of 1998). In the same financial year, a score card was developed in order to align the reporting with the objectives set in the Medium Terms Strategic Framework for improving mines' compliance with National Water Act from 30% to 60% in 2019. Performance of the mines in 2014/2015 financial year was determined as 50% in accordance with the designed score card which

measures level of compliance. The 50% performance in 2014/2015 demonstrated a considerable improvement.

In the financial year 2015/2016, 85 mines were monitored for compliance in accordance with the National Water Act and the performance was determined as 56%. There was an increase in terms of performance from 50% of 2014/2015 to 56% in 2015/2016. Financial year 2015/2016 continued to display considerable improvement of the mines with regards to compliance with the National Water Act, and as well as conditions of the water use authorisations. In the financial year 2016/2017, 111 mines monitored in 2016/2017 achieved an average performance level of 52% for compliance in accordance with the National Water Act. There has been a slightly decrease in terms of performance from 56% in 2015/2016 and 52% 2016/2017. There are a number of factors which led to the decrease in performance *inter alia* the number of mines monitored for financial years are not consistent and additional mines never monitored before were done.

In the financial year 2017/2018, 118 mines monitored achieved an average performance level of 50% for compliance in accordance with the National Water Act.

In the financial year 2018/2019, 89 mines were monitored and achieved an average performance level of 58% for compliance in accordance with the National Water Act.

In the financial year 2019/2020, 71 mines were monitored and achieved an average performance level of 66% for compliance in accordance with the National Water Act.

In the financial year 2020/2021, 71 mines were monitored and achieved an average performance level of 66% for compliance in accordance with the National Water Act.

In the financial year 2021/2022, 79 mines were monitored and achieved an average performance level of 66% for compliance in accordance with the National Water Act, as follows:

- 17 have compliance level of 0-24%
- 7 have compliance level of 25%-49%,
- 15 have compliance level of 50%-74%, and
- 32 have compliance level of 75%-100%

In the financial year 2022/23, 102 mines were monitored and achieved an average performance level of 49% for compliance in accordance with the National Water Act, as follows:

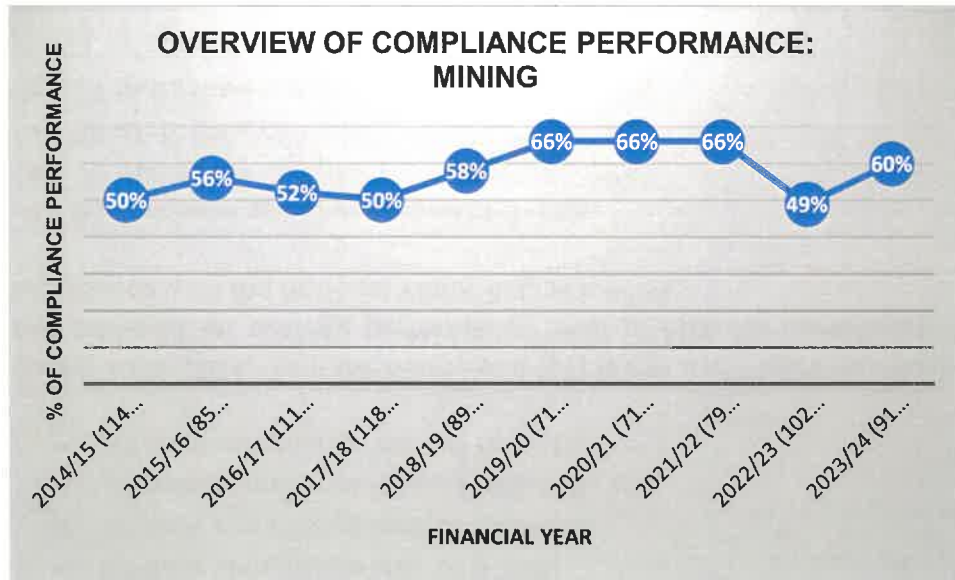
- 13 have compliance level of 0-24%
- 22 have compliance level of 25%-49%
- 28 have compliance level of 50%-74%, and
- 39 have compliance level of 75%-100%

During 2023/2024, from the ninety-one (91) water users were monitored and achieved an average performance level of 60% for compliance in accordance with the National Water Act, as follows:

- 9 users have compliance level of 0 -24%
- 20 users have compliance level of 25%-49%
- 35 users have compliance level of 50%-74%
- 27 users have compliance level of 75%-100%

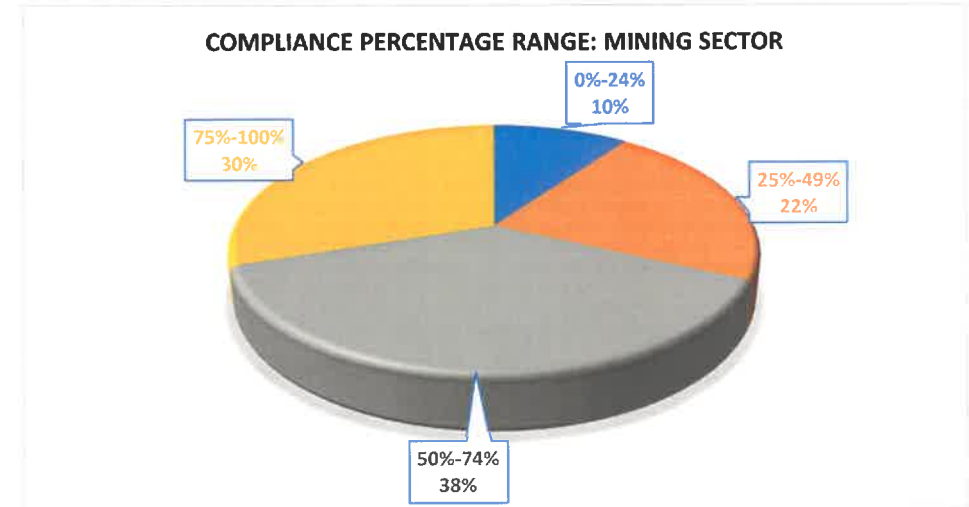
There was an improvement of performance in the mining sector from 49 % (2022/23) to average 60% in this financial year. During the 2023/24 compliance inspections sixty-eight (68) mines were required to provide corrective action plans. This number represents a combination of mines that performed below and above the preferred 65% compliance level. Eight (8) mines were recommended for Enforcement actions via NCIMS to ECMS, depending on risk pose to the water resource. The monitoring of the corrective action plans and follow-up inspections at mines shall be prioritised until such time the mines achieve acceptable compliance performance in accordance with the requirements and objectives of the National Water Act, 1998. It is important to note that three (3) mines were monitored and found to have no mining activities were taking place as well as section 21 water uses, as authorised, were not being fully exercised, however, applicable administrative conditions were assessed for compliance. Given that there were only few administrative conditions assessed, mines were found to be fully compliant with the requirements of the conditions of the WUA obtaining a highest performance score. However, this does not imply the mine were fully compliant with the entire conditions of the WUA. Once the authorised water uses fully are exercised, a follow up compliance inspection shall be undertaken to determine the full status of compliance with all conditions of the WUA. Furthermore, two (2) operational mines were found to be 100% due to only selected conditions that were assessed and therefore fully compliant.



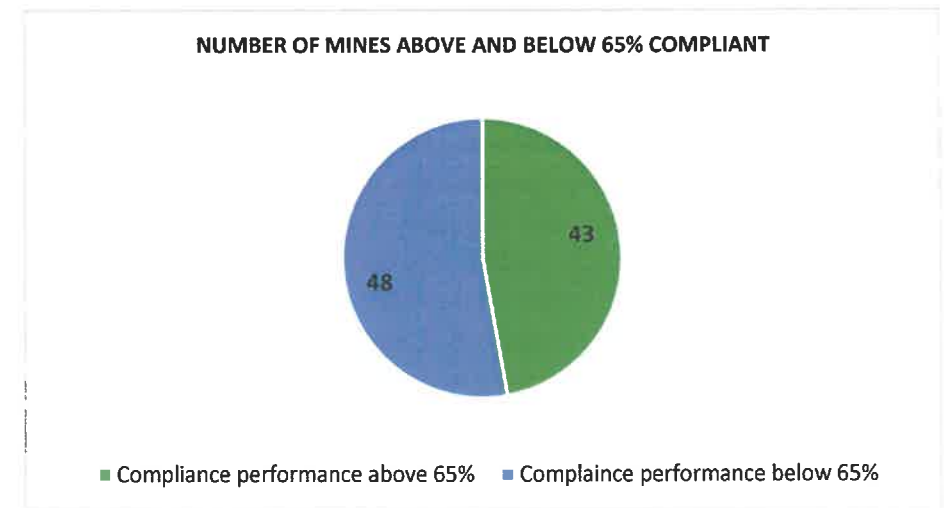


**Figure 18: Overview of % compliance performance of Mining sector in last 10-years**

A significant improvement has been observed with the mines that did not perform satisfactory in previous years. This is evident from the implementation of corrective actions that are being tracked for progress by DWS on follow-up compliance inspections. Enforcement actions taken on the other mines have yielded the outcomes expected and strengthened the mines' commitment to expedite implementation of corrective actions to achieve compliance.



**Figure 19: Overview of % compliance performance range of Mining sector**



**Figure 20: Mines above and below 65% compliance performance level**

## 5.1.2 INDUSTRY SECTOR

### 5.1.2.1 INDUSTRY

A trend analysis of compliance of this sector was not undertaken in the 2022/2023 financial year. Compliance monitoring inspections have been conducted on 51 industrial water users for 2022/2023. These inspections were against their water use licenses and their conditions. During 2022/2023, 51 Industries were monitored and achieved a compliance range as follows:

- 4 users have compliance level of 0-24%
- 11 users have compliance levels of 25%-49%
- 11 users have compliance levels of 50%-74%
- 20 users have compliance level of 75%-100%
- 5 users have no applicable scorecard due to being non-operational.

The average compliance for the sector is 63%.

This sector has combined water quality and quantity aspects are both required to fully assess compliance. The understanding of conditions ranges from well understood to some ambiguity for some users. It is noted that some users are not operational and this impacts full assessment of a site. Efforts in technical understanding are ongoing.

During 2023/2024, seventy-three (73) water users were monitored and achieved a compliance range as follows:

- 8 users have compliance level of 0-24%
- 7 users have compliance level of 25%-49%
- 21 users have compliance level of 50%-74%

- 32 users have compliance level of 75%-100%
- 5 users have no applicable scorecard (out of scope)

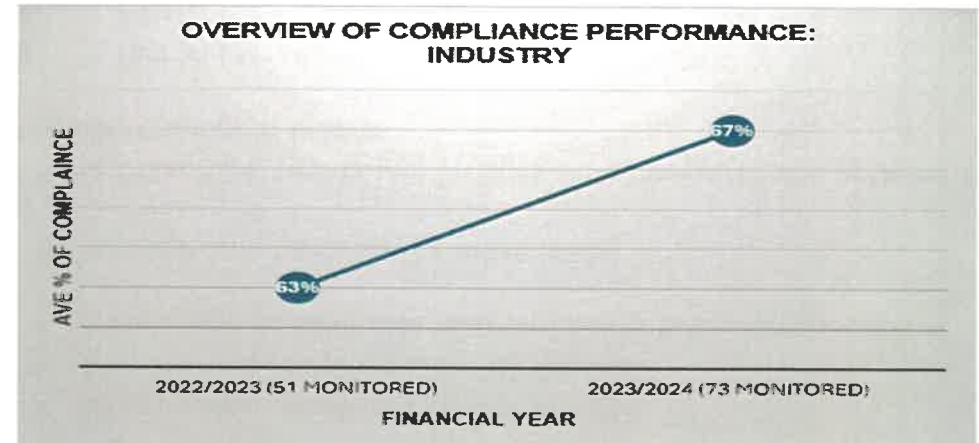


Figure 21: Overview of % compliance performance of Industry sector in last 2-years

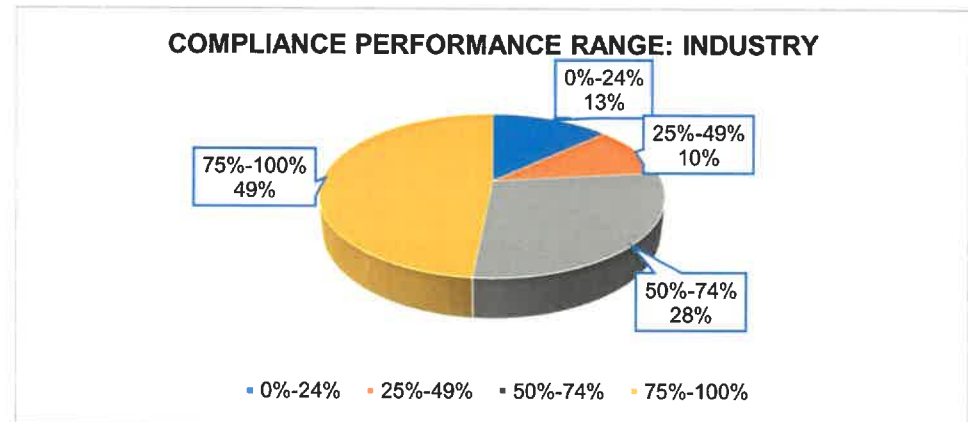
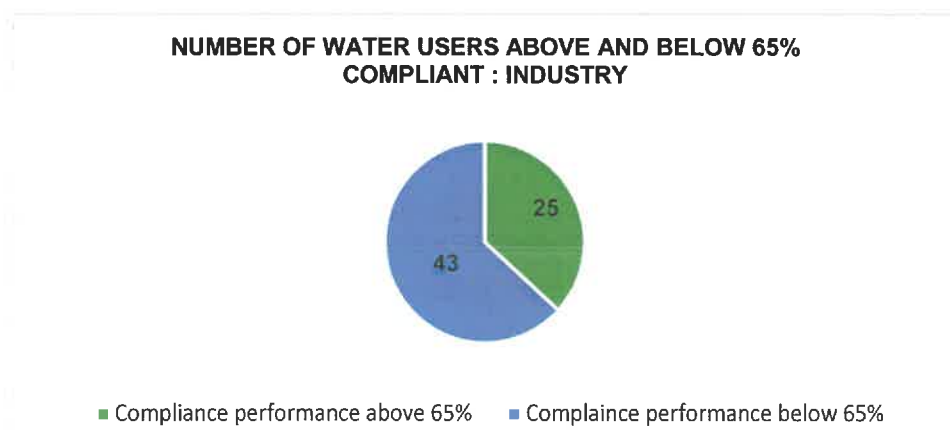


Figure 22: Overview of % compliance performance range of Industry sector

The average compliance for the sector is 67%.

The compliance performance of thirty (25) industries inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score cards, whereas thirty-seven (43) industries compliance performance was found to be above 65%.



**Figure 23: Industries above and below 65% compliance performance level**

It must be noted that while the compliance performance level between 2022/2023 and 2023/2024 may seem relatively within the same range, it does not necessarily indicate that the industry sector is showing an improvement to compliance. The sector notes that water users require effort in understanding conditions. To improve the understanding of water use requirements, efforts in compliance promotion are ongoing from a technical angle and not just administrative. It is noted that some users are

not operational and this impacts full assessment of a site, which affected scorecards and yearly averages.

For 2021/23 financial year the industry sector monitored 23 facilities with a status of compliance performance level of 45%. It needs to be noted that Public Institutions in 2021/23 were a separate sector and not yet included in the Industry sector. Therefor only the last two (2) years for the Industry sector is illustrated in the graph below to compare the same facilities results.

### 5.1.2.2 AGRO-PROCESSING SECTOR

A trend analysis of compliance of this sector was not undertaken in the 2022/2023 financial year. Thirty-two (32) Agro-Processing industries were monitored and achieved a compliance range as follows:

- 5 users have compliance level of 0-24%
- 4 users have compliance level of 25%-49%
- 10 users have compliance level of 50%-74%
- 11 users have compliance level of 75%-100%
- 2 users have no applicable scorecard due to being non-operational

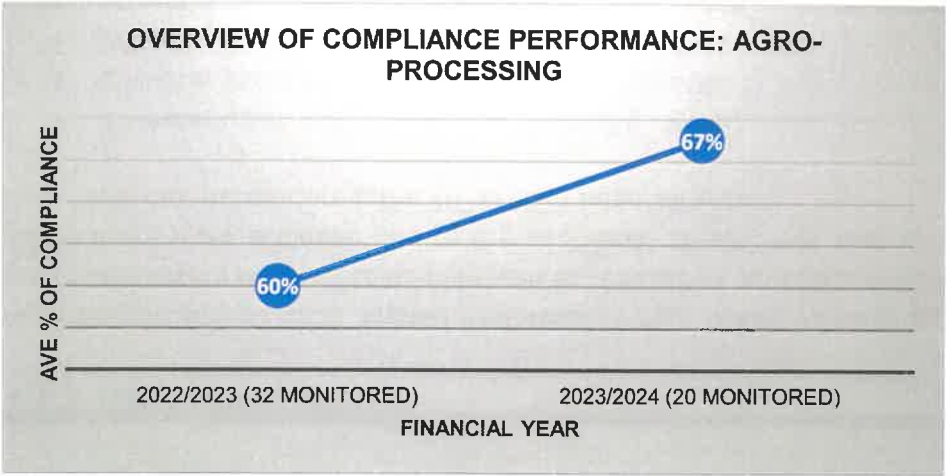
The average compliance for the sector is 60%.

During 2023/2024, twenty (20) facilities were monitored and achieved a compliance range as follows:

- Two (2) users have compliance level of 0% -24%
- Two (2) users have compliance level of 25% - 49%
- Eight (8) users have compliance level of 50% - 74%
- Eight (8) users have compliance level of 75% - 100%

The compliance performance of nine (9) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas eleven (11) facilities compliance performance was found to be above 65%.

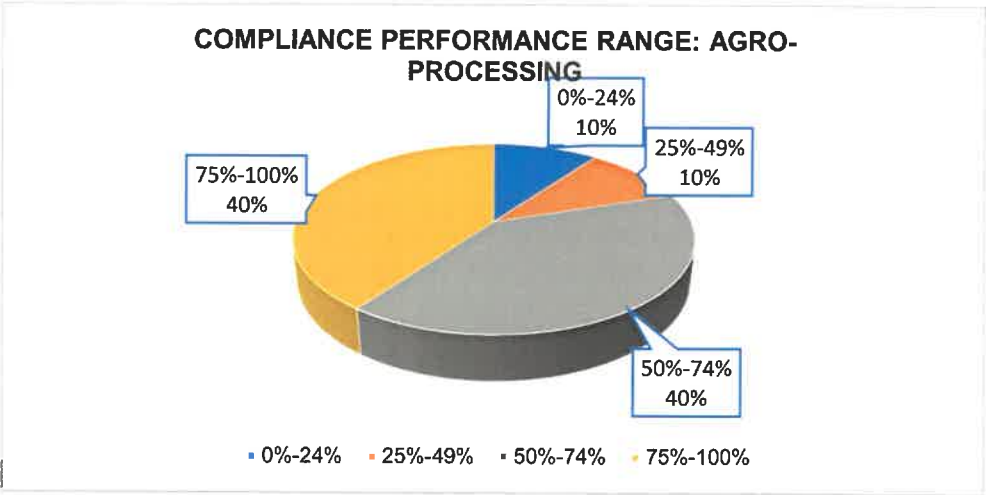
The average compliance for the sector is 67%.



**Figure 24: Overview of % compliance performance of Agro processing sector in last 2-years**

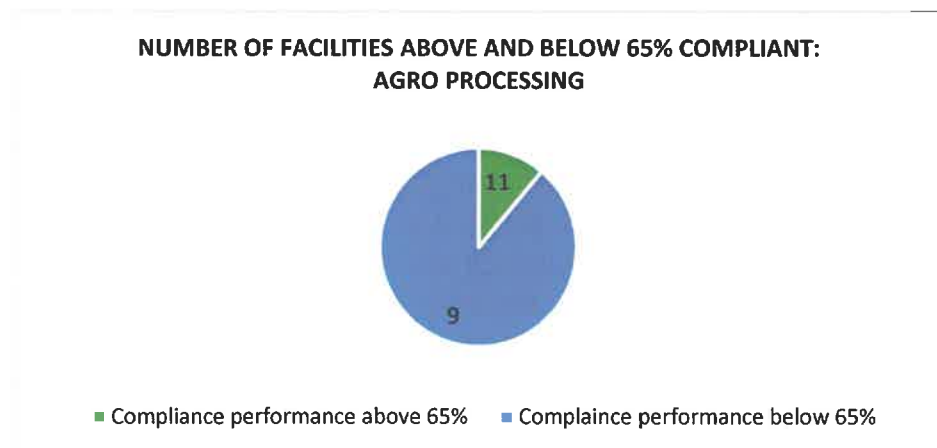
The Agro-Processing sub-sector came across challenges with subjective license conditions on many confined animal feeding operations (piggeries, dairies, feedlots). Operators of confined animal feeding operations have also raised concerns about the parameter and thresholds set for wastewater. It is alleged that it is not practically or technically feasible to meet these requirements as they were primarily developed possibly with domestic wastewater focus and the Department continues to work on the matter. There is existing lawful water use in this sector, which was found

to be in combination with the use of water use licenses. This is due to the nature of operations expanding and or/changing over time.



**Figure 25: Overview of % compliance performance range of Agro processing sector**

The sector notes that water users require effort in understanding conditions. To improve the understanding of water use requirements, efforts in compliance promotion are ongoing from a technical angle and not just administrative. It is noted that some users are not operational and this impacts full assessment of a site, which affected scorecards and yearly averages.



**Figure 26: Agro-processing above and below 65% compliance performance level**

### 5.1.3 IRRIGATION SECTOR

According to the 2022/23 Annual Performance Plan (APP), 73 individual water users were planned to be overseen in 2022/2023, and 89 individual water users were achieved due to the additional 16 activities that were inspected/monitored during the 2022/2023 financial year.

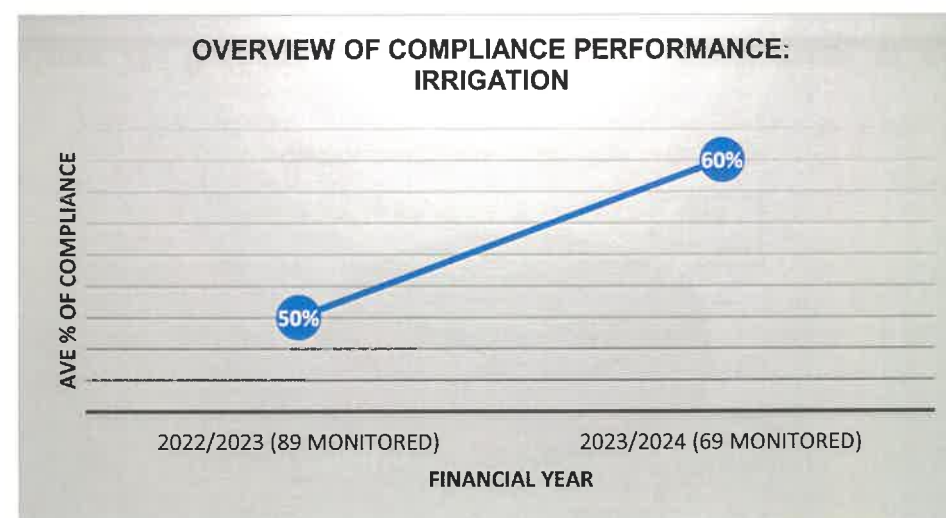
- 10 water users have compliance level of 0 - 24%,
- 13 water users have compliance level 25% - 49%
- 28 water users have compliance level 50% - 74%
- 19 water users have compliance level 75% - 100%.
- 19 users who have no activity taking place but were assessed only on administrative conditions

Therefore, the overall compliance status for irrigation sector in the 2022/23 financial year is 50%. There were other activities where irrigation is not yet taking place. They are reflected as having 100% compliance, but

this does not mean that they are complying. A follow-up may be conducted when irrigation is taking place.

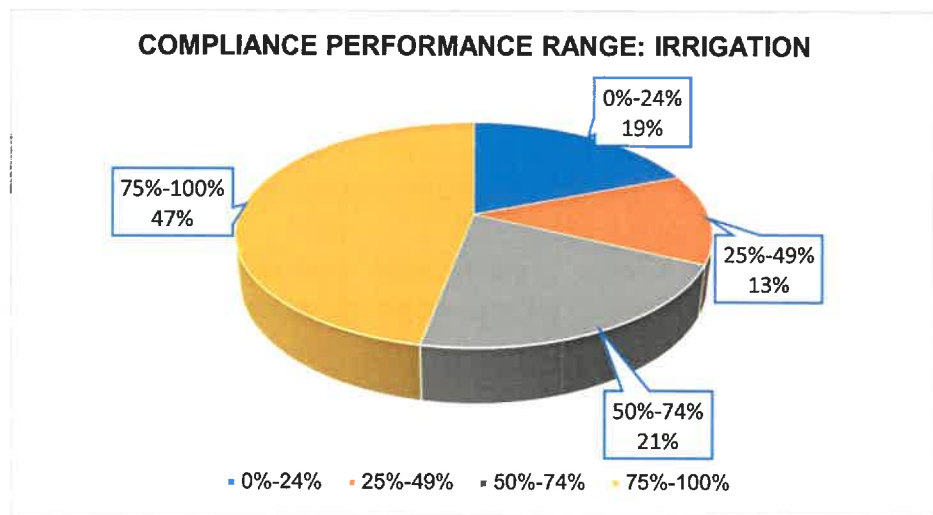
During 2023/2024, sixty-nine (69) water users were monitored and achieved a compliance range as follows:

- Thirteen (13) users have a compliance score of 0% - 24%
- Nine (9) users have a compliance level of 25% - 49%
- Fourteen (14) users have a compliance level of 50% - 74%
- Thirty-two (32) users have a compliance level of 75% - 100%
- One (1) user have no applicable scorecard (not commenced).



**Figure 27: Overview of % compliance performance of Irrigation sector in last 2-years**



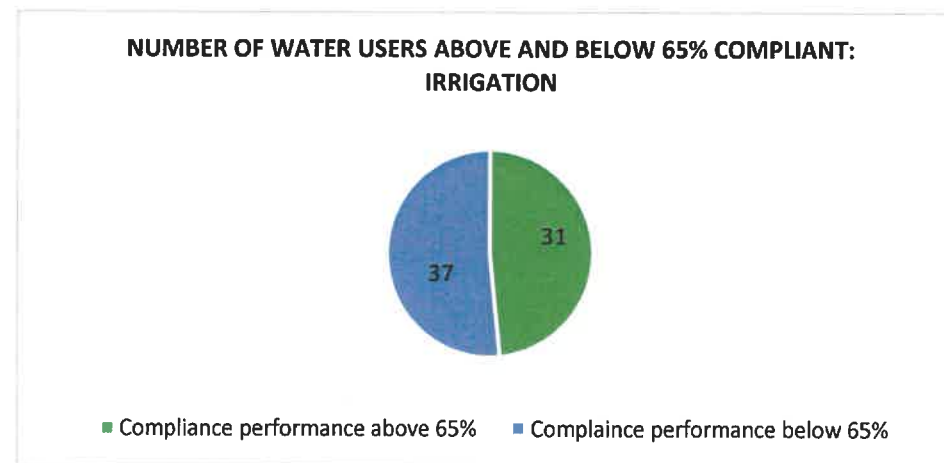


**Figure 28: Overview of % compliance performance range of Irrigation sector**

The 65% compliance performance level was used to determine the percentage of the compliance status. There are other activities where irrigation is not yet taking place.

The compliance performance of thirty-one (31) water users inspected were found to be unacceptable as they have performed below the 65% as per the compliance score card, whereas thirty-seven (37) water users' performance was found to be above 65%.

An average performance level of 60% is achieved for the Irrigation sector for compliance with the requirements of the National Water Act, 1998.

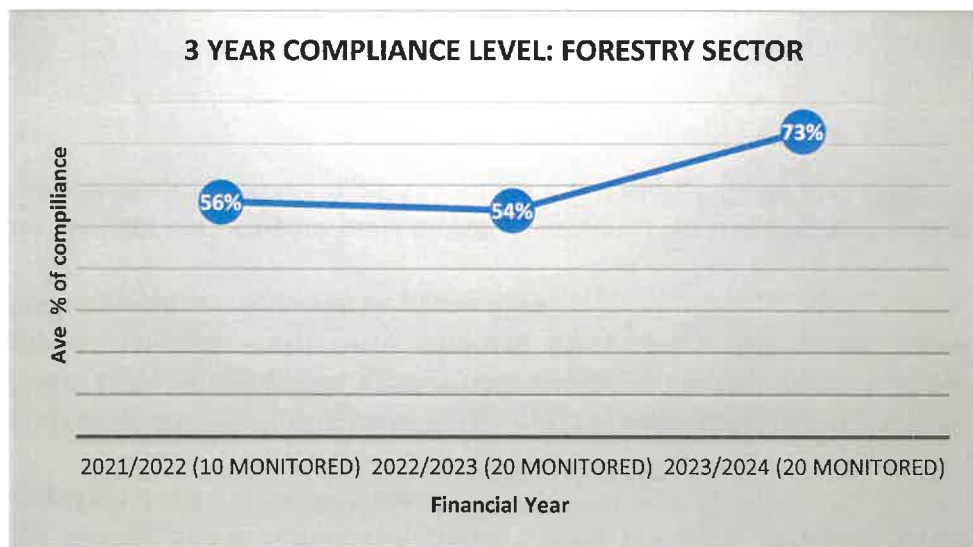


**Figure 29: Irrigation above and below 65% compliance performance level**

#### 5.1.4 FORESTRY SECTOR

Compliance monitoring for afforestation is conducted against the conditions of water use licenses and where Existing Lawful Water Use (ELU) authorisation exist, applicable permit conditions are considered, and in cases where ELU authorisations do not have applicable permit conditions, best operating/management practices are considered.

The average compliance achieved by afforestation plantations was 56% in 2021/2022 (10 monitored), 54% in 2022/2023 (20 monitored) and 73% in 2023/24 (20 monitored).



**Figure 30: Overview of % compliance performance of Forestry sector in last 2-years**

Aspects that remain a concern or challenge across the plantations are:

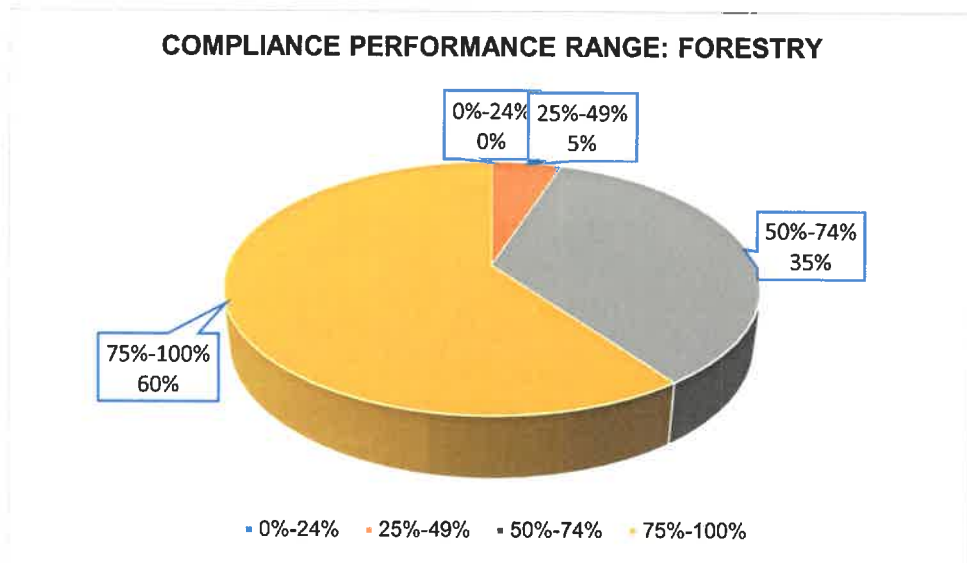
- Exceeding of the authorised afforestation allocation and unauthorised exchanges of genus.
- Failure to adhere to administrative requirements, e.g. failure to submit internal and external audit reports and other requested information.
- Inconsistent implementation of delineation and buffering of watercourses (rivers, streams, wetlands, dams).

- The uncontrolled spread of afforestation species outside the authorised areas: into watercourses, buffer zones, other open areas and neighbouring properties.
- Subdivision of properties without notification to the Department and failure to amend water use registration.

The court case between DWS and FSA is causing difficulties to the regulator and the forestry sector. The exchange from one genus to the another cannot be done in a lawful manner currently and the validation and verification process cannot be implemented for SFRA related water use until the court case is finalised.

In the financial year 2023/24, twenty (20) were monitored and achieved an average performance level of 73% for compliance in accordance with the National Water Act, as follows:

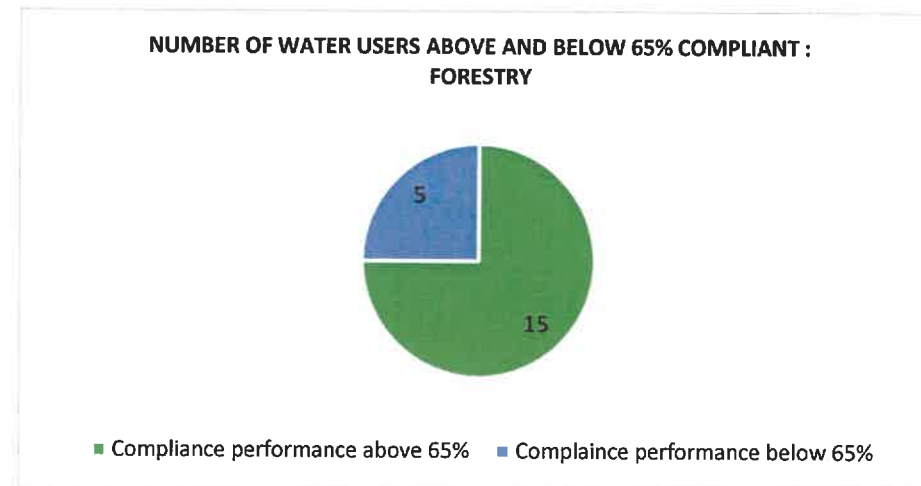
- Zero (0) users have compliance level of 0% - 24%
- 1 user have compliance level of 25% - 49%
- 7 users have compliance level of 50% - 74%
- 12 users have compliance level of 75% - 100%



**Figure 31: Overview of % compliance performance range of Forestry sector**

The compliance performance of five (5) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas fifteen (15) facilities compliance performance was found to be above 65%.

The average performance level of 73% is achieved for the industry sector for compliance with the requirements of the National Water Act, 1998.



**Figure 32: Forestry above and below 65% compliance performance level**

## 5.1.5 GOVERNMENT SECTOR

### 5.1.5.1 WASTEWATER TREATMENT WORKS

A trend analysis of compliance of this sector was not undertaken in the 2022/2023 financial year. Most municipalities with their limited budgets and other resources are not managing WWTWs as they should be and therefore have a serious water quality impact on the receiving water resources. It is for this reason that joint audits were done with DFFE as well. DWS will engage with CoGTA to holistically improve the performance of WWTWs.

In the financial year 2022/23, forty-six (46) were monitored and achieved an average performance level of 53% for compliance in accordance with the National Water Act, as follows:

- Six (6) users have compliance level of 0% - 24%
- Twelve (12) users have compliance level of 25% - 49%,
- Fourteen (14) users have compliance level of 50% - 74%
- Twelve (12) users have compliance level of 75% - 100%
- Two (2) users have no scorecard. Activities did not commence yet.

This needs to be read together with the 2022 Green Drop Report.

During 2023/2024, seventy-five (75) water users were monitored and achieved a compliance range as follows:

- Twenty-six (26) users have compliance level of 0% - 24%
- Twenty-nine (29) users have compliance level of 25% - 49%,
- Fifteen (15) users have compliance level of 50% - 74%
- Five (5) users have compliance level of 75% - 100%

The compliance performance of sixty-nine (69) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas six (6) facilities compliance performance was found to be above 65%.

An average performance level of 36% is achieved for the Government Sector for compliance with the requirements of the National Water Act, 1998.

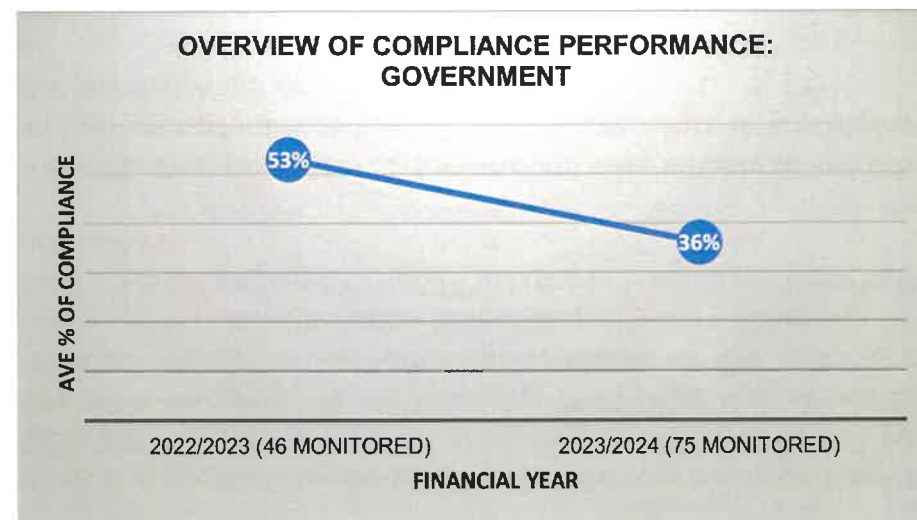


Figure 33: Overview of % compliance performance of WWTWs Government sector in last 2-years

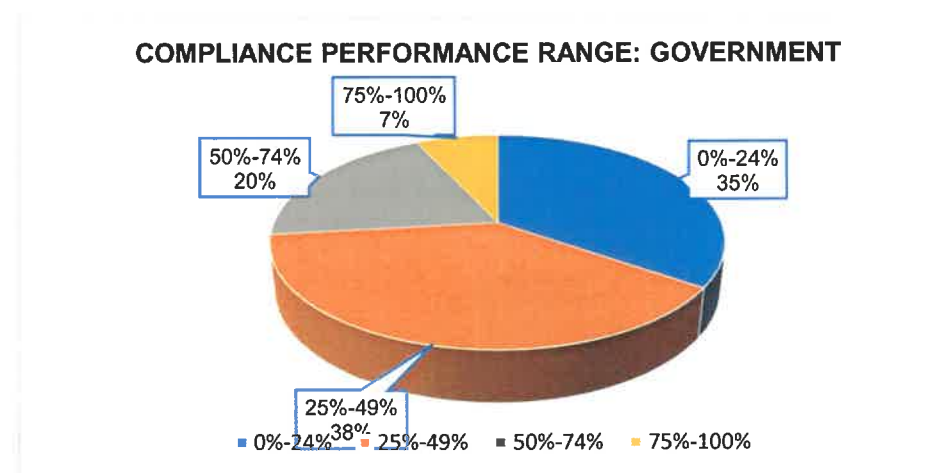
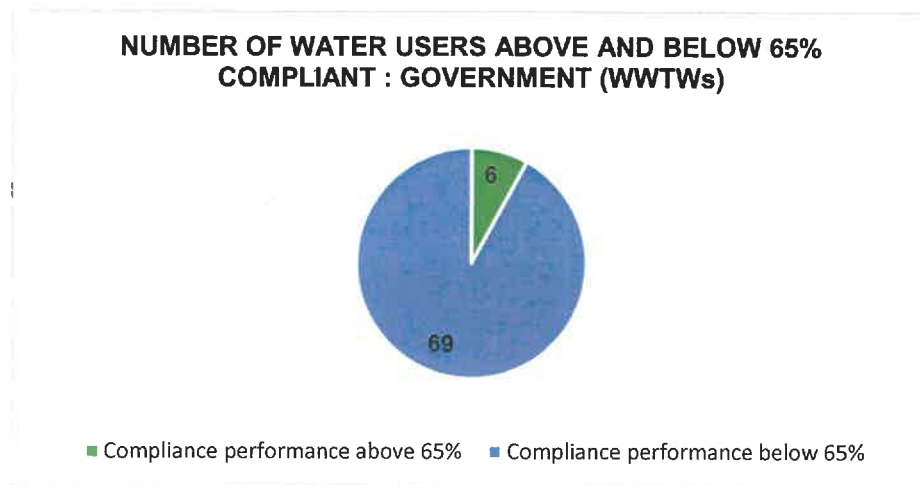


Figure 34: Overview of % compliance performance range of WWTWs Government sector



**Figure 35: WWTWs above and below 65% compliance performance level**

### 5.1.5.2 WASTE DISPOSAL FACILITIES

Chapter 5 of the National Environmental Management: Waste Act (from 01 July 2009) requires Co-operative Waste Management Authorisations between DFFE/Provincial DFFE Departments and DWS for the licensing of waste management activities.

Section 49(2) of the NEM: WA: “A decision to grant an application for a waste management license in respect of a waste disposal facility is subject to concurrence of the Minister of Water Affairs.”

Section 50(3) of the NEM: WA: “the issuing of a waste management license for a waste disposal facility is subject to the inclusion in the license of any conditions contained in a Record of Decision issued by the Minister of Water Affairs regarding any measures that the Minister of DWA considers necessary to protect a water resource as define in the NWA”.

Chapter 7 – Compliance and Enforcement – Compliance Powers of Minister of Water Affairs and Forestry

The National Environmental Management: Waste Act 59, 2008, Section 65(1) provides that despite the powers conferred on the Minister responsible for Environment or MEC by or under this Act, the Minister responsible for Water may exercise any powers conferred on him or her by section 19, 53 and 155 of the NWA, in respect of a person who contravenes or fails to comply with any conditions of a waste management licence, a remediation order or measures required to address the monitoring and management of the risk at a remediation site specified in terms of section 38(3) that may lead to an impact on a water resource.

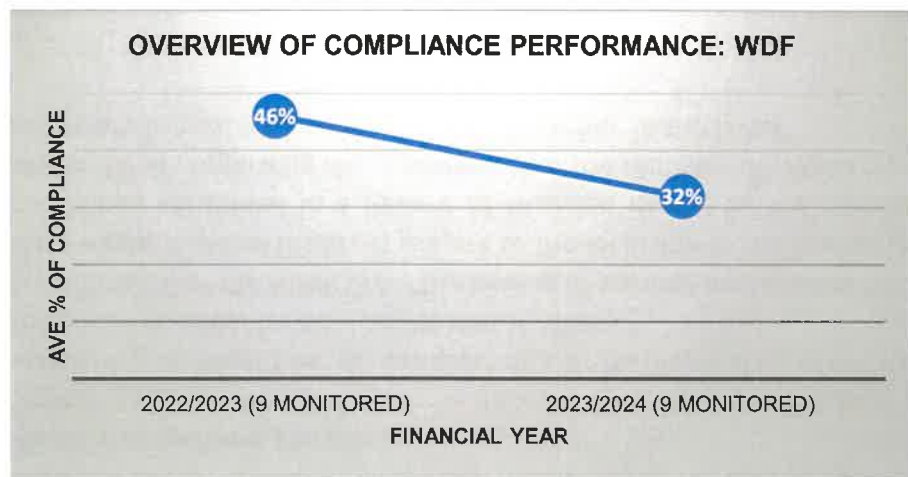
In the financial year 2022/23, nine (9) were monitored and achieved an average performance level of 46% for compliance in accordance with the National Water Act, as follows:

- Two (2) have a compliance level of 0% - 24%
- Four (4) have compliance level of 25% - 49%
- One (1) have compliance level of 50% - 74%
- Two (2) have compliance level of 75% - 100%

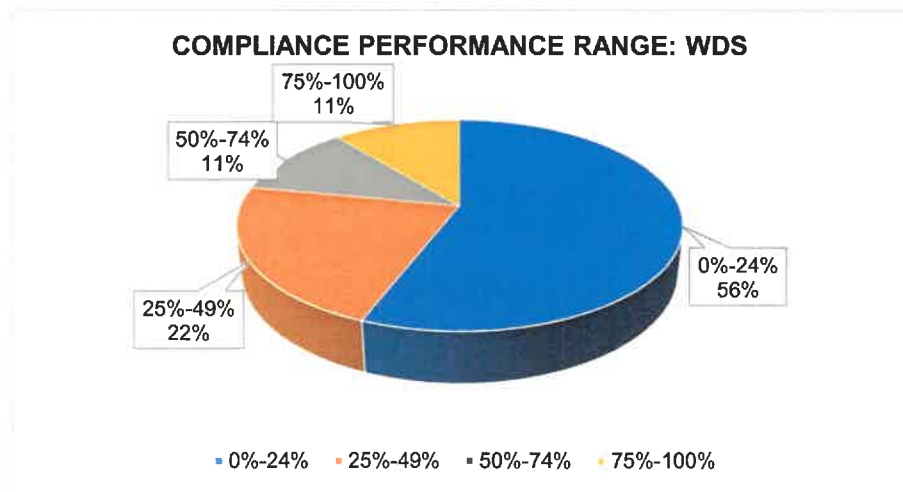
In the financial year 2023/24, nine (9) were monitored and achieved an average performance level of 32% for compliance in accordance with the National Water Act, as follows:

- Five (5) have a compliance level of 0% - 24%
- Two (2) have compliance level of 25% - 49%
- One (1) have compliance level of 50% - 74%
- One (1) have compliance level of 75% - 100%

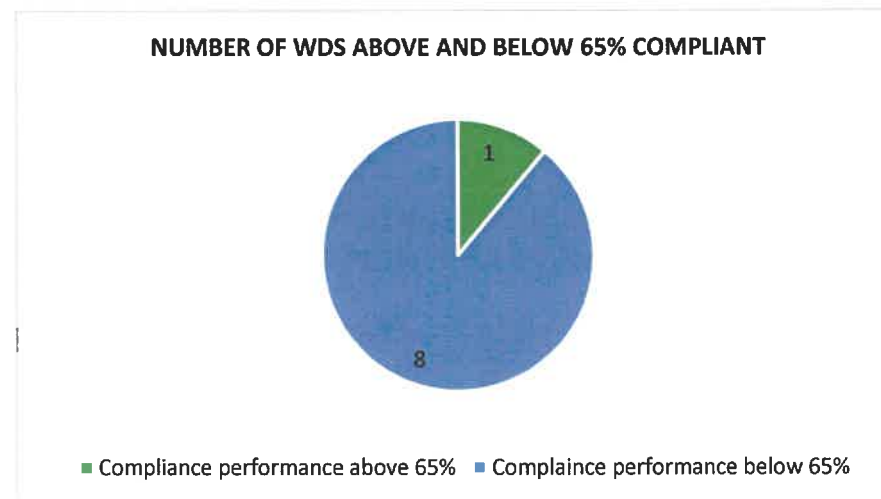




**Figure 36: Overview of % compliance performance of WDF Government sector in last 2-years**



**Figure 37: Overview of % compliance performance range of WDF Government sector**



**Figure 38: WDFs above and below 65% compliance performance level**

The number of Joint WDS Inspections (DWS and Provincial Environmental Departments) conducted were two (2) and achieved an average performance level of 45% as follows:

- One (1) has a compliance level of 0% - 24%
- One (1) has compliance level of 50% - 74%

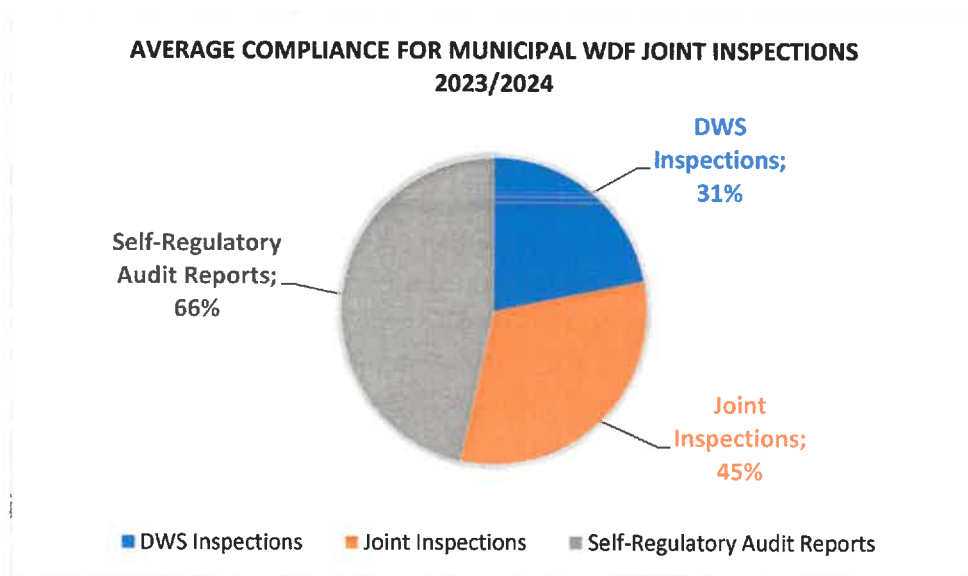
Two (2) Self-regulation Waste Disposal Facility External Audit Reports evaluated in 2023/24 were done on all the conditions of the waste management licence/permit and achieved an average performance level of 66%:

- One (1) has compliance level of 50% - 74%
- One (1) has compliance level of 75% - 100%

**Table 43: Average Compliance for Municipal WDF for last 2-years**

Average Compliance for Municipal WDF	2022/23	2023/24
DWS Inspections	(9) 46%	(9) 32%
Joint Inspections	(6) 51%	(2) 45%
Self-regulation Audit Reports	(7) 74%	(2) 66%

Most municipalities with their limited budgets and other resources are not managing Waste Disposal Facilities as they should be and therefore may have an impact on the receiving surface and ground water resources.



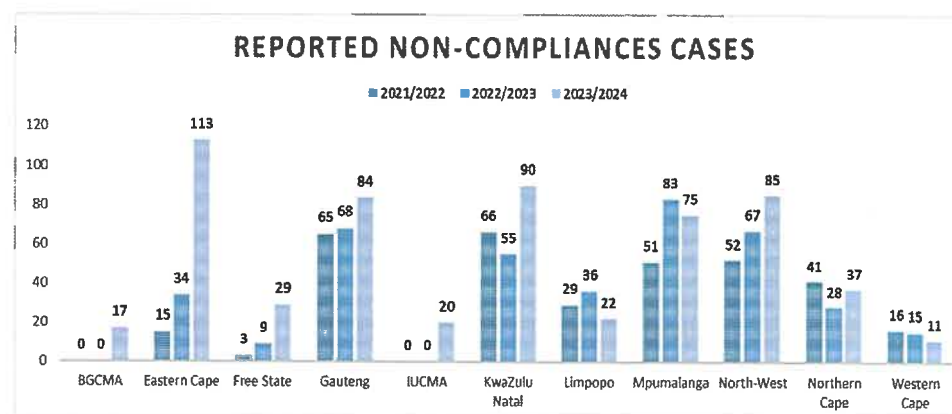
**Figure 39: Average Compliance for Municipal WDF joint inspections 2023/2024**

## 5.2 ENFORCEMENT STATUS QUO TREND ANALYSIS

The below graph illustrates number of reported non-compliance cases in all the regions over the period of three years as abstracted from the ECMS.

**Table 44: Reported non-compliance cases in all regions over three years**

Region	2021/2022	2022/2023	2023/2024
BOCMA	-	-	17
Eastern Cape	15	34	113
Free State	3	9	29
Gauteng	65	68	84
IUCMA	-	-	20
KwaZulu Natal	66	55	90
Limpopo	29	36	22
Mpumalanga	51	83	75
North-West	52	67	85
Northern Cape	41	28	37
Western Cape	16	15	11
<b>Totals</b>	<b>338</b>	<b>385</b>	<b>583</b>



*Reported cases and investigated for 3-years*

During the financial year 2023/2024, non-compliance cases related to pollution and unlawful water use varied significantly across South Africa's provinces. The Eastern Cape reported the highest number of cases at one hundred and thirteen (113), followed by KwaZulu-Natal with ninety (90) cases and Gauteng with eighty-four (84). Mpumalanga also showed a high level of non-compliance with seventy-five (75) cases. In contrast, the North-West Province documented sixty-five (65) cases, and the Northern Cape had thirty-seven (37). The Free State and Limpopo reported fewer cases, with twenty-nine (29) and twenty-two (22), respectively. The Western Cape had the lowest number of cases at eleven (11). This distribution indicates a need for targeted regulatory efforts, with increased focus on provinces with the highest numbers of non-compliance to effectively address and mitigate environmental impacts. BOCMA and IUCMA reported seventeen (17) and twenty (20) cases respectively on the ECMS. It needs to be noted however not all reported cases are captured on the ECMS by BOCMA and IUCMA during this reporting period.

### 5.2.1 MINING SECTOR

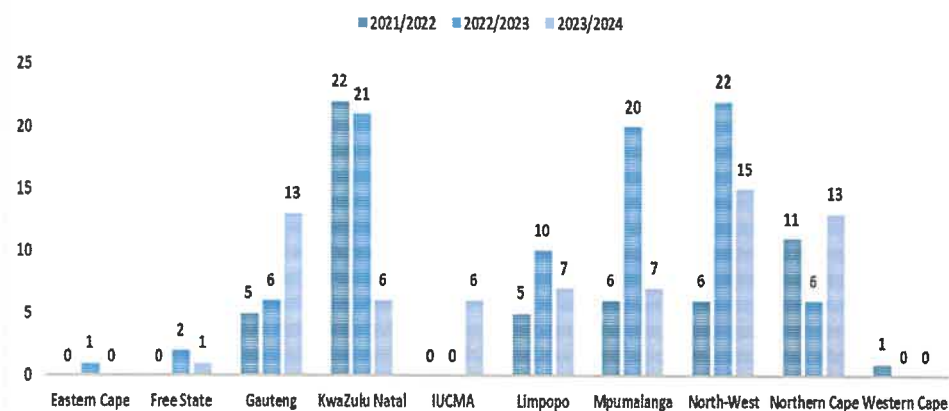
The enforcement units in the DWS have been actively investigating the escalating issue of unlawful sand mining in the country. Recognizing the severity of this problem and its impact on South African water resources, the enforcement units have collaborated with other enforcement agencies such as the South African Police Services and the Department of Minerals and Energy. These joint operations aim to pool resources and expertise, ensuring a coordinated approach in curbing unlawful water uses associated with sand mining. As an organ of the state, these agencies work together to enforce water related legislations, conduct investigations, and apprehend offenders engaged in illegal sand mining activities. Their collective efforts are crucial in safeguarding South African water resources.

The table below depicts a trend of reported non-compliance cases reported and investigated in the last three years.

**Table 45: Reported non-compliance cases in Mining sector over three years**

Mining Sector			
Region/CMA	2021/2022	2022/2023	2023/2024
Eastern Cape	-	1	-
Free State	-	2	1
Gauteng	5	6	13
KwaZulu Natal	22	21	6
IUCMA	-	-	6
Limpopo	5	10	7
Mpumalanga	6	20	7
North-West	6	22	15
Northern Cape	11	6	13
Western Cape	1	-	-
<b>Totals</b>	<b>56</b>	<b>88</b>	<b>84</b>

## MINING SECTOR



*Reported Cases Investigated in the Mining Sector*

**Table 46: Enforcement Action Taken within the Mining Sector**

Enforcement Action Taken within the Mining Sector				
Financial Years	NWA Notices Issued	NWA Directives Issued	Criminal Cases Opened	Cases Referred to NPA
2021/2022	16	9	3	-
2022/2023	36	8	9	-
2023/2024	30	8	-	1

Over a span of three years, enforcement actions in the mining sector were initiated through administrative measures. In the 2021/2022 period, sixteen (16) NWA notices and nine (9) directives were issued. During the 2022/2023 year, the department adopted a more assertive approach, issuing thirty-six (36) NWA notices and eight (8) directives to ensure compliance with NWA requirements. In the 2023/2024 period, thirty (30) notices and eight (8) directives were issued. Throughout these years, the

department effectively utilized its authority by issuing directives to address and rectify non-compliance issues.

The Department's commitment to ensuring compliance with water legislation is evident not only through notices and directives but also in the criminal charges brought against offenders in the mining sector. In 2021/2022, three (3) criminal cases were opened, and in 2022/2023, nine (9) criminal cases were opened. In 2023/2024, one (1) case docket was finalized and referred to the NPA for a decision on prosecution.

## 5.2.2 INDUSTRY SECTOR

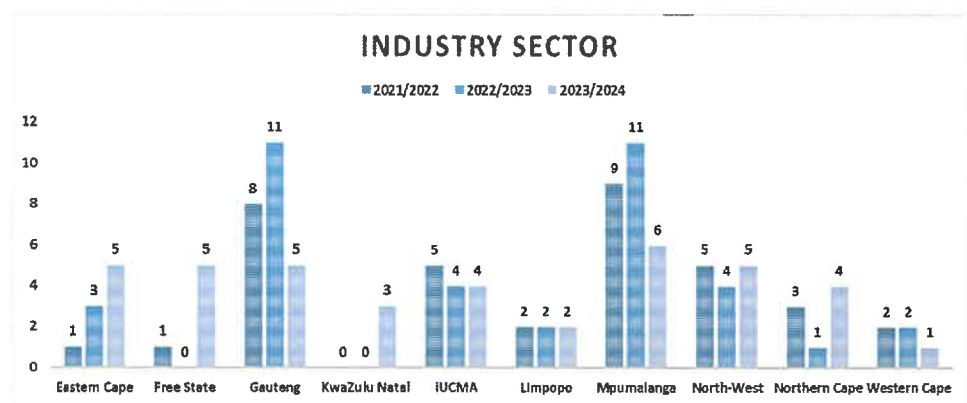
South African industries from the growing agricultural products and irrigation of crops. Gauteng has a high concentration of these types of operations hence the reason there is high number of complaints received associated with industries during the review period. The below bar chart illustrates non-compliance cases in the industrial sector that were dealt with across all provincial offices.

**Table 47: Reported non-compliance cases in Industry sector regions over three years**

Industries Cases			
Region	2021/2022	2022/2023	2023/2024
Eastern Cape	1	3	5
Free State	1	0	5
Gauteng	8	11	5
IUCMA	-	-	3
KwaZulu Natal	5	4	4
Limpopo	2	2	2
Mpumalanga	9	11	6
North-West	5	4	5



Northern Cape	3	1	4
Western Cape	2	2	1
<b>Totals</b>	<b>36</b>	<b>38</b>	<b>40</b>



*Reported Cases Investigated in the Industrial Sector*

**Table 48: Enforcement Action Taken within the Industrial Sector**

Enforcement Action Taken within the Industrial Sector				
Financial Years	NWA Notices Issued	NWA Directives Issued	Criminal Cases Opened	Cases Referred to NPA
2021/2022	16	3	-	-
2022/2023	16	9	-	-
2023/2024	11	6	-	-

Throughout the three-year period, enforcement actions were instigated within the Industrial Sector. In the year 2021/2022, the Department issued a total of sixteen (16) NWA notices and three (3) directives. In the following year, 2022/2023, suspected offenders were issued sixteen (16) NWA notices and nine (9) directives. In the year 2023/2024, eleven (11) NWA notices and six (6) directives. The Department is monitoring compliance with these administrative

actions and ensures that corrective measures are taken to address non-compliance in the sector.

### 5.2.3 AGRICULTURE (IRRIGATION, FORESTRY AND AGRO-PROCESSING) SECTOR

Among the various sectors, agriculture plays a pivotal role, accounting for a substantial portion of water usage in the country. With agriculture being the largest consumer at 66% of total water use in South Africa, it becomes crucial to ensure responsible and sustainable water management practices within this sector. To compel water users to comply with water-related legislation, enforcement actions have been implemented. These actions aim to address the reported non-compliance cases and promote adherence to water-related regulations, safeguarding South Africa's valuable water resources for future generations.

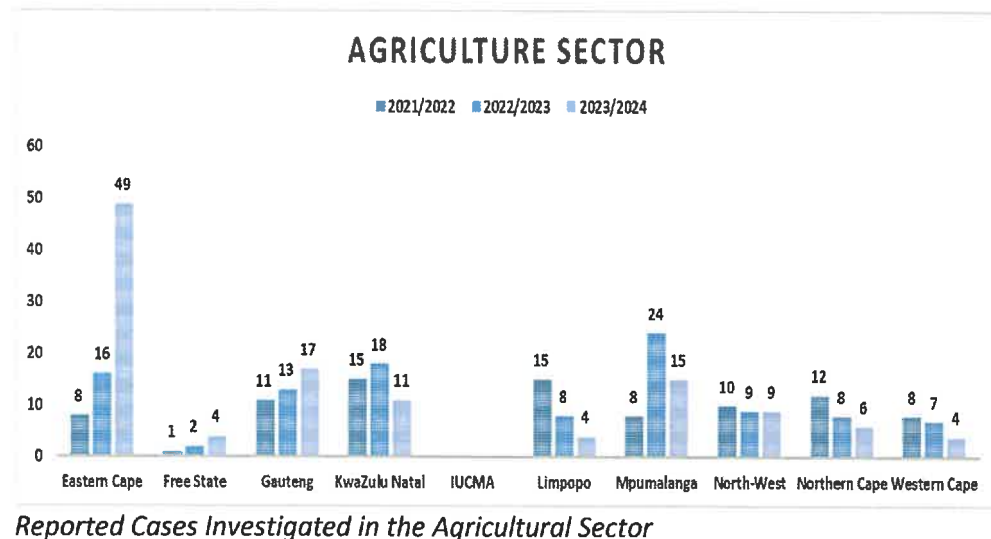
During the review period, a total of 124 cases of suspected non-compliance were investigated for the Agricultural (Irrigation, Forestry and Agro processing) Sector, representing an 18 percent increase from the 105 cases investigated in the previous financial year. The department conducted a blitz operation during this period, with most of the cases investigated occurring in the Eastern Cape province compared to other provinces. These cases primarily involved unauthorised abstraction of water from underground sources, following prevalent reports of such suspected unauthorised activities.

The table depicts reported cases investigated in the agricultural sector that were dealt with across all regions. Take note that DWS Enforcement Unit has combined the water sectors namely; Irrigation, Forestry and Agro-processing in the ECMS under Agricultural Sector.



**Table 49: Reported non-compliance cases in Agricultural sector for regions over three years**

Agriculture (Irrigation, Forestry and Agro-processing) Cases			
Region	2021/2022	2022/2023	2023/2024
Eastern Cape	8	16	49
Free State	1	2	4
Gauteng	11	13	17
KwaZulu Natal	15	18	11
Limpopo	15	8	4
Mpumalanga	8	24	15
North-West	10	9	9
Northern Cape	12	8	6
Western Cape	8	7	4
<b>Totals</b>	<b>88</b>	<b>105</b>	<b>119</b>



Throughout the 2021/2022 period, the Department initiated rectification measures to address suspected unlawful water uses and contraventions within the agriculture sector. A total of 52 Notices of Intention to Issue a Directive were issued, followed by 15 NWA Directives aimed at ensuring water use compliance. Additionally, two criminal cases were registered with SAPS as a result of alleged unlawful water uses. In the subsequent year, 2022/2023, 79 NWA Notices were issued, and 21 NWA Directives were issued. Three criminal cases were registered with SAPS due to the identification of Section 151 offences on NWA. In the most recent year, 2023/2024, the trend continued with 55 NWA Notices and 10 NWA Directives served to non-compliant water users. Furthermore, in both 2022/2023 and 2023/2024, three cases were referred to the National Prosecuting Authority (NPA) for a decision to prosecute, highlighting the seriousness with which suspected transgressions are being addressed.

**Table 50: Enforcement Action Taken within the Agricultural Sector**

Enforcement Action Taken within the Agriculture Sector				
Financial Years	NWA Notices Issued	NWA Directives Issued	Criminal Cases Opened	Cases Referred to NPA
2021/2022	52	15	2	-
2022/2023	79	21	3	2
2023/2024	55	10	9	1

## 5.2.4 DAM SAFETY OFFICE

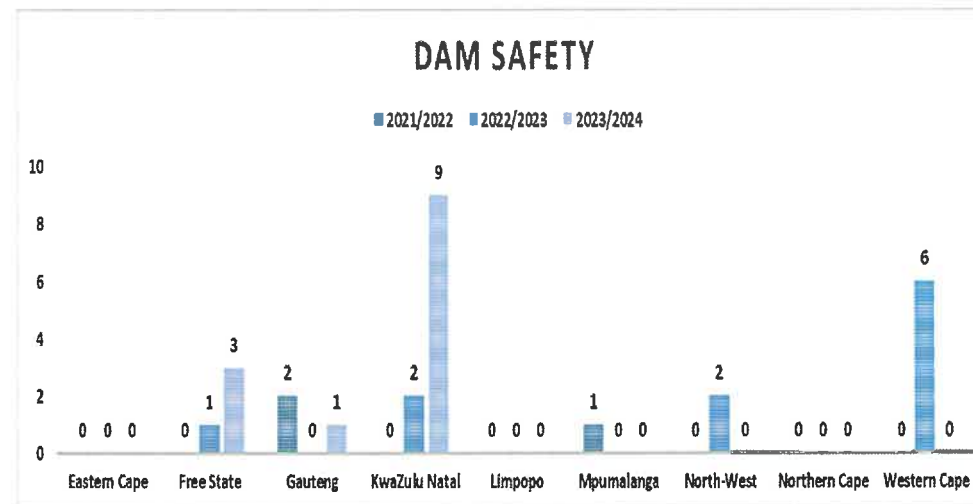
The Dam Safety Office is established to implement and administer the Dam Safety Regulations (published in Government Notice R. 139 of 24 February 2012) which became fully effective in January 1987 and are still in force under the new National Water Act, 1998 [NWA] (Act 36 of 1998). Only dams with a safety risk (i.e., dams with a maximum wall height that exceeds 50 m and with a storage capacity of more than 50 000 m<sup>3</sup>, or any other dam declared as a dam with a safety risk) are subject to these Regulations. Dam owners that fail to adhere to this specification are in breach of the Dam Safety Regulation.

During the review period, Dam Safety Office referred cases to Enforcement Unit following non-compliance to the requirements of Dam Safety Regulations detected by dam owners. The DWS has received complaints pertaining to the storage of water, specifically raising concerns about the potential inferiority of dam wall structures. The table depicts non-compliance cases received from Dam Safety Office that were dealt with across all regions. The enforcement unit initiated administrative enforcement action against Dam Owners due to *inter alia* failure to submit a Dam Safety Inspection Report from an Approved Professional Person (APP), failure to conduct dam safety evaluation of the dam, failure to have a first dam safety evaluation of a newly completed dam. The table below depicts numbers of reported non-compliance cases for Dam Safety.

**Table 51: Reported non-compliance cases in Dam Safety for regions over three years**

Dam Safety Cases			
Region	2021/2022	2022/2023	2023/2024
Eastern Cape	-	-	-
Free State	-	1	3

Dam Safety Cases			
Region	2021/2022	2022/2023	2023/2024
Gauteng	2	-	1
KwaZulu Natal	-	2	9
Limpopo	-	-	-
Mpumalanga	1	-	-
North-West	-	2	-
Northern Cape	-	-	-
Western Cape	-	6	-
<b>Totals</b>	<b>3</b>	<b>11</b>	<b>13</b>



During the 2020/2021 business year, a total of approximately 1 120 letters were sent to mainly dam owners to ensure compliance with dam safety legislation. This included a total of 104 dam safety evaluation requests issued to dam owners. A total of 298 applications / notifications for approval as Approved Professional Persons for dam safety tasks were

processed, of which 7 applications were submitted to ECSA for their recommendation.

During the review period 2023/24, thirteen (13) notices of intention to issue a directive and one (1) directive were issued to offenders.

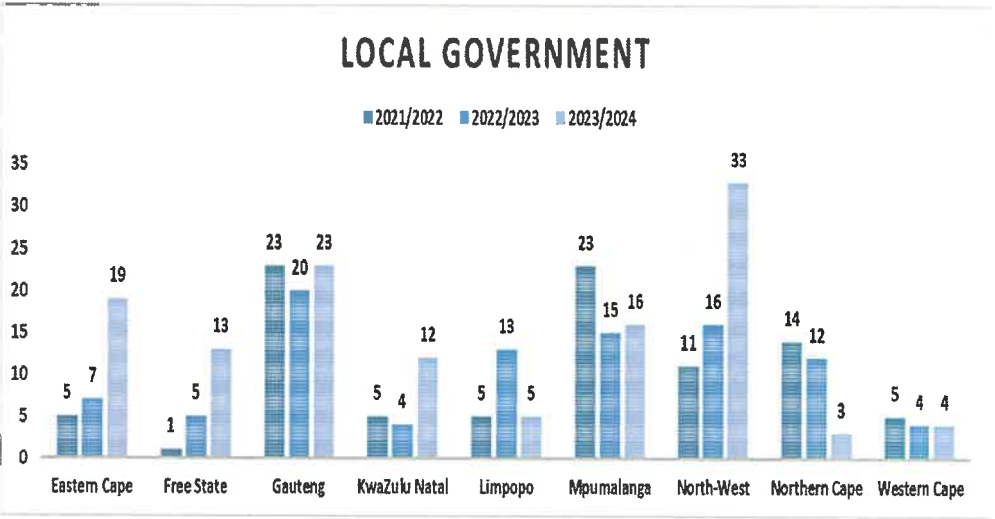
5.2.5 ORGAN OF STATE [LOCAL GOVERNMENT]

Water pollution poses a significant water resources concern, particularly when caused by multiple sources such as sewage overflow from manholes, malfunctioning pump stations, and the discharge of sub-standard effluent from wastewater treatment plants. The overflow of sewage from manholes introduces harmful contaminants into water bodies, while dysfunctional pump stations exacerbate the issue through sewage overflows. Moreover, when wastewater treatment plants discharge sub-standard effluent, it further compromises the quality of water resources. Addressing these challenges requires comprehensive measures, including improved maintenance of pump stations, effective management of sewage systems, and enforcement against non-compliant wastewater treatment plants to ensure the protection of water resources.

The table depicts number of reported cases that were suspected to non-compliant in all regions.

Table 52: Reported non-compliance cases in Local Government WWTWs for regions over three years

Local Government Cases			
Sector	2021/2022	2022/2023	2023/2024
Eastern Cape	5	7	19
Free State	1	5	13
Gauteng	23	20	23
KwaZulu Natal	5	4	12
Limpopo	5	13	5
Mpumalanga	23	15	16
North West	11	16	33
Northern Cape	14	12	3
Western Cape	5	4	4
Totals	92	96	128



Three-year comparison of complaints reporting trend in Local Government

**Table 53: Enforcement Action Taken within the WWTWs in Local Government Sector**

Enforcement Action Taken within the Local Government				
Financial Years	NWA Notices Issued	NWA Directives Issued	Criminal Cases Opened	Cases Referred to NPA
2021/2022	74	34	3	1
2022/2023	65	46	11	5
2023/2024	71	24	53	8

Over a three-year period within the Local Government sector, the Department has undertaken a series of enforcement actions to ensure compliance with NWA regulations. In the 2021/2022 year, 74 NWA Notices and 34 Directives were issued. The following year, 2022/2023, saw a slight decrease in Notices to 66 but an increase in Directives to 46. In the most recent year, 2023/2024, the Department issued 71 Notices and 24 Directives.

During this period, the Department adopted a more aggressive stance by initiating criminal actions against non-compliant water users, leading to the finalization of case dockets for prosecution. Some of these case dockets were referred to the National Prosecuting Authority (NPA) for decisions on prosecution. In the 2021/2022 year, three criminal cases were judiciously initiated against transgressors. This approach gained momentum, with eleven criminal cases initiated in the 2022/2023 year. In the 2023/2024 year, a further fifty-three criminal cases were opened at the South African Police Service (SAPS) for investigation. This strategic approach demonstrates the Department's commitment to enforcing compliance within the Local Government sector.

## 5.2.6 OVERALL ENFORCEMENT PERFORMANCE CASES

The pie chart below shows the highest percentage of reported non-compliance cases is in the local government sector followed by agriculture

and mining. The high number of reported cases is attributed to fact that irrigated agriculture is the largest single user of water in South Africa which is just over 60%. Most of the complaints received are for over abstraction of water and unlawful storage of water.

The pie chart below illustrates that the Agriculture and Local Government sectors have the highest number of reported cases, primarily due to unlawful water uses and pollution-related issues, respectively. The Agriculture Sector (Irrigation, Forestry and Agro-processing sectors combined) represents 28% of the reported cases, indicating significant non-compliance related to water usage. Local Government entities, responsible for water services and sanitation projects, also account for 28% of the complaints. The primary causes of these complaints in the Local Government sector include manhole overflows leading to the pollution of water courses, wastewater treatment plants discharging substandard final effluent into water resources, and malfunctioning or nonfunctional pump stations.

In addition, the Mining sector has been identified in 17% of the cases, reflecting notable concerns over water-related compliance within this water sector. The Industry sector is involved in 9% of the reported cases, while commercial activities and domestic/private water usage each contribute to 5% of the complaints. Government sectors, including national and provincial entities, account for 1% of the cases. Lastly, Tourism and other sectors each represent 2% of the reported cases. This distribution demonstrates the broad scope of non-compliance across various sectors, with particular emphasis on agriculture, local government, and mining.

Twenty-seven (27) of the reported cases were handed over via the NCIMS to the ECMS to automate the reported enforcement cases and to keep track records on progress of these cases on the IT Application systems developed for CME within the department.



REPORTED NON-COMPLIANCE CASES IN DIFFERENT SECTORS

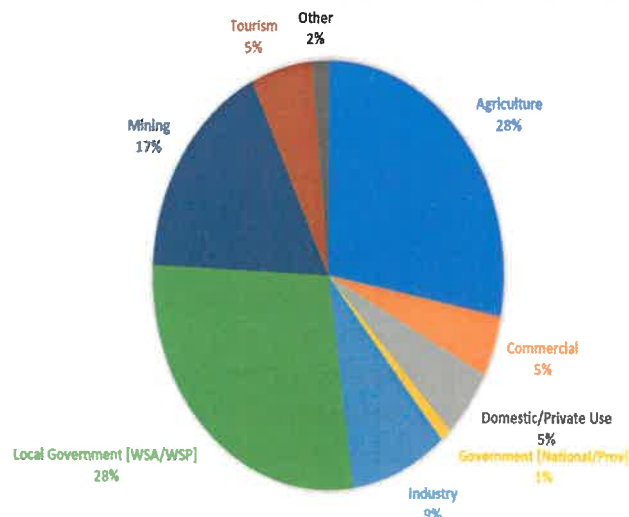


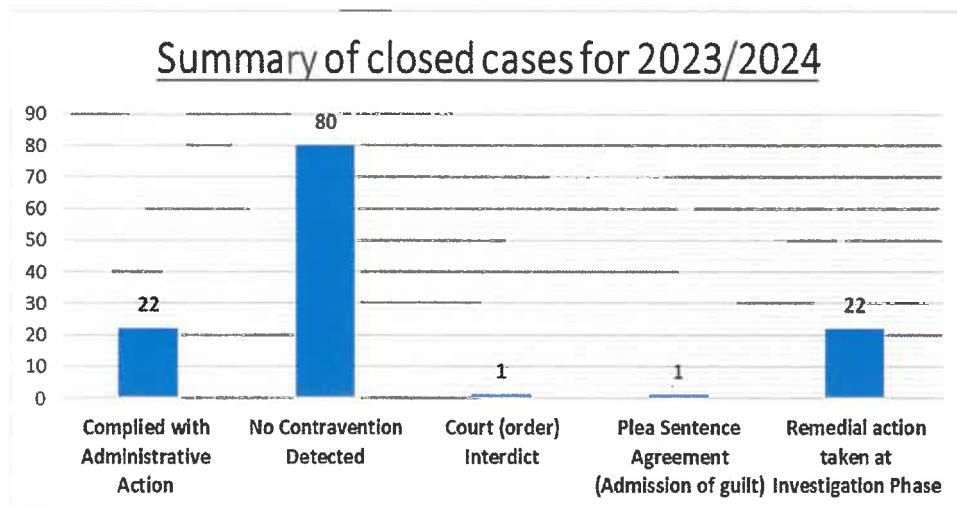
Figure 40: Overall Cases dealt with per Sector FY 2023/2024

The DWS has undertaken one hundred and twenty-eight (128) follow-up investigations and inspections as part of its efforts to ensure compliance with administrative enforcement actions. The primary focus of these inspections is to monitor adherence to the notices of intention to issue directives or the directives themselves that have been issued by the DWS. During these follow-up inspections, it has been observed that in certain cases, transgressors have displayed persistent non-compliance with the notices and directives. Conversely, in other instances, water users have demonstrated compliance by adhering to the directives that were issued. These findings from the follow-up inspections provide valuable insights into the overall level of compliance with the regulatory measures implemented by the DWS.

The Department has undertaken an assessment of forty-two (42) representations in cases where suspected transgressors have availed themselves of the opportunity to make representations in accordance with the provisions of the Promotion of Administrative Justice Act (PAJA). As part of this process, the transgressors are required to submit an action plan aimed at addressing and mitigating the identified pollution or ceasing the unlawful water uses, as revealed during the investigations. The Department duly reviewed these representations to determine whether the proposed corrective action plan aligns with the requirements outlined in the directive. After such engagement, the Department will make a decision to either accept or reject the presented representations based on their adherence to the specified provisions.

Closed Cases for FY 2023/2024															
Per Sector	Complied with Administrative Action			Plea Sentencing Agreement			Court Interdict			No Contravention Detected			Remedial Action taken at Investigation Phase		
	21/22	22/23	23/24	21/22	22/23	23/24	21/22	22/23	23/24	21/22	22/23	23/24	21/22	22/23	23/24
Agriculture	16	11	5	1	2	0	0	0	0	25	5	64	4	1	0
Commercial	0	1	0	0	0	0	0	0	0	1	1	2	0	0	0
Local Government (WSA/WSP)	0	3	11	0	3	0	0	0	1	6	5	4	12	8	14
Mining	4	2	3	1	0	0	0	0	0	23	10	4	0	0	1
Industry	2	2	1	0	0	0	0	0	0	10	5	1	2	1	6
Government (National/Prov)	0	1	0	0	0	0	0	0	0	1	2	1	0	0	0
Domestic/Private Use	1	1	2	0	0	0	0	0	0	7	3	4	0	0	1
Tourism	1	3	0	0	0	0	0	0	0	2	1	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Total	24	24	22	2	5	0	0	0	1	75	33	80	18	10	22





**Figure 41: Summary of closed cases per sector over last 3-years and resolved cases breakdown for 2023/24**

The summary of closed cases for 2022/2023 and 2023/2024 reveals a significant increase in the resolution of cases through administrative compliance and remedial actions. In 2023/2024, there were 22 cases where parties complied with administrative action, compared to just 24 in the previous year, indicating slight decrease in adherence to regulatory requirements. Similarly, the number of cases where no contraventions were detected and no enforcement action was required almost tripled, from 33 to 80, suggesting either better compliance or improved screening at the investigation stage. Remedial action taken during the investigation phase increase doubled from 10 to 22, reflecting a more proactive approach to addressing issues before formal enforcement was necessary. However, the use of plea sentencing agreements decreased, from 5 to 1, indicating fewer cases resolved through negotiated settlements. Overall, the data suggests a trend towards higher compliance and preventive measures in handling cases.

## 6. DWS CHALLENGES

- Ability (capacity) to monitor high risk priority water users to be able to give a statistical representative performance status for the sector within current capacity across the DWS, its regions and CMAs and within current fiscal environment Interpretation and quality of water use authorisations have been a challenge and is being addressed with the water use authorisation unit.
- Compliance and Enforcement activities for water uses that originate before the National Water Act remain subject to validation and verification processes and is being addressed by the Water Allocation Reform unit as various V&V projects are re-energised in the coming year.
- Water use entitlements are structured such that water is allocated on an annual basis with no daily abstractions.
- Joint audits with other EMI network partners if not planned well in advance become problematic in terms of resources and is being addressed through WGIV
- Slow and unstable network affecting functionality of IT systems
- Inconsistent regulatory action and use of enforcement tools between different regions and CMAs
- Regions not registering reported non-compliance cases on ECMS for tracking
- Exercising powers that EMIs have been trained on and have been designated for specifically opening and investigation criminal offences with the compounding time and resource intensity of conducting criminal investigation
- Capacity constraints and delay in transferring powers and functions from regional offices to CMAs

- Long timeframe between opening a criminal case and the conclusion of the criminal process
- Ability to give effect to execution of works when users fail to adhere to respective directives due to availability of resources and the challenge of budgeting for such items.
- Delay in execution of works (Budget).

#### General Findings on water user behaviour:

- To actively ensure compliance to conditions of authorisations.
- To engage the department timeously on conditions that are incorrect or not possible to implement and only when compliance inspections are planned or conducted then water user raise issues about the conditions or write letters to amend license conditions.
- To conduct necessary technical, monitoring and audit self-regulation reports stated in the water use conditions to be compiled and submitted to DWS.
- Rehabilitation, monitoring and maintenance are not performed in many cases.
- Licensee do not in many instances have a documentation record information system in place where the license and technical reports are kept for compliance reference.
- The necessary wetland specialist or other specialists are not appointed or the suitable qualified person does not ensure that the conditions of the water use license are complied with.
- The DWS/FSA court case limits the process of validation and verification, as a result the lawful status of some plantations could not be determined. Also, the genus exchange regulations could not be finalised.

Water use entitlements within the agricultural sector are structured such that water is allocated on an annual basis with no daily abstractions. This implies that compliance status can only be determined accurately at the end of the cropping season/year. Some water use entitlements provide conditions for users to install and monitor their water use. However, some do not have this provision, and it becomes a challenge to determine the actual water being used.

## 7. CATCHMENT MANAGEMENT AGENCY (CMAs) PERFORMANCE STATISTICS

### 7.1 BREEDE-OLIFANTS CATCHMENT MANAGEMENT AGENCY (BOCMA) PERFORMANCE FOR 2023/24

#### 7.1.1 Key Performance Areas Plan

The BOCMA's mandate and functional responsibilities are aligned to achieve and support the Department Water and Sanitation (DWS) priorities that are aligned with the Outcomes of National Government.

For the CME functions and APP targets for BOCMA falls within Programme 2 (Compliance Monitoring) and Programme 5 (Enforcement)

Programme 2: Water Use Management					
Output Indicators: Annual and Quarterly Targets					
Output Indicators	Annual Targets 2023/24	Q1	Q2	Q3	Q4
Number of audits completed for water use compliance	80	20	20	20	20
Programme 5: Water Resource Protection					
Output Indicators: Annual and Quarterly Targets					

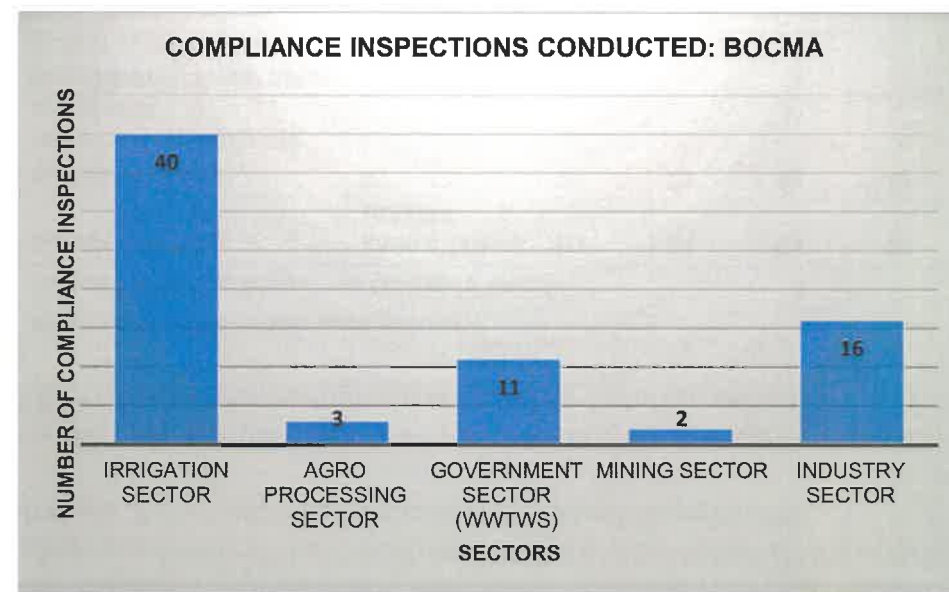
Output Indicators	Annual Targets 2023/24	Q1	Q2	Q3	Q4
Percentage of reported non-compliant cases resolved (Administrative notices and criminal process)	100%	100%	100%	100%	100%

### 7.1.2 Compliance Monitoring APP Targets 2023/24

BOCMA planned to oversee 80 water users in 2023/2024 and achieved 72. The enterprise breakdown of the users is as follows:

**Table 54: BOCMA compliance inspections conducted for water sectors in 2023/24 FY**

Type of Water Users	Number of inspections conducted
Irrigation Sector	40
Agro Processing Sector	3
Government Sector (WWTWs)	11
Mining Sector	2
Industry Sector	16
<b>Total</b>	<b>72</b>



BOCMA used the CME procedures, tools and systems and captured the compliance inspection reports on the NCIMS. Table 56 provides the detail of the facilities inspected and the status of compliance of these facilities.

From the total of eighty (80) APP targets, seventy-two (72) targets were achieved. The non-compliant water users were dealt with, and recommendations were made in the final reports for actions against non-compliances ranging from corrective action plans to enforcement actions. Four (4) users were issued non-compliance letters, and one (1) user was issued a notice of intention to issue a directive. Compliance status of one (1) user could not be determined as the water use activity has not started on the activity. It must be noted that nine (9) audits were conducted additional to the 72 compliance inspections but were not processed through the NCIMS and status of compliance of facilities were not

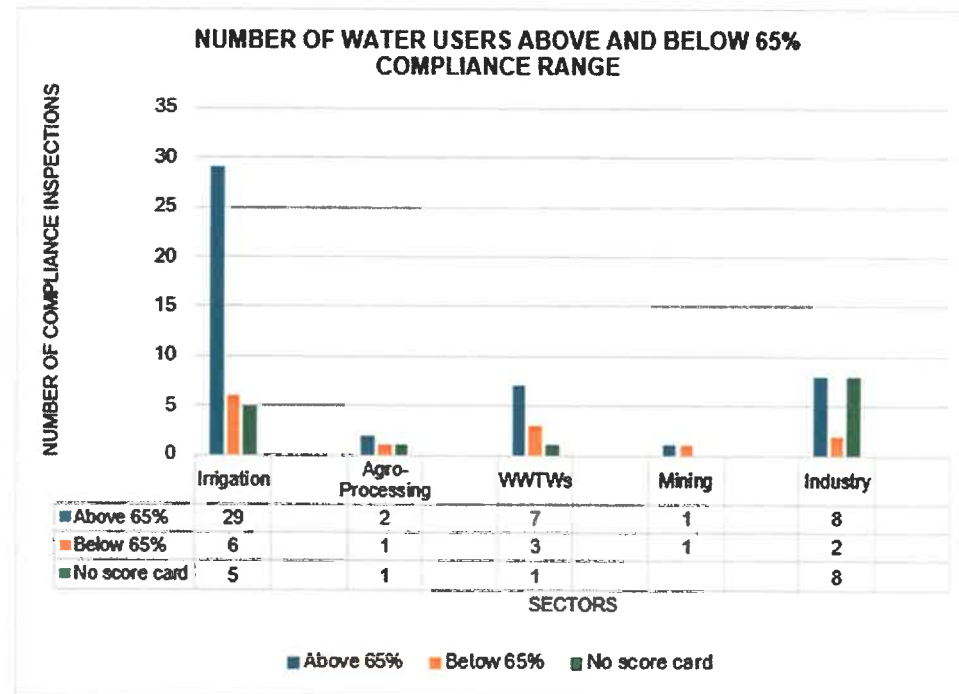
calculated and not uploaded into the system during this annual reporting period. Table 57 provides the nine (9) audits that were conducted.

The compliance performance of ten (10) facilities inspected was found to be unacceptable as they have performed below the 65% performance level as per the compliance score card, whereas forty-seven (47) facilities compliance performance was found to be above 65%. There were thirteen (13) facilities that did not commence with activities and one (1) ELU inspected and one (1) drive-by.

The compliance performance is 79 % for all the water sectors in BOCMA.

**Table 55: BOCMA water sectors % compliance performance levels**

Sectors	Above 65%	Below 65%	No score card
Irrigation	29	6	5
Agro-Processing	2	1	1
WWTWs	7	3	1
Mining	1	1	0
Industry	8	0	8
<b>Total</b>	<b>47</b>	<b>10</b>	<b>15</b>

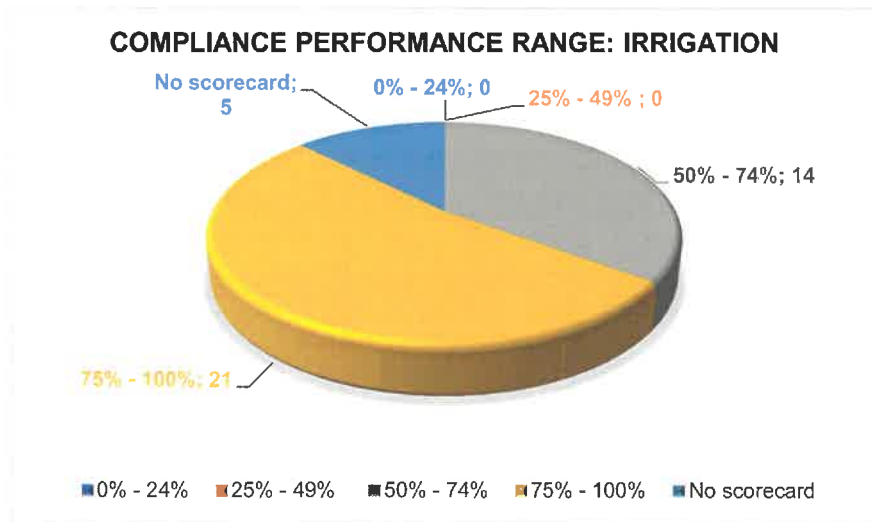


### Compliance Performance Levels per Sectors

#### Irrigation Sector

In the financial year 2023/24, forty (40) water users (irrigators) were monitored and achieved an average performance level of 81% for compliance in accordance with the National Water Act, as follows:

- Zero (0) users have a compliance score of 0% - 24%
- Zero (0) users have a compliance level of 25% - 49%
- Fourteen (14) users have a compliance level of 50% - 74%
- Twenty-one (21) users have a compliance level of 75% - 100%
- Five (5) no scorecard (activity not commenced)

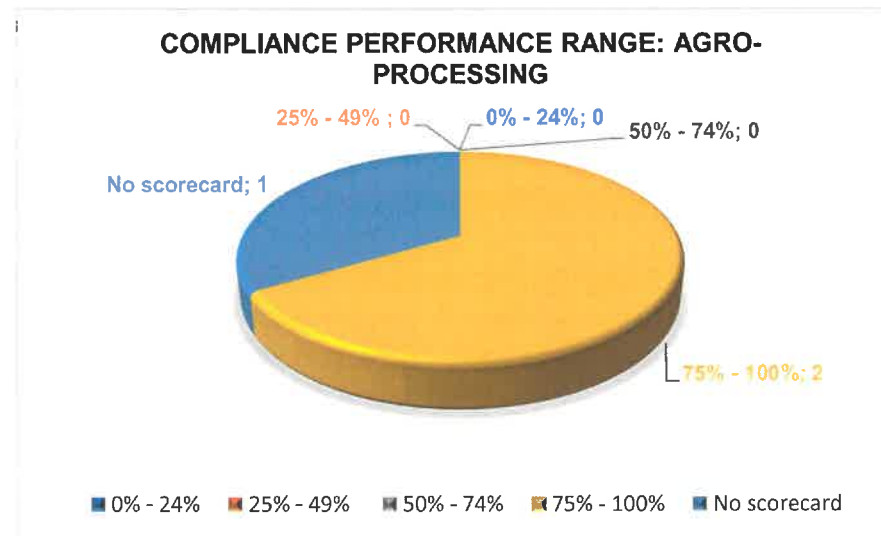


**Figure 42: BOCMA compliance performance level for Irrigation sector**

#### Agro Processing Sector

In the financial year 2023/24, three (3) water users were monitored and achieved an average performance level of 90% for compliance in accordance with the National Water Act, as follows:

- One (1) user have a compliance score of 0% - 24%
- Zero (0) users have a compliance level of 25% - 49%
- Zero (0) users have a compliance level of 50% - 74%
- Two (2) users have a compliance level of 75% - 100%
- One (1) no scorecard



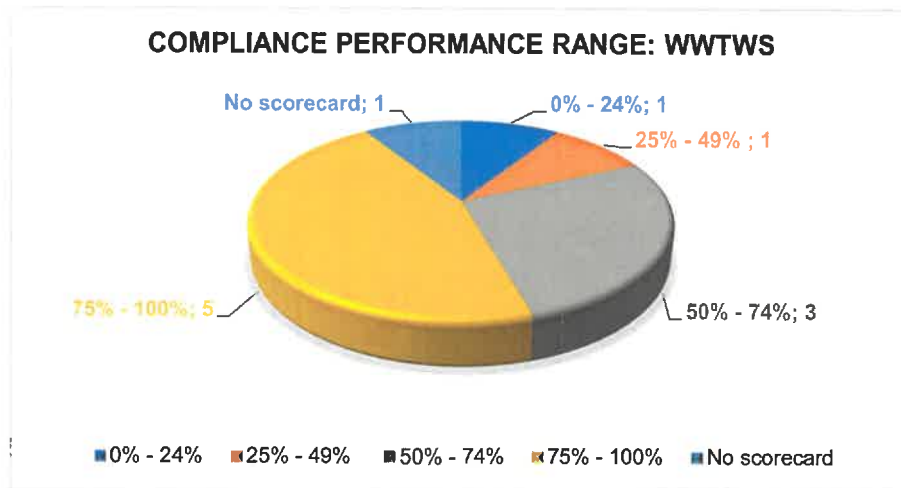
**Figure 43: BOCMA compliance performance level for Agro processing sector**

#### Government WWTWs Sector

In the financial year 2023/24, eleven (11) water users were monitored and achieved an average performance level of 66% for compliance in accordance with the National Water Act, as follows:

- One (1) user have a compliance score of 0% - 24%
- One (1) user have a compliance level of 25% - 49%
- Three (3) users have a compliance level of 50% - 74%
- Five (5) users have a compliance level of 75% - 100%
- One (1) no scorecard (activity not commenced)



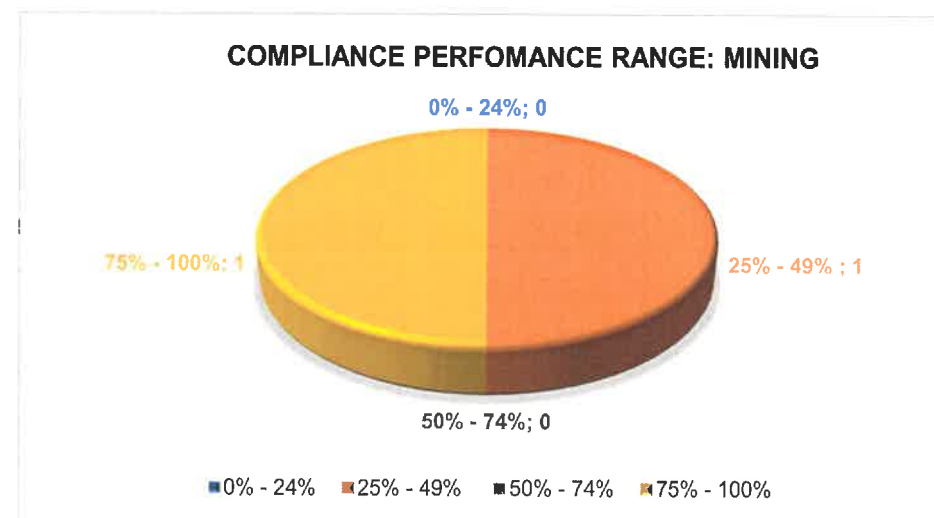


**Figure 44: BOCMA compliance performance level for WWTWs (Government sector)**

#### Mining Sector

In the financial year 2023/24, two (2) water users were monitored and achieved an average performance level of 70% for compliance in accordance with the National Water Act, as follows:

- Zero (0) user have a compliance score of 0% - 24%
- One (1) user have a compliance level of 25% - 49%
- Zero (0) users have a compliance level of 50% - 74%
- One (1) user have a compliance level of 75% - 100%



**Figure 45: BOCMA compliance performance level for Mining sector**

#### Industry Sector

In the financial year 2023/24, sixteen (16) water users were monitored and achieved an average performance level of 87% for compliance in accordance with the National Water Act, as follows:

- Zero (0) users have a compliance score of 0% - 24%
- Zero (0) user have a compliance level of 25% - 49%
- Zero (0) users have a compliance level of 50% - 74%
- Eight (8) users have a compliance level of 75% - 100%
- Eight (8) no scorecard (activity not commenced)

### COMPLIANCE PERFORMANCE RANGE: INDUSTRY

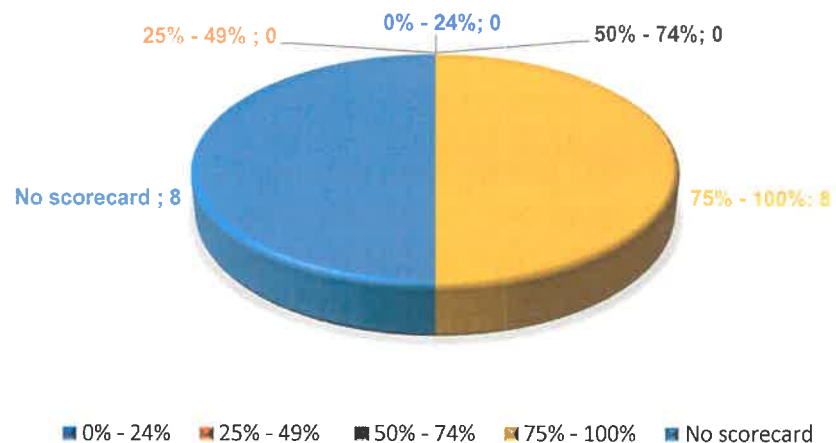


Figure 46: BOCMA compliance performance level for Industry sector

Table 56: Individual performance: All Water Sectors inspected on BOCMA APP targets 2023/24

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
IRRIGATION					
1	Hayfield Farm (Pty) Ltd	Irrigation	APP	85%	Action plan is required. Internal audit & External audit must be conducted and submitted. The Licensee must address non-compliances to the water use licence.
2	Blue Mountain Village Homeowners Association	Irrigation	APP	83%	Action plan is required. Internal audit & External audit must be conducted and submitted. Water user must address all non-compliances identified.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
3	Farm 256/2, Swellendam (AJ Schoonwinkel Familie Trust)	Irrigation	APP	64%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
4	Farm 256/5, Swellendam	Irrigation	APP	64%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
5	Klein Geluk Familie Trust 4/9/7/33B/Farm 71/3 Oudtshoorn	Irrigation	APP	90%	Action plan is required. An audit findings letter will be issued to the Licensee.
6	Shammah Valley Farm (Pty) Ltd	Irrigation	APP	86%	Action plan is required. The Licensee must submit an Action Plan to address observed non-compliant findings.
7	HEUNINGFONTEIN EIENDOMME (PTY) LTD 4/9/7/H90D/Farm 372, Riverdale	Irrigation	APP	No score card	No further action required.
8	GROUP EDITORS (PTY) LTD 4/9/7/K10A Farm 129/29, Mossel Bay	Irrigation	APP	No score card	No further action required. The farm will send a notice of commencement to the BOCMA, once authorized activities started.
9	VAN GREUNEN BOERDERY (B191/2/1030/4)	Irrigation	APP	81%	Action plan is required. The water user needs to get approval for transferring water from one catchment to the other.
10	KAMMANIQUA TRUST 4/9/7/J34D/GA Nzekraal 365, George	Irrigation	APP	No score card	No further action required. No outstanding issues.
11	OUTENIQUA GAME FARM CC 4/9/7/K10D/REM farm 373 Mossel Bay	Irrigation	APP	100%	No further action required. No outstanding issues.
12	JLJ BELEGGINGS TRUST	Irrigation	APP	75%	Action plan is required. The water user must install flow metering devices.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
13	RED BARN 4/9/77/K30A/ Moerasrivier 233/25 George	Irrigation	APP	No score card	No further action required.
14	FARM 65/26, BARRYDALE	Irrigation	APP	100%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
15	FARM 65/13(REM), BARRYDALE	Irrigation	APP	100%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
16	Platinum Mile Investments 442 (Pty) Ltd	Irrigation	APP	82%	Action plan is required. Internal audit & External audit must be conducted and submitted. Information on the method of flow measurement must be provided.
17	Farmhill Properties (Pty) Ltd	Irrigation	APP	No score card	No further action required. The water user is to submit the reports required under the water use licence conditions including self-regulatory reports.
18	Eendracht Boerdery Trust	Irrigation	APP	69%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
19	FARM 251/3(REM), SWELLENDAM	Irrigation	APP	90%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
20	FARM 197/10, SWELLENDAM	Irrigation	APP	70%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
21	Voorhuis Trust	Irrigation	APP	67%	BOCMA will issue an audit findings letter which addresses all

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
22	Kluitjieskraal Trust	Irrigation	APP	67%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
23	Kliphuis Boerdery	Irrigation	APP	58%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
24	Hermanus Chrisnaan Linde	Irrigation	APP	75%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues. A notice of intension to issue a directive ito S 53 of the NWA will be issued to the facility for the unlawful operation of the Waste Dam. A follow-up compliance audit must be conducted.
25	FJP Lotter Trust	Irrigation	APP	58%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					addresses the non-compliance and outstanding issues. A notice of intension to issue a directive ito S 53 of the NWA will be issued to the facility for the unlawful operation of the Waste Dam. A follow-up compliance audit must be conducted.
26	Miga Boerdery Pty Ltd	Irrigation	APP	85%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance re not all addressed.
27	Turvey Broers (Pty) Ltd	Irrigation	APP	73%	No further action required. The Licensee must inform CME when the Licence amendment request has been finalised.
28	SCHERPENHEUVEL 481/6(REM), WORCESTER	Irrigation	APP	73%	Action plan is required. Action plan will be requested to rectify non-compliances
29	WAAIHOEK FARM (PORTION 5/248)	Irrigation	APP	67%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
30	Dieudonne (RE/19/250)	Irrigation	APP	62%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					A follow-up compliance audit must be conducted.
31	Van Greunen Boerdery CC (16/2/7/K300/B11)	Irrigation	APP	59%	Action plan is required. A monitoring programme for the wastewater quality and quantity to be developed and submitted.
32	Waterkloof Vineyards (Pty) Ltd (compiler	Irrigation	APP	100%	No further action required. BOCMA will issue an audit findings letter to the facility.
33	Wagenheim Trust (RE/24/416)	Irrigation	APP	67%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
34	Wagenheim Trust (22/416)	Irrigation	APP	75%	BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted.
35	Waterkloof Vineyards (Pty) Ltd (compiler Kagdi)	Irrigation	APP	100%	Action plan is required. BOCMA will issue an audit findings letter to the facility.
36	Westland Boerdery (Edms) Bpk	Irrigation	APP	100%	Action plan is required. BOCMA will issue an audit findings letter to the facility.
37	De Modderdrift Farm	Irrigation	APP	100%	Action plan is required. BOCMA will issue an audit findings letter to the facility.
38	JADE FARMING (PTY) LTD	Irrigation	APP	100%	Action plan is required. BOCMA will issue an audit findings letter to the facility.
39	Dillan Pietersen Boerdery	Irrigation	APP	100%	No further action required.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
40	Quarta Trust	Irrigation	APP	100%	Action plan is required. BOCMA will issue an audit findings letter to the facility.
<b>AGRO-PROCESSING</b>					
1	Dagbreek Eiers (Pty) Ltd	Agro - Process	APP	89%	No further action required.
2	UITKYK DAIRY 4/9/7/K30A/Die Oude Uitkyk 225/4 George	Agro - Process	APP	No core card	No further action required. The water user was found to be compliant; the water uses were exercised well within the stipulated limits.
3	Karusa Vineyards	Agro - Process	APP	90%	No further action required. Implementation of proper water quality and quantity monitoring.
<b>WASTE WATER TREATMENT WORKS</b>					
1	Arabella WWTW	WWTW	APP	96%	Action plan is required. A compliance letter must be issued to the facility on the compliance inspection conducted.
2	Heroldsbaai WWTW	WWTW	APP	65%	Action plan is required. 1. The finalization of Groundwater Monitoring Report 2. Fixing or replacement of the flow meter at the inlet point 3. Sealing the cracks on the walls of oxidation ponds 4 and 5. 4. Removing sludge from pond 1 to 3 and dispose it off properly. 5. Developing suspended solids removal schedule and implement it.
3	George Local Municipality 4/9/7/K30A/Farm, George	WWTW	APP	38%	Action plan is required. - Rehabilitation must be redone under the supervision of a suitably qualified SACNASP registered professional. Action plan is required.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					The municipality must submit an action plan by the end of January 2024 in response to the audit findings letter issued by the BOCMA on 27 Sept 2023 thereafter an assessment of the non-compliant conditions will be done.
4	Beaufort West Local Municipality	WWTW	APP	78%	Action plan is required. No major findings.  There were some findings of non-compliances, mainly with technical conditions.
5	Westford Bridge Home Owners Association	WWTW	APP	81%	Action plan is required. There was non-compliance with some water quality parameters, mainly electrical conductivity and Nitrate Nitrogen.
6	George New Water Treatment Works 4/9/7/K30C/George New Treatment Works	WWTW	APP	100%	No further action required. A follow-up site inspection would be conducted in due course.
7	LOUIS FOURIE ROAD	WWTW	APP	No score card	No further action required. The activity has not yet commenced.  No timeframes were available to indicate the times when the activity will be commenced.
8	Worcester Municipality: Worcester WWTW	WWTW	APP	67%	Action plan is required. WS must monitor the following as per audit findings, for the license to implement corrective measures /actions, the noncompliance of the final effluent with the correct license limits , bio-monitoring, groundwater monitoring and the operation of the sewage purification works and map



No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					showing two boreholes drilled in 2004.
9	Knysna Municipality	WWTW	APP	0%	Handed over to Enforcement.
10	Bitou Local Municipality: Ganse Vallei WWTWs	WWTW	APP	81%	No further action required.
11	Kliprivier Wastewater Treatment Works	WWTW	APP	52%	Action plan is required. • The Swellendam local municipality must submit an action plan that details time frames, budget, and, importantly, includes the collection. • DWS will conduct a follow-up investigation and inspection of the facility, and conditions in terms of section 21 (c&i)
<b>MINING</b>					
1	Transand Pty Ltd	Mineral mining and quarry mine	APP	46%	Action plan is required. Transand need to resume with water quality monitoring programme as soon as possible in order to comply with the conditions of their authorisation.
2	Groenvlei (Portion 6 of farm 598), Worcester	Opencast coal mine	APP	93%	Action plan is required. An action plan is required which addresses the non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted by BOCMA on all non-compliant findings if they are not all addressed.
<b>INDUSTRY</b>					
1	Jazz Spirit 130 (Pty) Ltd 4/9/7/K50B/ERF 12403, Knysna	Industry	ADD	No score card	No further action required. The authorized water use activities have not yet commenced. The wetland remains as it were without any developments.

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
2	Bitou Municipality: Plettenberg Bay Groundwater	Industry	ADD	85%	No further action required. The water user must inform the Breede-Olifants CMA in writing when they initiate the taking of water from the boreholes.
3	Pezula Club Limited	Industry	APP	79%	Action plan is required.
4	The Home Market NPC 4/9/7/K60F/ERF 103, Plettenberg Bay	Industry	APP	No score card	No further action required.
5	Ellenrust Properties (Pty) Ltd	Industry	APP	100%	No further action required.
6	ERF 7900, CERES	Industry	APP	97%	Action plan is required. A compliance letter must be issued to the facility as the feedback of the compliance inspection conducted.
7	GEORGE LOCAL MUNICIPALITY	Industry	APP	No score card	No further action required. The water user must send a notification of commencement to BOCMA when undertaking the authorised activities.
8	Mossel Bay Local Municipality	Industry	APP	No score card	No further action required. The water user must send a notification of commencement to BOCMA when undertaking the authorised activities.
9	SANRAL N2, George	Industry	APP	No score card	No further action required.
10	Land Parcel 319/88	Industry	APP	100%	Action plan is required. A compliance letter must be issued to the facility as the feedback of the compliance inspection conducted.
11	Mountain Ridge Wynkelder (Edms) Bpk	Industry	APP	75%	Action plan is required. As a way forward, BOCMA will issue an audit findings letter which addresses all the non-compliance findings. An action plan will be required which addresses the

No.	Name of Facility	Sector	APP / Addition	% of Compliances of facilities	Comments
					non-compliance and outstanding issues which must be submitted. A follow-up compliance audit must be conducted by BOCMA on all non-compliant findings if they are not all addressed.
12	FARM 292(REM), CALEDON	Industry	APP	82%	Action plan is required. A compliance letter must be issued to the facility as the feedback of the compliance inspection conducted.
13	Power Construction (Pty) Ltd: The Village Ridge	Industry	APP	91%	No further action required.
14	Mossel Bay Local Municipality	Industry	APP	No score card	No further action required.
15	Louis Fourie Road 4/9/7/K10A/Louis Fourie Road Mossel Bay	Industry	APP	No score card	No further action required. The activity has not yet commenced.
16	The South African National Space Agency	Industry	APP	No score card	The activity has not commenced.

**Table: 57: BOCMA compliance inspections conducted with no scorecards and not on NCIMS for 2023/24**

Name of Facility		Comments / Findings
<b>IRRIGATION</b>		
1	PD Smit Familie Trust, Port 9 of farm 65, Barrydale	The facility provided proof of payment, metering records and Water use license for an enlarged dam.
2	Ceres Golf Estate Development, ERF 8507, Ceres	It was found that Ceres Golf Estate Development Company (Pty) Ltd is fully compliant with the conditions of the general authorisation in terms of Government Gazette No. 40229 Notice No. 509 dated 26 August 2016.

Name of Facility		Comments / Findings
3	Peter Dicey Trust La Plaisante Estate Port 2 of farm 301, Wolseley	The water user must immediately inform the BOCMA of any change of name, address, premises and/or legal status. The water user shall be responsible for any water use charges and/or levies imposed by a BOCMA. Unauthorised water uses at farm 301/2, Wolseley, water user is exercising water use activities in terms of section 21(a)-taking water from a borehole without authorisation. Therefore, this contravenes section 22 of the NWA.
4	Arbeidsvreugd Trust, Port 2 of farm 602, Worcester	Non-compliant with Measuring Regulation Notice 131 of 2017 issued by the Minister of Water and Sanitation in terms of section 26 of the NWA, which requires that water taken for irrigation purposes must be measured, recorded, and reported.
5	Miga Boerdery, farm 902, Worcester (formerly farm 260 & 261)	In terms of the scope that the inspection covered, Miga Boerdery (Pty) Ltd is non-complaint to measuring regulation which stipulates that all water users who are not members of an irrigation board or water user association are required to install water meters and report on their water usage as published in Government Notice number 131 of 17 February 2017. This applies particularly to groundwater use for the farm as the surface water is supplied by Jan du Toit Irrigation Board.
6	Berberhoek Farm CC, farm 268 (remainder), Wolseley	Berberhoek farm CC is non-complaint to measuring regulation which stipulates that all water users who are not members of an irrigation board or water user association are required to install water meters and report on their water usage as published in Government Notice number 131 of 17 February 2017. This applies particularly to the groundwater use for the farm as the surface water is supplied by a water user association.
<b>INDUSTRY</b>		
7	Western Cape Government: Department of Transport and Public Works (Kareboom 273, Bruinkop 245, Lainsburg)	The relevant documents required in terms of the General Authorization were never submitted by the licensee.
8	WC Transport and Public Works, rehabilitation of Trunk Road 33 section (TR333/3) between Oudtshoorn (KM1.9) and De Rust (KM35.4) in the Oudtshoorn area	The rehabilitation of Trunk Road 33 Section (TR333/3) has been completed. No documentation has been submitted to BOCMA by the water user as required by conditions of the General Authorisation.
9	Bergwater Winery, Prince Albert Rosendal farm 161 Port 2, Prince Albert	None: The authorised activity is no longer being exercised.

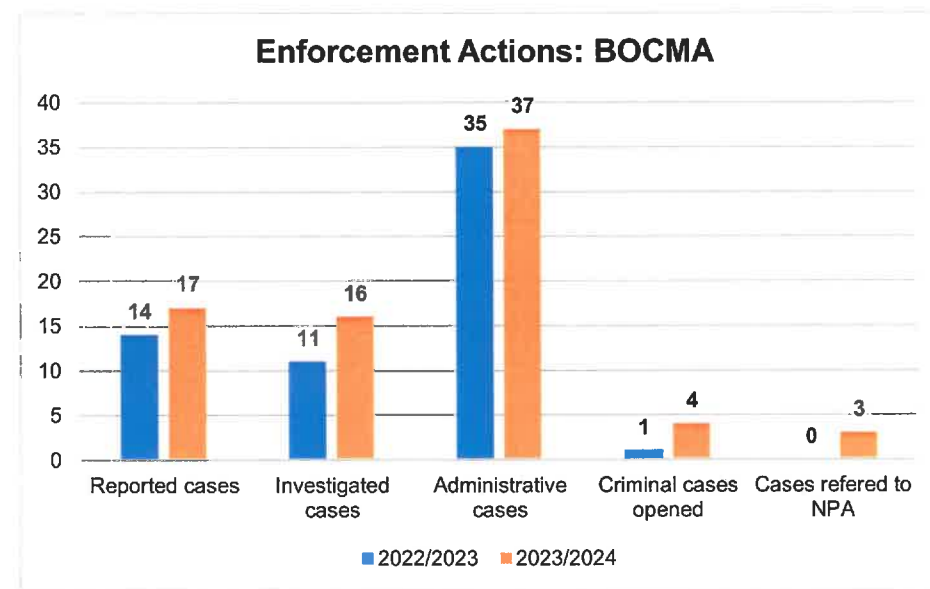
### 7.1.3 Enforcement

During the review period, the Enforcement Units received seventeen (17) complaints of suspected non-compliances. Of these, sixteen (16) cases were investigated. The investigations uncovered various non-compliances posing threats to water resources, prompting the Enforcement Units to take administrative actions against identified non-compliant water users to compel rectification of the contraventions. A total of thirty-seven (37) administrative actions were issued against suspected violators.

Additionally, four (4) criminal cases were opened, and three (3) criminal investigations were concluded and referred to the National Prosecuting Authority (NPA) for prosecution. Table 58 below shows the last 2 years enforcement cases and actions taken as available from the ECMS.

**Table 58 Enforcement activities in BOCMA over 2-years**

Enforcement Activities in BOCMA	2022/2023	2023/2024
Reported Cases	14	17
Investigated Cases	11	16
Administrative Action	35	37
Criminal Cases Opened	1	4
Case Referred to NPA	0	3



### 7.1.4 Joint CME Operations

During 2023/2024, blitz operations were conducted by BOCMA EMI's:

- Two blitz operations in the third quarter and fourth quarter with DWS and DEADP EMI's for 2023/24.

### 7.1.5 CME Pollution Incident Enforcement

During 2023/2024 financial year, BOCMA CME unit dealt with one (1) emergency pollution incident (section 20) related cases for investigation as shown in Figure 48 and obtained from the ECMS. Other pollution incidents are not captured on the ECMS and provided from BOCMA at time of publication of this report.

### 7.1.6 Training

CME generic concepts, processes, procedures and IT Application tools (NCIMS and ECMS) and how to compile a Compliance Inspection Report training session to BOCMA was rolled out on 15-17 February 2023 to capacitate the officials to perform their CME functions and use the CME procedures, tools and system.

CME Phase 2 training sector specific and enforcement actions training was provided during August 2023 to BOCMA.

Three BOCMA officials attended the EMI training offered by DFFE and all three officials successfully completed the training and awarded with their EMI certificates and designation letters during this review period.

### 7.1.7 Systems

BOCMA used the ECMS and NCIMS in 2023/2024. The systems are presently in the process of implementation within BOCMA, and its utilization is in its initial stages. It is anticipated that the system's adoption will progressively grow as users become more acquainted with its functionalities.

### 7.1.8 Key Risks (Challenges)

Objectives	Key Risks	Risk Mitigation
Compliance Monitoring	Authorised water users may not be adequately monitored	<ul style="list-style-type: none"><li>- Water users registered for waste discharge</li><li>- Water use audits</li><li>- Capacitation through skilled staff</li></ul>

Objectives	Key Risks	Risk Mitigation
Enforcement	Inadequate monitoring of water quality standards	<ul style="list-style-type: none"><li>- Sampling of DWS Water Quality Monitoring projects</li><li>- Monitoring of Water Resource points</li><li>- Funding and technical support of river rehabilitation projects</li><li>- Follow up reported non-compliant cases</li><li>- Implement water quality management programmes</li></ul>

### 7.1.9 Plan for 2024/25

KPI	Annual Target	Quarterly Target
Number of planned blitz operations	2	0
Number of compliance audits against water use authorisations (WULA/GA/ELU)	80	20
Percentage of reports uploaded on the National Compliance Information Management System (NCIMS).	70%	70%
Percentage of reported and investigated alleged illegal water use cases (including queries, complaints, pollution incidence, Ministerial and 24G referral cases)	100%	100%
Percentage of non-compliant cases registered on the enforcement case management system.	80%	80%



Percentage of Resolve reported alleged illegal water use cases, including, complaints, Ministerial and 24G referral cases)	80%	0%
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## 7.2 INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY (IUCMA) PERFORMANCE STATISTICS FOR 2023/24

### 7.2.1 Key Performance Areas

The sub-programme performs inspections and audits, including investigations of reported incidents of resource pollution in compliance with the NWA and other environmental legislation.

Output	Programme	Output Indicators	Annual Targets 2023/24
Outcome 4: Protection and Use of water resources	Programme 4: Water resource management	Percentage of planned inspections for quantity related uses	≥90%
Outcome 4: Protection and Use of water resources	Programme 4: Water resource management	Percentage of enforcement action taken against noncompliant users.	≥90%

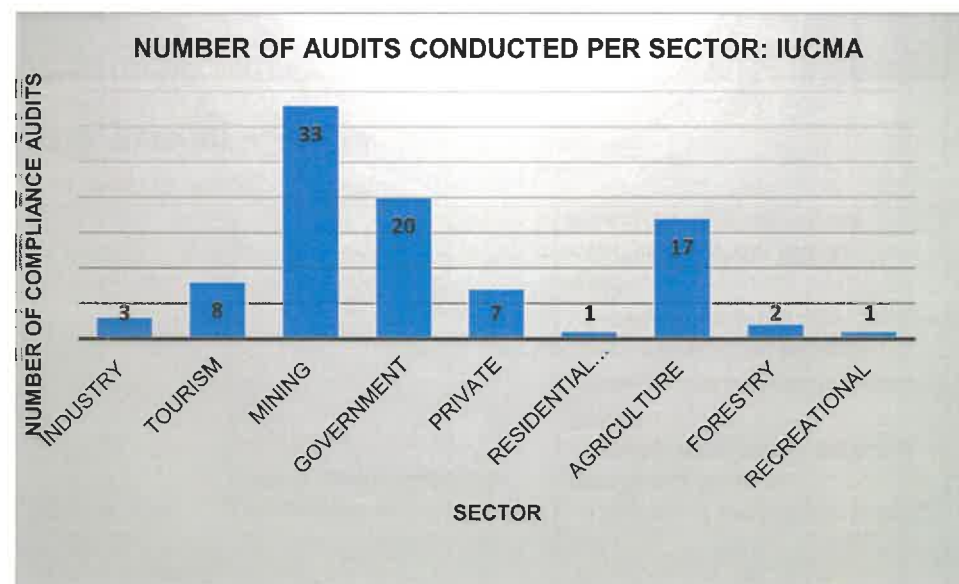
### 7.2.2 Compliance Monitoring APP Targets 2023/24

The total number of planned targets as per the IUCMA Annual Performance Plan was one hundred and seventy-two (172) for 2023/2024. The total number of desktop audits that were achieved were ninety-two (92). It must be noted that the SOPs and use of the NCIMS was not applied, and status of compliance for water users were not calculated and no PoE provided in this financial year for audits conducted.

The breakdown of ninety-two (92) water users audited are shown in detail in Table 59 -60 and bar graph below.

**Table 59: IUCMA compliance desktop audits conducted for water sectors in 2023/24 FY**

Type of Water Users	Number of inspections conducted
Industry	3
Tourism	8
Mining	33
Government	20
Private	7
Residential development	1
Agriculture	17
Forestry	2
Recreational	1
<b>Total</b>	<b>92</b>





The priority for desktop audits was for the Mining sector (33) and for Government (WWTWs) (20) and Irrigation (17) sectors. The performance levels of the water sectors could not be determined due to facilities status of compliance as per the compliance score card were not calculated in the audit reports.

**Table 60: IUCMA desktop audits conducted with no scorecards (PoE) and not on NCIMS for 2023/24**

No.	Name of Facility	APP / Addition	Comments/Findings
<b>INDUSTRY</b>			
1	Lazybend Renewables (Pty) Ltd	APP	Follow up inspection required.
2	RCL Foods	APP	No further actions required.
3	Mpact Operations: Piet Retief	APP	Follow up inspection required.
<b>TOURISM</b>			
1	Lion Sands-Game Reserve (Warthog Wallow Trust)	APP	Follow-up inspection required.
2	Lion Sands Tinga Safari Lodge	APP	No further actions required.
3	Sabie River Sun Resort	APP	No further actions required.
4	Singita Lembobo	APP	No further actions required.
5	Kruger National Park: Satara WWTW	APP	Follow up inspection required.
6	Kruger Gate Hotel	APP	No further actions required.
7	Rhino Walking Safaris	APP	No further actions required.
8	SANParks Skukuza Rest Camp WWTW	APP	No further actions required.
<b>MINING</b>			
1	Jindal Mine SA Kiepersol Colliery	APP	Follow up inspection required.
2	Vaalbult Colliery	APP	Follow up inspection required.
3	Msobo Coal Witrand Siding	APP	Follow up inspection required.
4	Caorlina Rail Siding	APP	Follow up inspection required.
5	Sara Buffels A&B Colliery	APP	Follow up inspection required.

No.	Name of Facility	APP / Addition	Comments/Findings
6	Baberton Mine Fairview TSF	APP	Follow up inspection required.
7	Analisa Mining % Industrial Service cc: Lefa Coal Mine	APP	Follow up inspection required.
8	Droogvallei Rail Siding	APP	No further actions required.
9	Fifth Seasons Investments: Op Goedenhoop Colliery	APP	Follow up inspection required.
10	Eastside Coal Mine	APP	Follow up inspection required.
11	A Re Shomeng: Motshaotshela Colliery Northern Section Mine Area 2	APP	Follow up inspection required.
12	Transvaal Gold Mine	APP	No further action required.
13	Kangra Coal Mine	APP	Follow up inspection required.
14	Msobo Coal: Tselentis Colliery	APP	Follow up inspection required.
15	Iluma coal mine	APP	No further action required.
16	Nkomati Anthracite	APP	Follow up inspection required.
17	Xivono Mining: Weltevreden coal mining project	APP	Follow up inspection required.
18	Nothern coal: Verkeerdepen	APP	Follow up inspection is required.
19	Iluma coal mine: Paardeplaats & Harlem	APP	No further action required.
20	Kangwane/Makunyul Anthracite	APP	Follow up inspection is required.
21	Afrimat (Pty) Ltd: Rocky's Drift Quarry	APP	Follow up inspection is required.
22	Coastal Fuels: Droogvallei Colliery	APP	Follow up inspection required.
23	A Re Shomeng: Motshaotshela Colliery Northern Section	APP	Follow up inspection required.
24	Wonderfontein Colliery	APP	Follow up inspection required.
25	Iluma coal: Kranspan Colliery	APP	No further action required.
26	Risenga Colliery	APP	Follow up inspection required.
27	Kangra coal mine Ltd: Belgarthen Adit	APP	Follow up inspection required.
28	Transvaal Gold Mine Estate: Glynns Lydenburg	APP	No further action required.
29	Nkotmati Joint Venture	APP	Follow up inspection required.
30	Exxaro Belfast coal mine	APP	Follow up inspection required.
31	Ikoti Colliery	APP	Follow up inspection required.
32	Varsiwave Investments Pty Ltd: Nootgezien Colliery	APP	Follow up inspection required.

No.	Name of Facility	APP / Addition	Comments/Findings
33	Welgemeend Pty Ltd	APP	Follow up inspection required.
<b>GOVERNMENT</b>			
1	Mahamba Border WWTW	APP	Follow up inspection required.
2	Piet Retief WWTW	APP	Follow up inspection required.
3	Mayflower WWTWs	APP	Follow up inspection required.
4	Hoxani Bushbuckridge Local Municipality WWTWs	APP	No further actions required.
5	Thulamahashe Bushbuckridge Local Municipality WWTWs	APP	Follow up inspection required.
6	Inyaka Dam: Buscbuckridge Local Municipality	APP	No futher actions required.
7	City of Mbombela Suid Domestic abstraction	APP	Follow up inspection required.
8	Machardodorp domestic abstraction	APP	Follow up inspection required.
9	Thordale Portable Water Treatment	APP	No further actions required.
10	Hoxane Portable Water Treatment	APP	Follow up inspection required.
11	Malelane Abstraction Point	APP	Follow up inspection required.
12	Metula Water Treatment Works	APP	Follow up inspection required.
13	Piet Retief WWTW	APP	Follow up inspection required.
14	Amsterdam WWTW	APP	Follow up inspection required.
15	Bongani Hospital WWTW	APP	No further actions required.
16	Ezakheni Combined School WWTW	APP	Follow up inspection required.
17	Komatipoort Wastewater Treatment Works	APP	Follow inspection required.
18	Hectorspruit Wastewater Treatment Works	APP	Follow-up inspection required.
19	Kabokweni Wastewater Treatment Works	APP	Follow-up inspection required.
20	Acornhoek Portable Water Treatment	APP	No further actions required.
<b>PRIVATE</b>			
1	Woodchem SA	APP	Follow up inspection required.
2	Astron Energy: Millys	APP	Follow up inspection required.

No.	Name of Facility	APP / Addition	Comments/Findings
3	WBHO Construction N\$ road construction	APP	No further actions required; water use activities ceased.
4	Donkerhoek Water Bottling Cooperative	APP	Follow up inspection required.
5	Busby Sawmills	APP	Follow up inspection required.
6	Serenity Mountain Forest Lodge	APP	No futher actions required.
7	Acornhoek Mall	APP	Follow up inspection required.
<b>RESIDENTAL DEVELOPMENT</b>			
1	Leopard Creek Share Block	APP	Follow up inspection required.
<b>AGRICULTURE</b>			
1	Etnacari cc: Water Bottling	APP	Follow up inspection required.
2	KRH Trust Farm Zandbank	APP	Follow inspection required.
3	Kalinkor: Grootkop 617JT/1	APP	Follow-up inspection required.
4	Zelpy Farm	APP	Follow-up inspection required.
5	Gerhard Basson Trust (Inyino)	APP	Follow-up inspection required.
6	Youth 2000 club	APP	No further actions required
7	Gerhard Basson Trust - Suikerboschfontein	APP	No further actions required
8	Eesterhoek water supply scheme portable water	APP	Follow up inspection required.
9	Long Greek Farming	APP	Follow up inspection required.
10	Sitimesele Mfufane Luggedlane Tribal Authority	APP	No further actions required
11	Mariti Ithemba Agri Farm	APP	Follow up inspection required.
12	Leliefontein 11T/1 and 13	APP	Follow up inspection required.
13	Mooifontein 35IT/4	APP	Follow up inspection required.
14	Brakspruit 415 JT/17	APP	Follow up inspection required.
15	BP Greyling: Langefontein Farm & Wydgelegen Farm	APP	Follow up inspection required.
16	Farm Klipspruit	APP	Follow up inspection required.
17	Ikhwezi Agro Holdings	APP	Follow up inspection required.

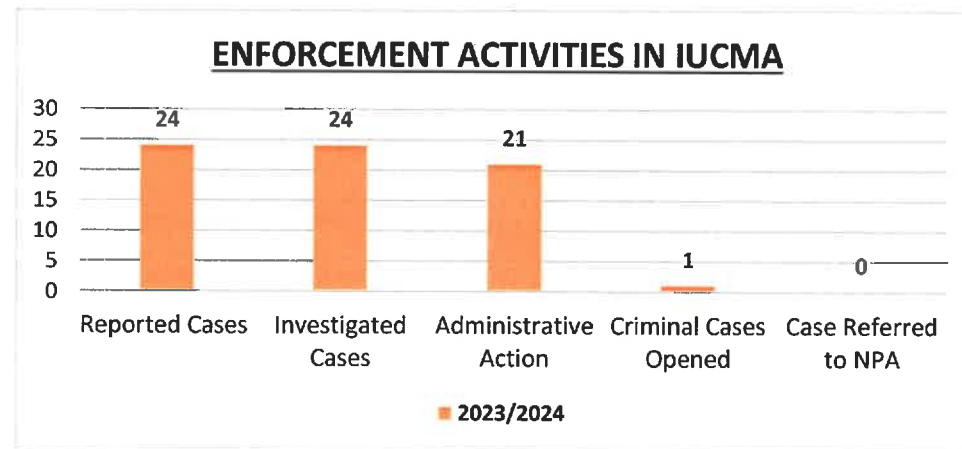
No.	Name of Facility	APP / Addition	Comments/Findings
<b>FORESTRY</b>			
1	Sabie York Timbers	APP	Follow up inspection required.
2	York Timbers Jessievale mill	APP	Compliant
<b>RECREATIONAL</b>			
1	Emfuleni Recreational Park	APP	Follow up inspection required.

### 7.2.3 Enforcement

The enforcement activities in IUCMA for 2023/2024 indicate a high level of responsiveness, with all twenty-four (24) reported cases fully investigated as per the ECMS and verified with IUCMA. Of these, twenty-one (21) cases resulted in administrative action, showcasing the authority's focus on resolving matters through non-criminal means. Only one criminal case was opened, and no cases were referred to the National Prosecuting Authority (NPA), reflecting a largely administrative approach to enforcement within this period Table 61).

**Table 61: Enforcement activities in IUCMA over 2-years**

Enforcement Activities in IUCMA	2022/2023	2023/2024
Reported Cases	6	24
Investigated Cases	5	24
Administrative Action	4	21
Criminal Cases Opened	0	1
Case Referred to NPA	0	0



### 7.2.4 Joint CME Operations

No Joint CME Operations were conducted.

### 7.2.5 CME Pollution Incident Enforcement

During the period under review, the CME division under Inkomati-Usuthu Catchment Management Agency (IUCMA) received twenty-seven (27) reported pollution incidents related cases for investigation. Take note these are separate to the twenty-four (24) enforcement complaints reported under 7.2.3 section above. All reported matters were attended to with 24 hours of reported period as per the IUCMA SOP. Verbal directives were issued on site as provided for in terms of S 20 of NWA. Majority of these issues were related to sewage overflow as a results of municipal infrastructure failure. Eighteen (18) of the reported matter were resolved with a verbal directive. Only nine (09) directives were confirmed in writing with 14 days of issuing a verbal directive. Follow up inspection were conducted, and all users issued with directives has fully complied to the

satisfactory of the IUCMA. For the quarter under review all directive matters resolved.

### 7.2.6 Training

In respect of EMI Basic Training undertaken during the 2023/2024, two (02) IUCMA official received training by DFFE. The officials have successfully completed the EMI training and are awaiting designation. Due to financial constraints the IUCMA could not send all its officials to attend the EMI training as requested.

CME Phase 2 training was not provided in August 2023 as per request by the IUCMA to conduct the training at a later stage due to organisational restructuring issues.

### 7.2.7 Systems

IUCMA only made use of the ECMS fully and not used the NCIMS to capture compliance inspection reports. It is anticipated that the system's adoption will progressively grow as users become more acquainted with its functionalities.

### 7.2.8 Key Risks (Challenges)

Outcome	Key Risks	Risk Mitigation
Protection and use of water resources	Issued licenses not adequately monitored.	a) Review the organogram to split the Compliance Monitoring and Enforcement b) Increase the number of planned inspections. c) Appoint officials to focus on streamflow reduction.

Outcome	Key Risks	Risk Mitigation
	Civil litigation against IUCMA	a) Where there is an intention to legally challenge any decision, that matter must be subjected to a legal opinion. b) Appointment of experienced enforcement officer.

### 7.2.9 Plan for 2024/25

KPI	Annual Target	Quarterly Target
Percentage of planned inspections for quantity related uses	48	12
Percentage of planned inspections for quality related uses	48	12
Percentage of enforcement action taken against non-compliant users	0%	0%



## 8. JOINT COMPLIANCE AND ENFORCEMENT OPERATIONS

Joint operations by Enforcement Units with other National Departments in the EMI Framework and our external stakeholder SAPS, offer numerous advantages in achieving the requirements of the Inter-Governmental Relation Framework Act.

Firstly, collaboration between these departments promotes a streamlined and integrated approach to enforce compliance with the requirements of the NEMA and NWA, ensuring consistency and effectiveness across different levels of government. Secondly, information sharing, and coordination enable better resource allocation, reducing duplication of efforts and optimizing limited resources. Additionally, joint operations foster mutual understanding and trust among departments, leading to improved decision-making processes. By pooling expertise and resources, these various departments can address complex cases leading to enhanced protection of water resources. Ultimately, this cooperative model aligns with the principles of the Inter-Governmental Relation Framework Act, fostering intergovernmental cooperation and synergy in addressing shared goals and responsibilities.

Over the past three financial years, the joint operations by Enforcement Units have shown fluctuating trends in the number of reported non-compliance cases. In the financial year 2021/2022, a total of 30 joint operations were conducted to address reported non-compliance. This number decreased by 16.7% in the following financial year, 2022/2023, with 25 joint operations conducted. However, in the recent past 2023/2024, there has been an 84% increase, rising to 46 joint operations. It includes the 2 blitz operations in Q3 and Q4 by BOCMA with DWS and

DEADP. This increase is due to prevalent unlawful water uses and pollution-related cases found within the regulated community.

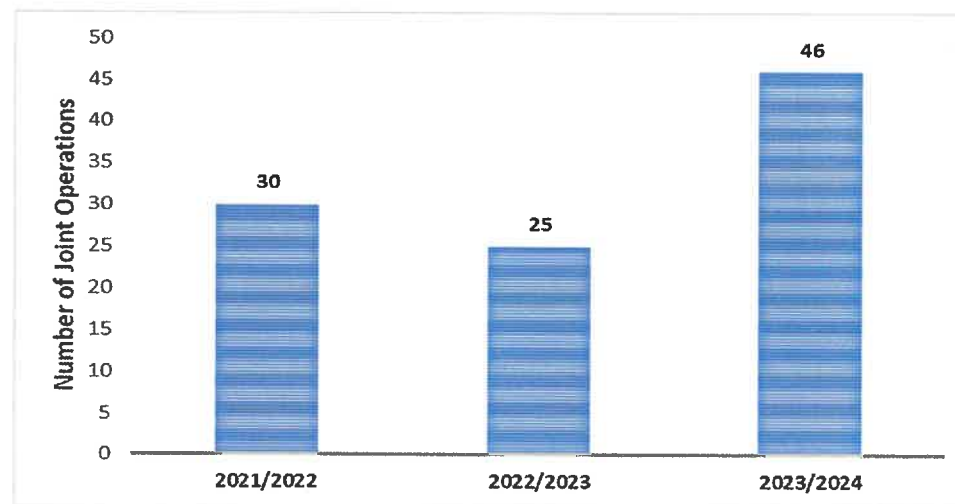


Figure 47: Number of Join operation over last 3-years

### 8.1 IMPLEMENTATION OF SECTION 53(2): EXECUTION OF WORKS

In instances where a water user fails to comply with administrative action, the DWS has the authority to invoke Section 53(2) as a means to rectify the contravention and recover its reasonable costs. Under this provision, the DWS is empowered to undertake any necessary works and execute any other actions deemed essential to address the non-compliance. By utilizing Section 53(2), the DWS can take proactive measures to rectify the situation and ensure adherence to regulatory requirements. Furthermore, it grants the DWS the ability to recover the incurred costs from the individual or entity upon whom the notice was served. This provision serves as a



powerful mechanism for enforcing compliance and safeguarding the integrity of water resources.

Section 53(2) of the National Water Act provides that *“If the action is not taken within the time specified in the notice, or any longer time allowed, the responsible authority may - (a) carry out any works and take any other action necessary to rectify the contravention and recover its reasonable costs from the person on whom the notice was served”*.

#### **Farm Rooipoort 34 and 46 KS 53 – ECMS 22527**

The Department identified significant non-compliance at the facility, where the operator was engaging in unlawful water uses without proper authorization. Administrative enforcement action was initiated, and a Notice and Directive were issued based on the following observations:

Mr. Mark Venn was found conducting a water use in accordance with Section 21(a) of the National Water Act (NWA), involving the extraction of water from boreholes. Mr. Venn was observed storing water, constituting water use under Section 21(b) of the NWA. A further water use under Section 21(c) of the NWA was noted, where Mr. Venn was obstructing or diverting water flow within a watercourse by constructing an earth dam with culverts along the river. Lastly Mr. Venn was also engaged in 21(i) of the NWA, as he had altered the bed, banks, course, or characteristics of a watercourse through the development of an earth dam in the river.

Subsequent inspections revealed that Mr. Venn failed to comply with the Directive issued by the Department. In response to this persistent non-compliance, the Department escalated enforcement actions by invoking Section 53(2) and undertook the necessary corrective actions outlined in the Directive dated 09 March 2023.



#### **Groot Nyl Oog Farm - ECMS 22945**

During a Blitz Operation in November 2022, the Department executed enforcement measures by disconnecting electricity to the borehole and sealing the borehole itself. To restore water flow to downstream users in the Nyl River, the Department removed impeding structures.

However, due to resource constraints, some of the planned corrective actions were not completed. Subsequent follow-ups revealed that the boreholes, which were previously sealed in November 2022, had been reinstalled. As a result, the Department permanently sealed the boreholes to prevent further unauthorized water use by the farmer.

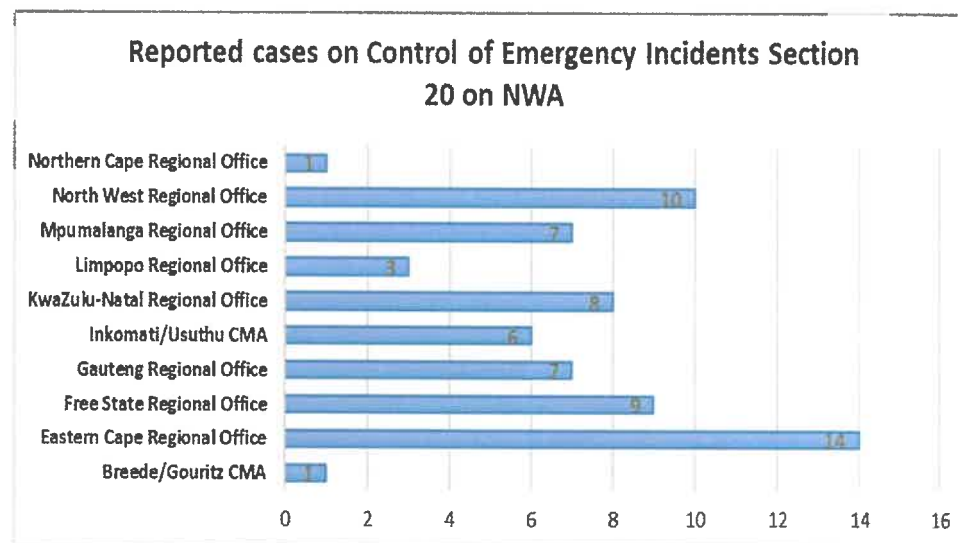
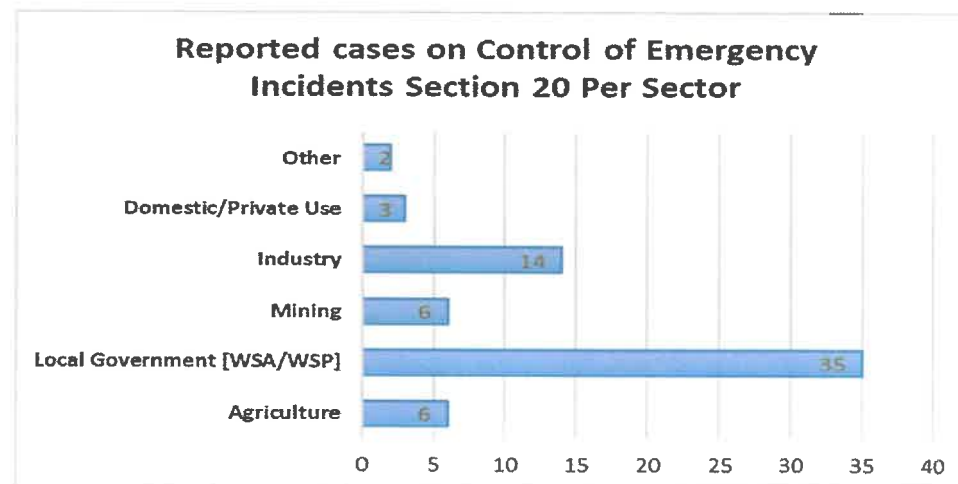
## 9. POLLUTION INCIDENT ENFORCEMENT



During the 2023/2024 review period, a total of five hundred and eighty-three (583) cases of non-compliance were reported. Among these cases, one hundred and forty-one (141) were related to the control of incidents resulting in water resource pollution which includes emergency incidents. In response to these incidents, the Department conducted thorough investigations and, when necessary, initiated administrative enforcement actions or filed criminal charges against those responsible. These actions were aimed at compelling individuals or entities involved to undertake corrective measures to mitigate pollution.

It is important to highlight that these incidents primarily occurred during normal operations of various activities, often involving spillages. The affected sectors included local government, mining, industrial, and agriculture. The Department is monitoring efforts to ensure that

appropriate clean-up and rehabilitation measures are implemented to protect our valuable water resources from further harm and degradation.



**Figure 48: Reported Section 20 Cases: Control of Emergency Incidents**

The Department issued one hundred and nineteen (119) notices, and forty-six (46) directives were issued, while (56) criminal cases were opened against the facility operator who, either intentionally or negligently, engaged in activities that resulted in the pollution or potential pollution of a water resource. Collaboratively, the Department is actively engaged with SAPS to facilitate the completion of the case docket, which will then be forwarded to the NPA for a decision. Furthermore, eight (8) cases have been closed as facility operators have undertaken corrective measures to clean and rehabilitate the affected areas, effectively mitigating the pollution risk to our water resources (Table 62).

Table 62: Enforcement actions against Polluters for 2023/24

Enforcement Action Taken against Polluters during FY 2023/2024					
Sector	NWA Notices Issued	NWA Directives Issued	Criminal Cases Opened	Plea Sentencing Agreements	Cases Referred to NPA
Agriculture	13	3	2	0	0
Local Government [WSA/WSP]	58	25	53	1	8
Mining	22	7	0	0	0
Industry	8	6	0	0	0
Government [National/Prov]	4	0	0	0	0
Domestic/Private Use	7	1	1	0	0
Tourism	4	3	0	0	0
Commercial	3	1	0	0	0
<b>Total</b>	<b>119</b>	<b>46</b>	<b>56</b>	<b>1</b>	<b>0</b>

## 10. JUDGEMENTS PLEA SENTENCING AGREEMENTS



Table 63: Judgements for 2023/24

Parties	CAS Number	Section 151(1) Offences	Judgment
The Minister of Water and Sanitation [Applicant] and Msukaligwa Local Municipality [First Respondent] Gert Sibande District	4860/2022 In the High Court of South Africa Mpumalanga Division	Notice of Motion proceedings wherein the following order was sought-  1. The First Respondent is directed to immediately cease	The following Court Order was obtained on the 20 September 2023:  1. The First Respondent is directed to immediately cease unlawful water use at the Ermelo Wastewater Treatment Works; 2. The First Respondent is directed to apply for registration of water use as set out in section 21(f) and 21(g)



<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
Municipality [Second Respondent] MEC For Cooperative Governance and Traditional Affairs [Third Respondent]		<p>unlawful water use at the Ermelo Wastewater Treatment Works;</p> <p>2. The First Respondent is directed to apply for registration of water use as set out in section 21(f) and 21(g) of the National Water Act 36 of 1998 read with Regulation 519 of 2009: Notice to register a water use;</p> <p>3. The First Respondent must immediately take corrective measures to stop discharge of poor-quality effluent to prevent further pollution of water resources.</p> <p>4. The First Respondent is directed to appoint a suitably qualified environmental consultant to compile a rehabilitation plan which must</p>	<p>of the National Water Act 36 of 1998 read with Regulation 519 OF 2009: Notice to register a water use.</p> <p>3. The First Respondent must immediately take corrective measures to stop discharge of poor-quality effluent to prevent further pollution of water resources.</p> <p>4. The First Respondent is directed to appoint a suitably qualified environmental consultant to compile a rehabilitation plan which must include: the nature and extent of the impact that the pollution has had or may have on the water resources; the measures that will be implemented to remediate or mitigate the impact; and clear time frames.</p> <p>5. The rehabilitation plan referenced in paragraph 4 above must be compiled within 30 days from the date of the order of court and submitted to the DWS for approval.</p> <p>6. The First Respondent must implement all the remedial action contained in the rehabilitation plan within 30 days from the date of approval of the plan by DWS.</p> <p>7. The First Respondent is directed to compile a close out report after the completion of the rehabilitation to be submitted to DWS within 14</p>

<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		<p>include: the nature and extent of the impact that the pollution has had or may have on the water resources; the measures that will be implemented to remediate or mitigate the impact; and clear time frames.</p> <p>5. The rehabilitation plan referenced in paragraph 4 above must be compiled within 30 days from the date of the order of this court and submitted to the DWS for approval.</p> <p>6. The First Respondent must implement all the remedial action contained in the rehabilitation plan within 30 days from the approval of the plan by the DWS.</p> <p>7. The First Respondent is directed to compile</p>	<p>days of the completion of the rehabilitation activities.</p> <p>8. The costs of this application are to be paid by the First Respondent.</p>

<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		<p>a close out report after completion of the rehabilitation to be submitted to the DWS within 14 days of completion of the rehabilitation activities.</p> <p>8. The costs of this application are to be paid, jointly or severally, by any respondents opposing it.</p>	
<p><b>The State vs Govan Mbeki Local Municipality</b></p> <p><b>[Joint matter between Department of agriculture Rural Development Land and Environmental Affairs (DARDLEA) and DWS]</b></p>	<p>RC26/2023</p> <p>In the Regional Court for the Regional Division of Mpumalanga</p>	<p>In respect of the charges:</p> <p><b><u>COUNT 1:</u></b></p> <p><b><u>Unauthorised disposal of waste</u></b></p> <p>IN THAT the Accused is guilty of contravening Section 26(1)(a) and (b) read with Sections 27(1) and (2), 136 (5), 67(1)(a) &amp; 68(1) and (2) of the National Environmental Management: Waste</p>	<p>The Accused was convicted and sentence in respect of the plea and sentence agreement as follows:</p> <ul style="list-style-type: none"> <li>➤ S105A plea &amp; sentence agreement: Fine: R200m (R50m suspended for 5 years if no similar offences committed)</li> <li>➤ R150m utilized for urgent repairs; proof submitted to DARDLEA &amp; DWS</li> <li>➤ R350 000 to DWS &amp; DARDLEA each for EMI capacity building</li> </ul>

<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		<p>Act (NEMWA), 59 of 2008;</p> <p><b><u>COUNT 2:</u></b></p> <p><b><u>Causing significant pollution to the environment (Act 36 of 1998)</u></b></p> <p>IN THAT the accused is guilty of contravening Section 49A(1)(e) and (f) read with Sections 1, 49B (1) of the National Environmental Management Act (NEMA) Act 107 of 1998, as amended, read with Sections 94 and 332 of the Criminal Procedure Act 51 of 1977;</p> <p><b><u>COUNT 3:</u></b></p> <p><b><u>Tamper or interfere with any waterwork or any seal or measuring device attached to a watercourse</u></b></p>	<ul style="list-style-type: none"> <li>➤ Appointment of technical experts, supervisors &amp; instalment of pre-treatment processes</li> <li>➤ Monitoring of effluent standards (receiving &amp; leaving)</li> </ul> <p>External auditing requirements</p>



<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		<p>IN THAT the accused is guilty of contravening Section 151(1)(e) read with Sections 1 and 151(2) of the National Water Act (NWA) Act No. 36 of 1998, further read with Sections 94 and 332 of the Criminal Procedure Act 51 of 1977;</p> <p><b><u>COUNT 4:</u></b></p> <p><b><u>Unlawfully and intentionally or negligently commit any act or omission which pollutes or is likely to pollute a water resource</u></b></p> <p>IN THAT the accused is guilty of contravening Section 151(1)(i) read with Sections 1 and 151(2) of the National Water Act (NWA) Act No. 36 of 1998, and read with Sections 94 and 332 of the Criminal</p>	

<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		<p>Procedure Act 51 of 1977;</p> <p><b><u>COUNT 5:</u></b></p> <p><b><u>Unlawfully and intentionally or negligently commit any act or omission which detrimentally affects or is likely to affect a water resource;</u></b></p> <p>IN THAT the accused is guilty of contravening Section 151(1)(j) read with Sections 1 and 151(2) of the National Water Act (NWA) Act No. 36 of 1998, and read with Sections 94 and 332 of the Criminal Procedure Act 51 of 1977;</p> <p><b><u>COUNT 6:</u></b></p> <p><b><u>Failure to comply with a compliance notice.</u></b></p>	

<i>Parties</i>	<i>CAS Number</i>	<i>Section 151(1) Offences</i>	<i>Judgment</i>
		IN THAT the accused is guilty of contravening Section 31N (2) read with Section 31N (3) of the National Environmental Management Act (NEMA) Act 107 of 1998 as well as read with sections 94 and 332 of the Criminal Procedure Act 51 of 1977.	

## 11. INFORMATION MANAGEMENT

### 11.1 NATIONAL COMPLIANCE INFORMATION MANAGEMENT SYSTEM (NCIMS)

In 2015 work commenced to develop a National Compliance Information Management System (NCIMS) that would assist in the prioritisation of water users to be monitored against their water use authorisation, the capturing and storing of compliance inspection and audit reports, verify status of compliance of water users and performance of water sectors, a receptacle for third party audits and self-regulation reports, and ultimately to ensure enforcement actions of non-compliances identified at facilities and of repeat offenders. This system was tested during the financial year (2016/2017) and rolled out during 2017/2018 to the provincial offices. The NCIMS and ECMS had successfully been integrated during 2018/2019.

#### 11.2.1 Progress and Achievements on the NCIMS for 2023/24

DWS and Proto-CMA/CMA Users were requested on a quarterly basis and during NCIMS training sessions to submit their contributions on how to improve the system. These requests were consolidated and in collaboration with the System Administrator and developers, enhancements to the system were implemented. Three types of enhancements were identified and packaged as follows:

- First set was the fixes, identifying functions on the system not working and System make sure that these are fixed.
- Second set were errors identified and system administrator corrected these identified errors.
- Third set are enhancements that were identified by end users and most of these will be implemented in the financial year 2023/2024.

- Development of the Water User Self-Regulation report upload module on the NCIMS is in progress and will be finalised in 2024/25. This enhancement entails (a) granting Water Users access to their profiles on NCIMS to upload their WUA, self-regulation and technical reports, to manage contact information and (b) granting RO, Proto-CMAs/CMAs and HO CME officials' access to uploaded self-regulation reports and to upload self-regulation audit finding letters. It will send automated notifications to the Water User of successful upload of their self-regulation reports as Receipt of Acknowledgement which lessen the administrative actions for the CME officials and ensure all reports / documents are accessible on one system platform for the water user and the regulator (national/provincial/CMAs).

- Integration of NCIMS into IRIS, linkages with other DWS IT Applications Systems (e.g. E-WULAAS, NIWIS, etc) and other achievements are in progress and will be finalised in the financial year 2024/25, such as NECER Report (Outcome 10) will no longer be compiled manually but extracted from the system.

The NCIMS User Manuals are still up-to-date and stored on the NCIMS under the Documents Tab.

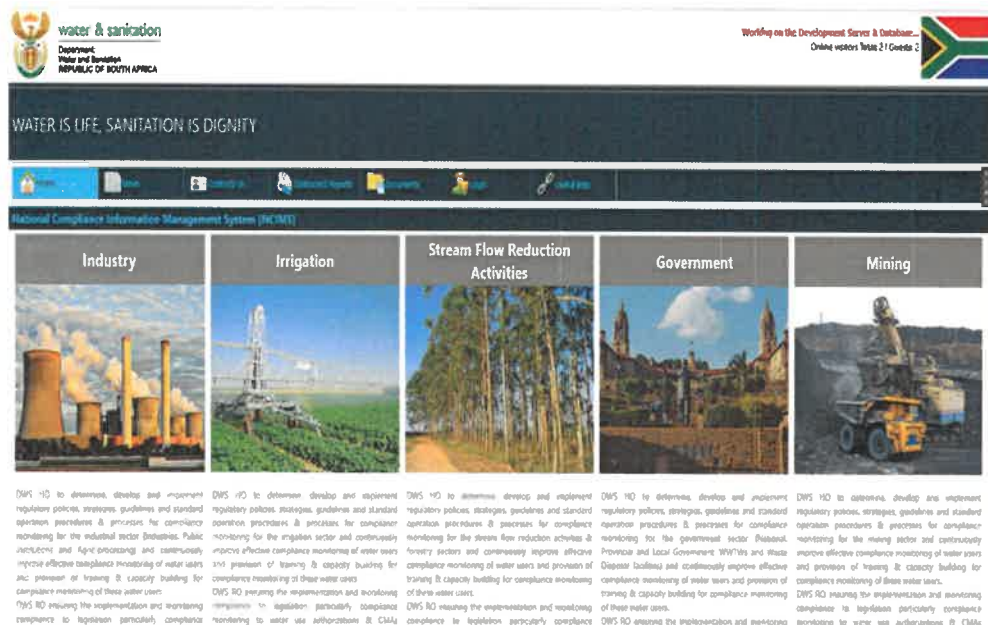
### 11.2.2 Training on the Use of the NCIMS

The NCIMS currently has a total of 250 end user profiles registered on the system, 105 are active registered users from DWS and Proto-CMAs/CMAs. 56 end users were deactivated, 6 duplicates and 83 end users whose statuses will be confirmed in the financial year 2024/2025.

NCIMS training to all DWS and Proto-CMA/CMA Users were rolled out in two types of training sessions for the First Time Users to accommodate the new officials appointed in the functions of CM and the Refreshers Session to update the active CM officials on the enhancements that were implemented and how to apply it.

The First Time Users sessions were held on:

- 7 June 2023 for MT Proto CMA,
- 12 July 2023 for VO Proto CMA,
- 25 April for DWS
- 29 August 2023 for LO Proto CMA;
- March 2024 for IUCMA



No NCIMS Refreshers Sessions were held in the financial year of 2023/2024. A total of 65 officials were trained in these sessions. Two sessions on MS Teams platform and 3 training sessions were provided at the Regional Offices.

Additional training is provided on NCIMS when end users request for it. This might be to further explain on training that was provided difficult concepts, or just assisting officials do their work when stuck working on the system and any other issues that might arise while officials are using the system, they may contact NCIMS Champion for clarity and if need be, trained is arranged.

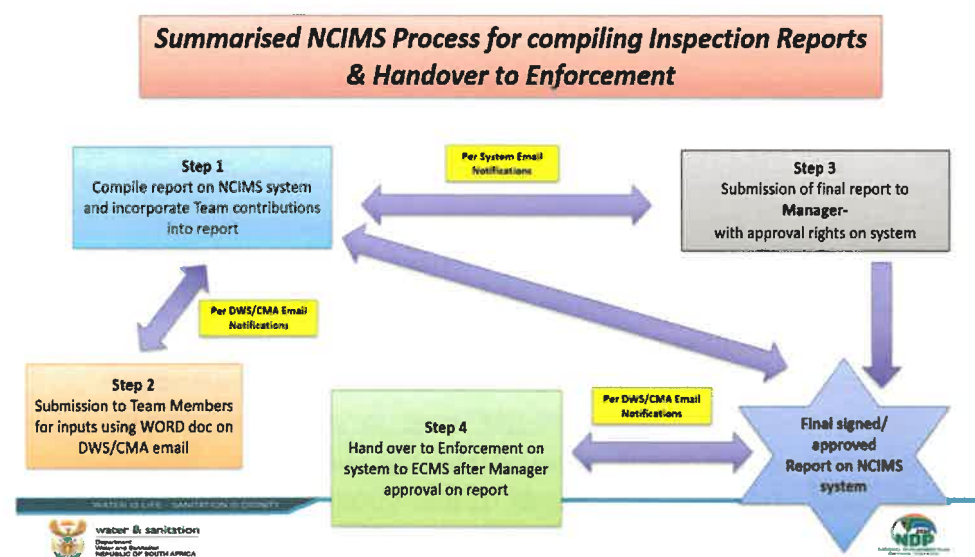


Figure 49: Steps involved in the NCIMS process

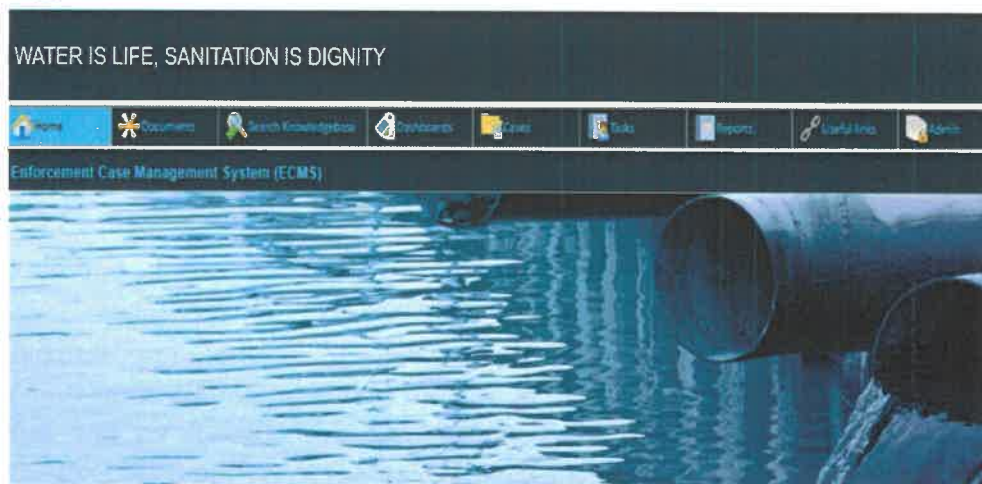
## 11.2 ENFORCEMENT CASE MANAGEMENT SYSTEM (ECMS)

Enforcement Case Management System (ECMS) serves as a pivotal tool for achieving multiple objectives. Primarily, the system facilitates electronic recording and storage of reported non-compliance cases. Its further aids in the management of these cases to meet the requirements of investigative, administrative, and criminal procedures, thereby contributing to the successful prosecution of such cases. As a key instrument within the enforcement unit, ECMS plays a crucial role in ensuring the effective and efficient functioning of the unit. To continuously enhance system efficiency, the enforcement unit consistently undertakes projects focused on improving the system. This process involves regular review and redevelopment of the system to align with the ever-changing work environment.

ECMS was introduced in 2014, the system has played a pivotal role in tracking and addressing regulatory non-compliance cases. Since its inception, the ECMS has undergone continuous updates, with the current version being 2.17. This web-based system allows users to access it from any device with internet connectivity, enabling broader accessibility for users across different regions.

As of the latest data, the ECMS has registered over 7,800 non-compliance cases, with an average of 30 new cases logged each month. This consistent use highlights the system's effectiveness in supporting regulatory enforcement processes. Furthermore, the platform is currently used by 163 registered users from all provinces, ensuring widespread utilization for case management.





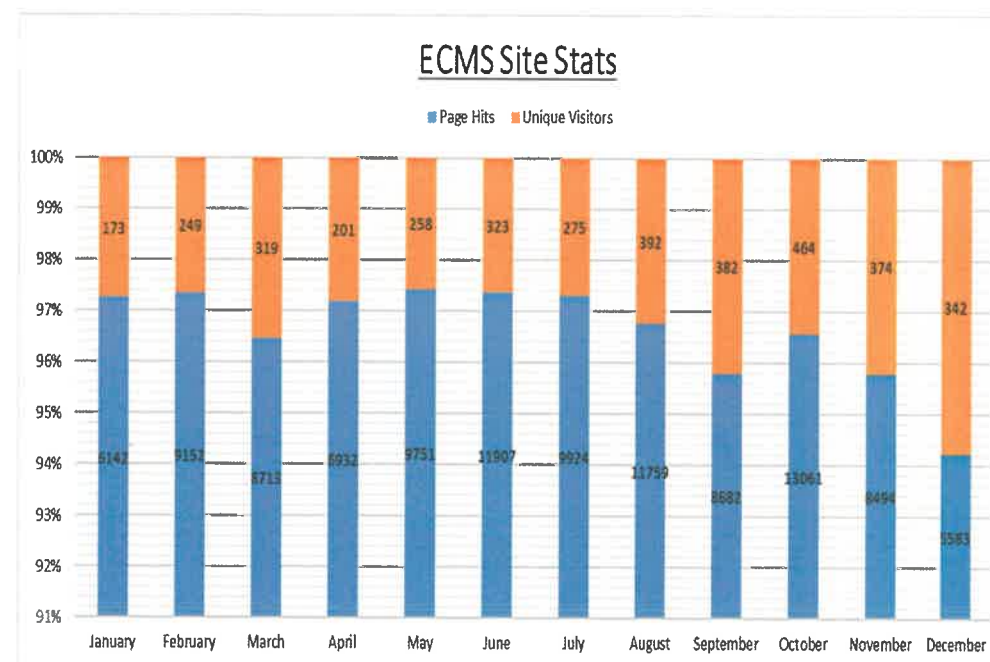
WELCOME TO ENFORCEMENT CASE MANAGEMENT SYSTEM (ECMS)

#### About ECMS

ECMS is a centralized system that enables the electronic management and processing of case related information. ECMS is utilized as an electronic solution for management of non-compliance cases reported to ensure necessary rectification measures are instituted against suspected offenders from the moment they are reported to the time of resolution phase. The system is aimed at improving operational efficiency and compliance to administrative enforcement, civil and criminal requirements.

To enhance the effectiveness of the ECMS, end-user training has been a key focus. So far, 56 users have undergone training to ensure they are equipped with the necessary skills to operate the system effectively. The ECMS continues to be an indispensable tool in facilitating efficient management of non-compliance cases, with its web-based nature and user-friendly interface contributing to its ongoing success.

The ECMS has consistently garnered significant page hits per month, as evidenced by the above data. Overall, the consistent level of page hits per month indicates a significant and regular usage of the ECMS, highlighting its importance in managing enforcement cases effectively.



**Figure 50: Performance Data of ECMS for the Year 2023**

Enhancements on the ECMS is ongoing and continual process with interactions with IT team for new developments and improvements especially with the link back to the NCIMS is required for non-compliance cases and progress to these enforcement actions referred to the Enforcement actions.



## 12. CME CAPACITY BUILDING

The capacity of Compliance Monitoring and Enforcement is one of the key priorities highlighted in the NWRS-3 and the DWS CME Strategy and requires action in terms of additional personnel and skilling of existing officials. Of concern is also the sharing of resources between Compliance and Enforcement due to the workload and the differing skill set between inspectors and investigators.

### 12.1 RECRUITMENT AND SELECTION

Strengthening of Compliance Monitoring & Enforcement capacity remains the key strategic action in order to take strong action against unlawful water users in accordance with the prescribed enforcement procedures. This priority strategic action can be achieved through availability of skilled human capital. During the financial year 2023/24, new officials dedicated to performing CME functions were appointed in the CMAs. The limitation on increasing of Cost of Employees across government has had a limit on the unit to appoint new staff in the Department. The transition of compliance and enforcement moving to the newly established CMAs are ongoing with the accompanying labour processes.

### 12.2 DWS AND CMA INTERNAL TRAINING

A training needs analyses was compiled for 2023/24 as part of the WUCME training programme.

The Integrated Water Resources Management (IWRM) Orientation Course (5-days) has been provided on 11-15 September 2023 for 2023/24 for DWS

and CMA officials and consisted of different presenters from specific fields of expertise within DWS to present a module to an estimated 47-officials over the one training session. The second training session scheduled for February 2024 did not proceed due the cost containment placed within the department. The IWRM Orientation Course has also been accredited with South African Council for Natural Scientific Professions (SACNASP).

In respect of EMI Basic Training undertaken during the 2023/2024, 21 of the DWS and CMAs officials received training by DFFE. The 21 CME officials are though awaiting designation as EMI's by end of March 2024 (Table 63).



**Figure 51: EMI Trained delegates February 2024**

Internal DWS / CMA training courses are indicated below in Table 63 for officials to perform their duties more effectively and efficiently and to enable them to be designated as EMIs. A WUCME database register is updated on a quarterly basis for official receiving training and which training sessions attended for 2023/24. It gives a good indication who still needs to be trained, and for which advance courses.

Phase 1 (3-days) & Phase 2 (2-days) CME training were developed, and training provided to Proto-CMAs that already appointed staff and will be conducting CME functions and existing CME Regional Office officials that will be moving over to the CMAs on:

- **Phase 1:** Generic concepts, processes, procedures and IT Application tools (NCIMS and ECMS) and how to compile a Compliance Inspection Report to CMAs/Proto-CMAs
- **Phase 2:** CME training of compliance monitoring SOPs and requirements for specific water sectors and Enforcement SOPs and actions to be taken.

The following Proto CMAs received CME training during thus reporting period:

- MT Proto-CMA (EC) East London, Umtata & PE offices - Phase 1 (6-8 June 2023) & Phase 2 (20-21 June 2023)
- VO Proto-CMAs FS & NC (Kimberley & Upington) - Phase 1 (11-13 July 2023) & Phase 2 (25-26 July 2024)
- LO Proto-CMA (Limpopo – Polokwane office) - Phase 1 (28-30 Aug 2023) & Phase 2 (19-20 Sept 2023)
- BOCMA Phase 2 (14-15 August 2023). Phase 1 training was already provided in previous financial year on 15-17 February 2024.

IUCMA already received training on Phase 1 in the previous financial year (8-10 February 2023) and requested to be trained on Phase 2 at a later stage due to internal organizational structure issues. When VO Proto-CMAs North-Wes and Gauteng; PM Proto-CMA (KZN) and LO Proto-CMA (Mpumalanga & Bronkhorstspuit offices) appoint CME officials the CME Phase 1 & Phase 2 training will also be rolled out to them in the 2024/25.

The development of advanced EMI Waste and Pollution Sampling training course in collaboration with DFFE is completed and training will be provided in the 2024/25 financial year in partnership with DFFE.

Further training of internal stakeholders is continuing whereby officials are capacitated by attending training tabled in the Performance Management Development System. As skills development is a crucial aspect in improving performance in the Branch Regulation but due to work demands officials have great difficult to disengage to attend training. DWS has therefore identified the need for an e-learning platform to bridge this gap to ensure dissemination of training material that allows officials to participate and self-learning in convenient segments and at their own pace without compromising service delivery.

**Table 64: CD: WUCME Internal Capacity Building held for 2023/24**

No	WUCME Training Course	Internal Stakeholder	Q1	Q2	Q3	Q4	Presenter
WUCME OVERARCHING/JOINT TRAINING							
1	Proto-CMA CME training (interim-urgent)	Proto-CMAs	MT Proto-CMA EC Phase 1 (6-8 June 2023) & Phase 2 (20-21 June 2023	VO Proto-CMA FS & NC Phase 1 (11-13 July 2023) & Phase 2 (25-26 July 2023)	Cost contain	Cost contain	D: CM & D: E, CDSS unit

No	WUCME Training Course	Internal Stakeholder	Q1	Q2	Q3	Q4	Presenter
				LO Proto-CMA (LIM) Phase 1 (28-30 Aug 2023) Phase 2 (19-20 Sept 2023)  BOCMA Phase 2 (14-15 Aug 2023)			
Capacity Development Systems & Support Unit							
1	EMI Basic Training Course	DWS/Proto-CMA/CMAs CME officials	(3 weeks) May 2023		(3 weeks) Oct 2023	(3 weeks) Feb 2023	DFFE, DWS CDSS unit
2	EMI photographic evidence advance course	DWS/Proto-CMA/CMAs CME officials			Cost contain	Compiled e-learning presentation	CDSS unit
3	NWA requirements training	10 x NPA & SAPS	6 x SAPS 1 x NPA	9 x SAPS 2 x NPA		1 x SAPS 2 x NPA	CDSS unit
4	NWA requirements training	2 x SAJEI & Traditional Leaders	1 x CPA			1 x CPA	CDSS unit
5	Docket preparation	DWS/Proto-CMA/CMAs EMI officials	29-30 May 2023 (HO)		Cost contain	Cost contain	CDSS unit
5	Criminal enforcement	DWS/Proto-CMA/CMAs EMI officials	9 May 2023 (EC Region)		Cost contain	Cost contain	Enforcement
WUCME SECTOR SPECIFIC TRAINING							
D: Compliance Monitoring							

No	WUCME Training Course	Internal Stakeholder	Q1	Q2	Q3	Q4	Presenter
1	Compliance Inspection trainings for Water Sectors (x 8)	NC, KZN, GP & EC Regions	EC	LIM, FS & NC, BOCMA	Cost contain	Cost contain	D: CM (CME Phase 2 training)
2	Use of NCIMS: New User course (1- day)  Refresher Course (half day)	DWS/Proto-CMA/CMA new users DWS/Proto-CMA/CMA existing users	X 2	X 2		X 1	D: CM
3	CM Regulatory requirements awareness sessions	4 x CMFs, Monitoring committee, other platforms	1 x CMF	1 x CMF	1 x CMF	1 x CMF	D: CM
D: Enforcement							
1	Enforcement SOP training	DWS/Proto-CMA/CMA Enforcement officials	1	3	Cost contain	Cost contain	D: E (CME Phase 2 training)
2	Use of ECMS Training	DWS new users DWS Existing users	2	2	Cost contain	Cost contain	D: E

## 12.3 EXTERNAL STAKEHOLDER ENGAGEMENT

During the 2023/2024 financial year the sub-directorate: Enforcement Support conducted legally oriented capacity building training sessions with its external stakeholders such as SAPS, NPA and Traditional leaders. The external stakeholders have a direct involvement in the investigation and prosecution of criminal matters and thereby enforce compliance with the National Water Act. Therefore, these engagements are important to build the capacity and skills base of the personnel within these institutions to successfully investigate and deal with water related criminal cases. The external stakeholder training sessions were held for 16 SAPS, 5 NPA and 2 Traditional communities for capacity building initiatives.

**Table 65: External capacity building and training held**

SAPS			
Q1			
SAPS Stilfontein	Basic NWA Capacity Building Training (Enforcement)	20 April 2023	
SAPS Ngaka Modiri Molema District	Basic NWA Capacity Building Training (Enforcement)	16 May 2023	
SAPS Hazyview	Basic NWA Capacity Building Training (Enforcement)	17 May 2023	
SAPS Ehlanzeni District	NWA Capacity Building Training (Enforcement)	18 May 2023	
SAPS Nelspruit	Basic NWA Capacity Building Training (Enforcement)	19 May 2023	
SAPS Orkney	Basic NWA Capacity Building Training (Enforcement)	24 May 2023	

Q2			
SAPS Piet Retief NWA	Basic NWA Capacity Building Training (Enforcement)	23 Aug 2023	
Setlagole SAPS	NWA Capacity Building Training (Enforcement)	24 Aug 2023	
Madibogo SAPS	NWA Capacity Building Training (Enforcement)	24 Aug 2023	
Atamelang SAPS	NWA Capacity Building Training (Enforcement)	23 Aug 2023	
Coligny SAPS	NWA Capacity Building Training (Enforcement)	6 Sept 2023	
Itsoeng SAPS	NWA Capacity Building Training (Enforcement)	7 Sept 2023	
Lichtenburg SAPS	NWA Capacity Building Training (Enforcement)	8 Sept 2023	
Hibberdene SAPS	NWA Capacity Building Training (Enforcement)	19 Sept 2023	
Verulam SAPS	NWA Capacity Building Training (Enforcement)	20 Sept 2023	
Q3			
NONE			
Q4			
SAPS Groblersdal	Basic NWA Capacity Building Training	9 Feb 2023	

## NPA

Q1			
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Advanced NPA Training	NWA in Ladysmith	21 April 2023
Q2		
Advanced NPA Training	NWA in Upington	28 July 2023
Advanced NPA training	NWA in Vryheid	25 Aug 2023
Advanced NPA Training	DPP Bloemfontein	14 Sept 2023
Q3		
NONE		
Q4		
NPA Prosecutors Training	NWA in KZN	28 Feb 2023

### TRADITIONAL COMMUNITY TRAINING

Q1		
Mulambwane CPA Training	NWA	29 April 2023
Q2		
NONE		
Q3		
NONE		
Q4		
Manamani CPA (Thohoyandou)	NWA	11 Feb 2024

### EMI BASIC TRAINING

Q1		
EMI Basic Training course	Gauteng	8 – 27 May 2023 (3 weeks)
Q2		
NONE		
Q3		
EMI Basic Training course	Cape Town	9-28 Oct 2023 (3 weeks)
Q4		
EMI Basic Training course	Cape Town	26 Feb – 16 March 2024 (3 weeks)



Figure 52: NWA Prosecutorial Capacity Building Training (NPA Upington, 28 July 2023)





**Figure 53: NWA Basic Capacity Building Training (SAPS Vryheid, 7 September 2023)**



**Figure 55: NWA Prosecutorial Capacity Building Training (NPA DPP Offices Bloemfontein, 14 September 2023)**



**Figure 54: NWA Prosecutorial Capacity Building Training (NPA DPP Offices Bloemfontein, 14 September 2023)**



**Figure 56: Manamani Communal Property Association (11 February 2024, Thohoyandou)**



Figure 57: External stakeholder engagements for 2023/24

### 13. COMPLIANCE PROMOTION/STAKEHOLDER

Stakeholder management is one of the primary objectives of the Enforcement Unit. This objective ensures the management of relations and liaison with the unit's key stakeholders, such as the South African Police Service, National Prosecuting Authority, Public Protector of South Africa, State Security Agency and civil society organisations. This objective is achieved through conducting of community awareness campaigns, participation in catchment forums and capacitation of key stakeholders. During the review period, Enforcement officials attended various catchment management forums in order to ensure transparent and inclusive stakeholder participation in water sector and for compliance promotion.

### 14. PLAN FOR 2024/25

**Compliance Monitoring** will continue to build on targets set for compliance monitoring whilst pursuing more effective ways and measures of achieving compliance in the water sector quicker. One of the implications of the restructuring process expected to be finalized in 2023/24 Financial Year, is that the CM function will be performed by the Pro-CMA and the CMAs and the transition period of handover of compliance monitoring is prolonged and create its challenges to perform and manage the duties and responsibilities in this regard. Training of new officials taking over the CM function will be critical to ensure continuity in the monitoring process.

Key projects will include:

- Continuation of drafting the ELU regulations;
- The implementation of the water metering regulations;
- Strategic Audits through profiling the catchment earmarked for piloting the strategic audit concept and developing the reporting template and SOP accordingly;
- Implementation of NEMBA regulatory requirement for SFRA through the facilitation of delegation of DWS as a competent authority and develop an implementation agreement with DFFE, and
- Capacity building across all sectors.

**Enforcement:** The overarching objective is to strengthen the enforcement function within the Proto-CMAs and CMAs, enhancing the ability to effectively address cases of non-compliance and transgressions. As a result, the infusion of skilled individuals from different departmental units

into the Proto-CMAs and CMAs serves to consolidate and augment the criminal enforcement function and aligning with the strategic direction of the Department.

Key projects will consist of:

- Development of the Plea Sentencing Agreement SOP. The drafting of the SOPs will be facilitated through the gathering of inputs from relevant stakeholders and research of best practices. It is expected to establish inconsistencies and irregularities.
- Coordination and implementation of the Blitz Activities of non-compliant cases through site assessments and engagement of relevant stakeholders. It is expected to show case enforcement operations against unlawful water users.

**CME Training & Systems integration:** The DWS CME Strategy approved in March 2018 is progressively being implemented with the further training of CME personnel within DWS and the CMAs/ Proto-CMAs and external stakeholders and well as further development, enhancement and integration of the IT information application systems. A communication strategy will also be developed for targeted compliance promotion and to highlight enforcement successes to serve as deterrent.

Capacity Development, Systems and Support unit within WUCME has embarked on the development of an **e- Learning platform** to facilitate the management and dissemination of training content to WUCME officials and Environmental Management Inspectors (EMI) at national, provincial, and CMA levels. This type of system will alleviate the need for only classroom-based contact sessions which are limited in terms of both size and scope and enables a mechanism to provide updates and refresher courses without unnecessary budgetary implications. The development and implementation of the e-Learning solution will be undertaken

internally. The testing of the solution and updating specifications is to be concluded and standardised and aligned WUCME training and assessing modules to be compiled and uploaded to the system.

