



Groundwater, Boreholes, and Water Use Licences (GWD, IAH-SA) Webinar, 23 July 2020 - Questions & Answers

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Please note: This document aims to answer the questions received from participants to this webinar, as accurately and clearly as possible. It is based on current experience and best practice of the contributors and should be viewed in the context of a guideline. As we become aware of new knowledge or information, we will release an updated document.

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Abstraction volumes

Q: What are the impacts on the licensed abstraction volumes for Municipalities involved in artificial recharge of the aquifer, is a different licensing required for abstraction of this water?

A: It will be an integrated WUL with the injection (21e) if waste water is being stored, abstraction (21a) and storage (21b).

Boreholes / Groundwater

Q: Is there any regulation that governs the cut off distance of boreholes away from the rivers?

A: The Department normally works with the 1:100 year flood line or 100 m (whichever is greatest) where it is assumed there will be an impact on the water resources. A Section 21(c) and (i) may be triggered in addition to the Section 21(a). It will also depend on the specific area where it is known there is a large surface water, ground water interaction. It may need to be determined as part of the specialist studies undertaken and the impact of the water uses. If one is within the regulated area of a wetland which is 500 m, there will be restrictions. Wetland restrictions can be found in the General Authorizations for 21 (c) and (i) water uses.

In terms of NEMA - removal or deposition of 10 m³ or more within 32 m or water course is a listed activity and requires the input of an environmental assessment practitioner. Please note that the 32 m from NEMA is different to the requirements of DWS for flood line.

Q: What actions are taken towards property owners who drill boreholes in their yards, abstract groundwater for various uses in their households but never applied for a WUL?

A: This will generally fall under Schedule 1 use. Remember these are small uses most of the time. They have a very small impact on resources but this is why by-laws were drafted by many municipalities.

Different Municipalities will have different by-laws that will deal with these actions. The best would be to enquire from the Municipality's operational / water department. If there is no groundwater related by-laws, there may not be any illegal abstraction.

Q: Since the effect of drought, more boreholes were drilled, how possible to register all those boreholes and have the DWS database updated?

A: Department relies on people to come forward, but the CME farm audits are also identifying boreholes and asking for registration/authorisation. There are normally complaints received by the Department and when investigated the authorisation is checked. It was very difficult during the

drought period to register all the boreholes. Department asked the assistance of City of Cape Town to assist with registration in that municipality.

Q: I am very worried about the cumulative impact of boreholes on adjacent properties and located within the same aquifer. Who monitors the cumulative use of groundwater from a specific aquifer? We know that the cone of depression is not symmetric - it is usually asymmetric.

A: The geohydrological study aims to assess this via a hydrocensus – where borehole details are sought in the area surrounding the abstraction being applied for. When the license of the water use is granted – monitoring forms part of the compliance conditions. This helps in assessing how sustainable the abstraction is on the aquifer.

The Department also does monitor groundwater levels at several DWS sites. All water uses related to abstraction and storage have been part of verification in the validation and verification process in the areas where it has been done.

During the calculation of the Groundwater Reserve for areas, known boreholes and their abstraction rates are also considered.

Q: What is the policy on boreholes that fall under historical use according to Section 22(1) of the NWA a person may only use water without a license if that water use is permissible under Schedule 1 or if that water use is permissible as a continuation of an existing lawful use

A: This question has 2 parts:

- i) The owner does not require a license or authorisation for Schedule 1 use as long as he/she has lawful access to that groundwater resource. This may include a servitude registered between two properties, and a written agreement on the use and times of use for the borehole.
- ii) It is important to note that water had to be actively used during the qualifying period 1996 – 1999 to be considered as Existing Lawful Use (ELU). Water that was registered as groundwater use may not be ELU and it is recommended that you contact your local DWS / CMA branch to verify the water use from the water resources for the property. An important thing to remember with groundwater is that groundwater could only have been transferred between two properties under the 1956 act with a Permit. If said permit was not in place on those properties that shared groundwater, the water may not be considered ELU. This is clarified within the National Water Act's definition of ELU: *Water that was LAWFULLY used during the qualifying period.*

Q: What are the legal and licensing requirements for borehole drilling companies?

A: *Fhedzisi Ramusiya*: Currently there are no legal and licensing requirements for borehole drilling companies in South Africa. The department is not intending to license borehole drilling companies but rather regulate borehole drilling activities. The Department is still at an early stage of planning the development of the framework for regulating drilling activities in South Africa and has successfully created a platform on the National Groundwater Archive (NGA) since the inception of the NGA system and has recently enhanced this platform that enables the registration and updating of drilling companies and other stakeholder's information. We will appreciate the support of companies/ stakeholders to register and update their existing details on the NGA system.

Q: What are the laws regarding historical use and boreholes not needing a license under that?

A: On existing lawful use certificates it specifies "Lawfulness to be determined". Validation and verification processes to address this are ongoing. One option is to complete a WULA to address that statement but it depends on the ELU. The Department is busy with Validation and Verification of abstraction and storing water uses to check legality.

Q: Does sand water abstraction in a dry stream is regarded as borehole water?

A: Groundwater that supports river flow can be abstracted from a borehole. In terms of NWA - that will be at least (c), (i) and (a) water uses. It is groundwater that supports surface water flow.

Please note that this will trigger authorisation requirements from: Department of Minerals and Resources, Department of Environmental Affairs and the Department of Water and Sanitation.

Q: Do we have integrated delineation of groundwater management units with surface water or sufficient tools to do so, to assist with setting-up integrated monitoring program to understand the interrelationship and decision-making.

A: For the Resource Quality Objectives (RQO) project, surface and groundwater units are delineated differently. We also looked at different parameters to measure.

This relationship was considered when the RQO were done for the catchments where the project has already taken place. The delineation for groundwater was different to surface water but areas of high surface water - groundwater interaction was noted.

Bylaws

Q: Can Municipal Bylaws OR Ordinances override or restrict (sinking of boreholes) water use on private property even though such water use is defined as permissible under Section 22(1) of the National Water Act, 1998 (Act 36 of 1998) ?

A: Municipal By-laws, if sufficiently motivated and approved by the National Department of Water and Sanitation, may limit water abstraction from boreholes within the boundaries of the Municipality, but Local authorities are legally responsible for providing water services in their area of jurisdiction. If there are issues that prevent people from sinking boreholes the Municipality will consult with the Department.

The municipality may, due to varying reasons, require boreholes to be registered with the Municipality. By-laws as gazetted may be implemented. Reasons may include: Danger due to sinkhole formation in areas which are dolomite rich areas; the Municipality being groundwater dependent and the possible impact of uncontrolled water abstraction from other boreholes in the vicinity of the Municipal sources.

Q: Could such a Bylaw be considered an infringement on any Constitutional Right pertaining to access to water or infringing on the livelihood of a person or persons?

A: Bylaws generally serve the greater good. So if a development or sinkhole threatens people and their health and safety, the bylaw will override not to infringe on rights, but be used for the greater good. The Water Service Provider (WSP) (normally the Local authorities) are bound in terms of the Water Services Act to provide water services to residents in their area of jurisdiction. The WSP is bound to the National Water Act (NWA) and Water Services Act (WSAct) to provide water as a constitutional right. If the bylaw restricts the use of water for example groundwater, the WSP needs to provide the water as stated in the Water Services Act, i.e., water for household purposes.

Compliance

Q: What is the responsibility of the applicant after the WUL is awarded e.g. ensuring compliance to WUL conditions?

A: It is important for the license holder to read through the conditions stipulated in the license and query any details that are incorrect or irrelevant. It is the responsibility of the license holder to ensure compliance to all of the conditions of the license. This is also assessed as part of the internal and external audits that are indicated as conditions in all licenses issued. *(Please note that internal assessment of compliance of licences should be done within 6 months in most licences, and the assessment should be reported to the DWS / CMA).* Should some of the conditions be deemed not applicable or relevant, these conditions can be motivated to be removed in the form of an amendment and in consultation with the DWS.

Distance

Q: What is the lawful minimum distance that you can plant or develop from the river bank on land with existing crops?

A: Activities that occur within the 1:100 year flood line or within 100 m from a watercourse (whichever is greater) or within 500 m from a wetland may trigger water use activities (Section 21(c) and (i) water uses in terms of the NWA) and will required authorization from the DWS. The NEMA requires authorisation within 30 m from the boundary of a water course, while the NWA requires authorisation within 100 m or 1:100 year floodline (watercourse) or 500 m (wetland). In the first scenario the water use may be authorised under General Authorisation if the Risk Assessment calculates that the impacts to be “Low”. In cases where the risk assessment calculates to a Medium and high after mitigation or the 500 m from a wetland is triggered. A full water use licence application is required, which will include a freshwater impact assessment.

One should stay outside the 1:100 year flood line if one does not want to apply for a licence, especially if one intends to irrigate with waste water. It also depends on volume and unless there is runoff from irrigation land, or a specific water use that is triggered.

NEMA says 32 m and NWA 100 m/100 year flood line without a WUL but with good motivation. Development of crops can encroach closer than the 32 m boundaries (with relevant environmental and specialist input and motivation). But Section 21(c) and (i) will have to be applied for and DWS want people to stay out of riparian habitat, so they must not farm on the banks of the river.

E-WULAAS

Q: If you're applying for a General Authorisation and WULA for the client. How do you add a new application for the same client on E-WULAAS?

A: This would be an integrated WULA for same property with only one authorisation. If more than one water use is applied for, one of which is a license, the whole application will be for a license. If you have a GA on a property and apply for WUL later, the assessor should include the GA in the license. There is a bit of issue for EWULAAS and WARMS integration, but DWS are working on that.

(Thus, it is possible to link one client to multiple properties for a water use. It must be noted that the applicant cannot apply for a GA and WUL on the SAME PROPERTY. In that case the applicant applies for a WUL for all water uses.)

However, if the second authorisation is for a completely different site but for the same applicant, simply go to the “Link clients” tab and select the applicant you wish to add a second application for, populate with the relevant details.

Q: I have a WUL application as a hard copy, had been through all authority meetings, etc. Documents ready for final submission but now as time passed had to be uploaded on eWULAAS. Open a case on eWULAAS and now a whole new case officer who wants a pre-application meeting and to start from square 1 is required. This is a waste of time and money - how can this be resolved? (Transition between applications that got far along but now require eWULAAS)

A: I would suggest addressing this with the relevant DWS office. Possibly through one or two meetings between all stakeholders, the matter can be resolved and you can submit the application via the E-WULA system.

It is also important that when new case officers are assigned to water use licences, they may require a pre-WUL meeting to familiarise themselves with the application: site meetings and pre-WULA discussions makes the transition much easier. The rest of the steps may be fast-tracked if, for instance all the necessary documents are uploaded within 2 days instead of 104, site visits with specialists from the Department may not be necessary if they have already visited and provided the necessary comments. If this did not happen, it may still be required in terms of them understanding the application. If you discuss this first with assessor, a combined site visit may be conducted to fast-track the process further.

Hydrocensus

Q: What motivates the choice of the size of the radius of hydrocensus survey (1km, 5km...)?

A: 1 km is used as a minimum, however based on the geological and setting and likelihood of connectivity of boreholes, the radius may be increased as such. The purpose of the hydrocensus is to obtain as much critical information about the aquifer in which the proposed abstraction will occur.

License

Q: Is the license renewable?

A: Licenses are not renewable and there are also no temporary licenses. Future applications to apply for renewal is still in the discussion phase. Currently the idea is that proof of technical details will be required but use still will have to be assessed.

It is advisable that you contact the DWS / CMA at least 1 year before the license lapses to apply for a new water use license or request renewal, based on sufficient information and proof that all water use licence conditions have been met and that water abstraction will continue to benefit the economy etc. in terms of Section 27 of the NWA.

Q: Is 24hr CD tests required for Category A & B applications (small and medium scale abstraction)? Based on this document, it is not required? "Annexure B" - Requirements for Water Use Licence Application: Groundwater Abstraction [S 21 (A)].

A: If the borehole is in an area of high abstraction, numerical modelling can help assess volumes and sustainability. Any WULA requires a yield test (GA and Schedule 1 does not) – Please see Appendix D, number 5 of the same document (aquifer testing). The DWS: Groundwater Development of

Community Supply and the SANS outline testing requirements/durations for different applications. However the Annexure B document is an internal DWS doc and is a guideline.

Q: Would the Department recommend the issuance of a license to an HDI/HDIs if both the reserve and geohydrological report shows that the resource cannot sustain the applicant's requirements?

A: The Department will try and assist HDI's as far as possible. The Department is still guided by resource sustainability and must make the decision based on this.

Q: What is the licence fee used for?

A: The licence fee is currently R115 which is related to administrative requirements like postage of original documents etc.

Name Change

Q: The (relatively) new Minister is for "Department of Human Settlements, Water and Sanitation" - has the Licensing Authority's name changed?

A: No, DWS are still known as Department Water and Sanitation (DWS). DWS have to include Housing and Sanitation as part of mandate and the two Departments (DWS and DHS) fall under the Ministry of HS&WS.

Non-Agreement / Rejection

Q: How does the situation get managed / resolved when the different spheres of government are not in agreement?

A: That will depend on the type of disagreement and the supporting evidence on both sides. This question cannot be answered in a broader sense as it is case-based.

Q: I have submitted a WULA in 2017. It is now 2020 and the WULA is ongoing. I have received four (4) rejection letters for the same project with each letter having very different comments. How can this be handled because it is quite often difficult to keep requesting new information from your client? Is the WULA not reviewed in its entirety prior to issuing a rejection letter?

A: This is one of the reasons why a pre-WULA meeting is now compulsory since 2019. The suggestion is to set up a meeting with the case officer and the WULA manager to discuss the application, and if possible to provide a small presentation on the studies and findings including the recommendations and mitigation measures.

Ownership/Consent/ Deeds

Q: In regards to landowner consent, would pdf'd landowner consent forms accompanied by a certified I.D copy suffice or does the landowner need to write a formal letter of consent?

A: The DW902 form was developed to assist in this regard. The landowner would complete and sign the form and that would be sufficient proof that the landowner gave permission to use the land for the water use. If that is not available, a form letter written by the landowner confirming consent would be required. Most licensing officers would accept a .pdf consent as long as it is signed by the owner and has contact details for verification. IF the .pdf is a copy of an original letter, it can also be certified.

Q: If you apply for a WUL on state land (nature reserve) who must sign as the landowner?

A: The agreement between the land owner (in most cases the Dept Public Works) and the entity that manages that land like Cape Nature or a Municipality, will determine who the signatory may be for the application for water use. If the agreement does not specify, a proxy letter to the relevant lessee from the land owner will also be acceptable.

Q: How is the GA volume calculated on a tribal property where there are no title deeds? For example, the property under the tribal leadership is 1000 ha and the chief has given me roughly a portion of 10 ha and I want to apply for a GA on a 4 ha of my property, how then will the determination of the volume I can get on my portion be determined?

A: The Department (Regional Office) will have to do an investigation with that scenario. It requires both the specialist and assessors to apply their minds as it is difficult to legislate every possible eventuality.

Elkerine additionally commented: This may be handled the same as the aforementioned. If the tribal leader provided confirmation that 4 ha may be farmed on a property with groundwater the person may have a letter from that leader to confirm. It is also relevant to note that in this case, other tribal members may need to be consulted as Public Participation to confirm that there will not be impacts on their water requirements. I would suggest that in this case the type of crop will assist in the determination of the water required to be abstracted. This in turn is linked to seasonal rainfall, soil types etc.

Payment/ Cost

Q: Regarding the application fee, with COVID-19 restrictions we cannot pay at the cashiers. What other payment methods can we use and how do we get our proof of payment and receipt numbers from DWS?

A: Unfortunately you cannot yet pay through the system (it is currently being updated), but each CMA or else Regional Office will have an account that can be paid into for those areas where they are active.

Use the WU number for the application as your reference and upload the proof of payment. The CMA will provide you with a receipt of payment for electronic payment details.

Pre-application

Q: Melissa mentioned the importance of the pre-application meeting. Is this a legal requirement? I've requested pre-application meetings before with officials from the Department, and the official said it was not needed. What about the current restrictions (are officials willing to meet via online platforms?)

A: The Department is fully up and running as far as license applications are concerned and officials are willing to go out do site visits if they have to. The officer working with your application will indicate this and it also depends on the type of application e.g. if it is a complicated application in terms of water uses, a pre-application meeting will definitely be requested; for a simple application that DWS know exactly what is asked for and are sure about water uses you want to apply for, you will be guided by the officer working on your application.

Most officials should be able to conduct the pre-WULA meeting on-line, but this is really dependent on the detail of each application. More sensitive areas may require a site visit with specialists etc. It is always a good idea to include your environmental specialist in this meeting as part of a “scoping” phase.

Q: How does one easily and effectively contact DWS to start the pre application enquiry?

A: When you register your e-WULA you are supplied with a WU-number that is linked to that on-line application. Should you want to enquire about whom the case officer is, you will be required to provide this number. The system also generates an enquiry acceptance letter that will provide you with a name of the case officer and contact number / details.

Q: Often after a pre-application meeting you might have further questions regarding technical information as required. Case officers aren't very helpful in assisting with addressing queries raised be it over call or email. This makes the application process so much more difficult because you risk receiving a rejection on your WULA application. How can this be handled more efficiently?

A: The case officer is an agent of DWS and responsible for processing the assigned application. If there is non-responsiveness from the case officer, you may contact another DWS official with your query while keeping the case officer copied in.

Public participation

Q: How is the process of public participations undertaken during this time of COVID-19 as meeting with the community will be a very big issue?

A: A phone call or email etc. is also acceptable as long as you can provide proof of engagement. It is important to arrange a meeting with the Department first so that the necessary arrangements can be made for the site visit as required.

The main thing is that in most groundwater cases proof of discussions with direct neighbours, the municipality and the local Irrigation Board / Water User Association is key. You may also advertise in the local newspaper to invite written comments and arrange 1 on 1 meetings / calls with those that require further information.

Reserve

Q: What criteria determines when a high level reserve needs to be determined (in catchments that only have rapid reserves done) and who is responsible for determining the high level Reserves?

A: *Stanley Nzama:* In deciding on the level of Reserve to be determined aspects related to the catchment conditions such as severity of stress the catchment in question endures, high number of water use license applications being received, Foreseeable future development in the catchment, change in population which changes Reserve requirement for basic human needs, changes in the status and integrity of ecological ecosystems requiring protection.

DWS National Office is responsible for undertaking Reserve determination studies. The Director: Reserve Determination can be contacted in this regard and based on the available information as it relates to the aforementioned factors, a decision can be made whether to determine a high level Reserve or not.

Q: Where is the best resource to find information on the Reserve determinations and water quality objectives that have been assessed/ published?

A: *Stanley Nzama:* Such information such as technical reports supporting gazette/published Reserve can be obtained from the DWS National Office Directorate: Reserve Determination, Relevant DWS Regional Office, and Catchment Management Agency (CMA) concerned.

Q: A comment was made by the last presenter that Desktop Reserve is not a high quality Reserve?

A: *Stanley Nzama:* Desktop Reserves are determined based on readily available information, and sometimes such information is sourced from sources with data emanating from other studies that had been conducted by specialists. For example when a Desktop Reserve is determined, data on Recharge, and baseflow is sourced from the GRA2 dataset which was determined by specialists, and such dataset is widely used by other specialists when other RDM studies (such as water resource classification) are conducted. The only challenge with Desktop Reserve is that in some instances

when current data is not readily available, current conditions might not be reflected in that Reserve study.

Schedule 1 use

Q: Is there a volumetric limit used to guide Schedule 1 use?

A: No, there is no specified volumetric limit in the legislation, but the regional office/ CMA should be able to provide guidance on the typical volumetric limit accepted in their area.

Q: I need to supply water to multiple households from a single borehole located in a private property. Water will be piped to the other residential properties for household use/irrigation. Does this fall under Schedule 1? Water will be supplied to residents at no cost.

A: It is important to note that water supplied for drinking water purposes, should be compliant with the quality prescribed by the SANS 241 standard for drinking water.

If all the water use is indeed for Schedule 1 use, then it would be Schedule one use.

It is important to comply with relevant municipal bylaws, and the water user may need to register as a Water Service Provider.

Q: How small/big one's garden should be in order to use water and be considered as a reasonable use under Schedule 1 water use?

A: There is no legislated limit in terms of property size. The general rule of thumb is that household gardens are not used for commercial use by the owner.

Storage

Q: I would like to know about harvested rain water and storage thereof in an open earth dam and then being able to use it later for irrigation?

A: Harvested rainwater, as in roof water, will not require 21(a) but if the open earth dam is large enough it may require authorisation in terms of 21(b), but a rainwater harvesting tank will not require authorisation.

Harvested rainwater where water flows over land to a dam is considered run-off and will require authorisation for 21 (a) and (b). If irrigation water is mixed with rain water it will be 21 (g) or 21(e) use depending on the activity. See GA document of 21 (a) and (b) for storage volumes that require authorization. Q: Have a storage allocation on water application, can we use the water stored for irrigation? And the allocated pump rights to borehole water. Combine the two and use the total amount allocated for pumping and storage?

A: Storage for water in a dam is a different use than abstracting water from the aquifer. It will also depend if irrigation is taking place from raw water or water containing waste. This will need to be discussed with catchment personnel.

Many people see 21(b) as a water resource where this is not the case. The plain way to explain this is that the hole in the ground is 21(b) and the water in the hole is 21(a). The water in a dam comes from a source, either surface or ground. In some cases the water may be generated as effluent and stored. To reuse this water will not require 21(a)

Technical Report

Q: If I were to apply for Groundwater Abstraction (Source Development) what would my WULA Technical Report need to contain?

A: The requirements for the groundwater report are contained in Annexure D Section 5 of the Regulations regarding the procedural requirements for water use licence applications and appeals (GN R267).

Q: There is a document which classifies groundwater abstraction in relation to the size of the property and then gives guidelines as to what needs to be included in the technical report. The document is referred to as "Annexure B" - Requirements for Water Use Licence Application: Groundwater Abstraction [S 21 (A)]. Can anyone give me a reference in which document these guidelines are contained?

A: The Revision of General Authorisation for the taking and storing of water (Notice 548 of 2016, National Water Act, 1998). National Water Act, 1998 (Act 36 of 1998) revision of General Authorisation for the taking and storing of water. – This gives the volumes for GA –

The second part of the question relates to the GA gazetted for water use licencing process.

Q: When your water use locations have changed from your initial phase 1 registration to the final phase (technical report submission), do you need to go back to phase 1 to change the locations?

A: The e-WULAAAs system does not allow for changes to be made once you have passed Phase 1. However, through discussion with the case officer, movement back to Phase 1 can be facilitated to include the changes:

It will be possible to move the application back to the relevant phases of the assessment, but this infringes on the timeframes for assessment and not many assessors may be willing to do this. It is recommended that you only start with your formal licencing process once you can answer the basic questions: *Where (siting), How much (volume per crop for irrigation as example), Will the borehole impact on others (hydrocensus), Will the borehole be able to sustain the required use (yield test)?*

Timeframes/ Timelines/ waiting period

Q: The Department does not seem to stick to the legislated timeframes - many of my applications say for example Duration: Day 405 of 300. Can any feedback on this be provided?

A: There is a backlog on the system that the Department has to work according to. There are different people that are part of the system and there will be delays, unfortunately. It is important that applicants communicate with the case officer they have been allocated. The case officer will communicate with e.g. specialists if there is a hold up.

Some licences started counting as of day 1 of the acknowledgement of your enquiry, which may be a reason for high day counters, the department has updated the system to only start the count after the pre-WULA meeting and phase 1 submission, and will probably now change it again once the new timeframes are gazetted. It is important to keep contact with the case officer on your application status.

Q: When will the government's "90 day" authorization of WULs start?

A: Until this has been published via a regulation/gazette, it is not the stipulated timeline.

Q: With so many specialists' reports required for integrated WULA, is it possible to reduce processing timelines from 300 to 90 days?

A: No, DWS cannot do it in 90 days. The Department already has backlogs on system. It is important to only start your licencing process once you have sufficient supporting specialist comments.

Q: What is the average waiting period for a pre-application meeting as I have been waiting for some of these meetings for over 6 months?

A: It is not supposed to take longer than 14 days but sometimes the applications need to go between people so if you have not received any feedback in this time, contact the case officer to follow up on the meeting.

Q: What are the timeframes for amending water use licences? Since this is not done online, there does not seem to be a specific process. Can this be confirmed or structured somehow?

A: It is being discussed in DWS at higher levels. If people do not have access to an online platform, the Department still assists if they come to DWS offices. They must just make an appointment under the present situation. The same with the CMA. DWS also offers on-line help with a WULA administrative personnel.

To make it easier for an amendment you can use the DW811, DW901 and DW902 forms to provide the new details of the properties. You can also provide a written document with a table where you provide the incorrect information vs. proposed corrected information.

Please note that amendments still needs to be presented at a WUAAAC for recommendation as the licence amendment still has to go to the National Office for signature

Q: What is the implication for non-adherence to the legislated timeframes by issuing authorities?

A: People can escalate their complaint to the Director General of the Department or the Minister. Alternatively, contraventions in terms of the Promotion of Administrative Justice Act (PAJA) can be taken up in a legal capacity.

Tourism

Q: CapeNature is a land manager of National and Provincial public works land and needs to register water for tourism facilities used for commercial purposes. Any advice on this one applicable to numerous reserves across the WCP?

A: The first step would be to get authorization from other Departments. e.g. for land use rezoning and EIA requirements. It also depends if a water use is triggered.

This registration may fall within a General Authorisation or licence ambient and the volumes required will guide the process.

Water quality

Q: Are there any guidelines for selecting constituents to be analysed for water quality assessment when dealing with mining areas or urban areas?

A: The Department issued best practice guidelines that gives guidance on constituents. The Hydrogeological report is crucial, and specialists recommend parameters based on the type of mine, possible pollutants and environmental setting. This is addressed in the technical report.

There is also the integrated waste water management plan document that was used widely by the industry.

Waste Licences/ Sewerage

Q: Portion of ash used for mine backfilling is excluded from waste. Implying that no waste license application is required. Do we need to apply for the water use authorisation for that portion of ash used for mine backfilling?

A: This webinar focused on the national water act. This could certainly be considered disposal of waste in a manner that may detrimentally affect a water source - so yes, a water use. But details of this would need to be discussed with the case officer in order to determine this.

Q: What is the DWS's role in the authorization of waste management licences (more related to Sector 21g applications)?

A: *Stanley Nzama*: DWS establishes current groundwater quality conditions by making use of all groundwater quality available data in the catchment. Then a groundwater quality Reserve limits and associated Reserve conditions are set based on the outcome of the assessment. Such Reserve limits and associated Reserve conditions form the basis for setting water use license conditions.

Department also has to provide what is called a Record of Recommendation to the Department of Environmental Affairs that they will incorporate into the license conditions. It falls under dispensing of license when it is covered under other legislation.

Q: Do all sewerage treatment systems require a water license?

A: All sewerage treatment systems requires authorization(s). The water quality and volume discharged and the type of discharge will specify the type of authorisation.

Q: Do all sewerage treatment plants require licensing?

A: Depends on the volume of waste water produced. Some sewerage works e.g. package plants will fall under a GA. Waste water treatment works is a Section 21(f) water use and Section 21e if there is irrigation with treated effluent.

Comments

Comment: I miss the Borehole Water Association as a partner in the outreach to stakeholder - their guidelines can link to the DWS ones.

BWA is not a professional or learned society. GWD and IAH are. Water user associations normally have meetings with the Department as part of stakeholder engagements.

Comment: Is it not time to review the licensing needs and process. After 22 years, is all this effort really warranted? Are we effectively protecting water resources and achieving equity. I understand the need to license large volume abstractions, but should the small licences not be handled in a different way. The drafters of the legislation had the idea of a pyramid - with fewer large scale abstractions being authorised through licences, but far more being managed through Schedule 1 and GAs.

A: DWS have engagements with water user associations. The GAs are supposed to be dealing with the smaller volumes of water to be authorised. Please note that licensing is only one of the instruments that the Department uses to manage water resources.

Contact details

Q: More options for help/ easy access to case officers?

A: The contact details of the case officers will normally be on the correspondence that applicants will receive.

Q: Please provide DWS license manager's contact details

Please note that these officials will only be able to assist you if the application in the WMA where they work.

Breede Gouritz Water Management Area. <i>WULA manager</i>	<i>Ms Prudence Mahlaba</i> <i>Contact number: 023 346 8000</i>
Berg and Olifants-Doorn Water Management Area. <i>Acting licence manager</i>	<i>Mr Sipiwo Xongo</i> <i>Email: XongoS@dws.gov.za</i> <i>Contact number: 082 373 7645</i>
Berg Water Management Area. <i>Lisence Manager</i>	<i>Mr Warren Dreyer</i> <i>Email: DreyerW@dws.gov.za</i> <i>Contact number: 082 600 8684.</i>