

DEPARTMENT OF WATER AND SANITATION

NO. 2458

2 September 2022

MZIMVUBU-TSITSIKAMMA WATER MANAGEMENT AREA (WMA 7) IN THE EASTERN CAPE PROVINCE: LIMITING THE USE OF WATER IN TERMS OF SECTION 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998; FOR URBAN, AGRICULTURAL, AND INDUSTRIAL (INCLUDING MINING) PURPOSES

I, Dr Sean Philips, in my capacity as Director-General of the Department of Water and Sanitation (DWS), on reasonable grounds believe that a water shortage exists in Western areas of the Mzimvubu-Tsitsikamma Water Management Area in the Eastern Cape Province; due to insufficient rains in the 2021/22 rainfall season and below average rainfall predictions for the oncoming months, as well as a high water demand, that it is necessary to limit the taking of water from the Algoa Water Supply System (WSS) and other water schemes and dams listed in this Gazette.

The Minister of Water and Sanitation may, in terms of section 6 (1) of Schedule 3 of the National Water Act of 1998 (Act 36 of 1998) (The Act) limit the use of water in the area concerned if the Minister, on reasonable grounds, believes that a water shortage exists within the area concerned. This power has been delegated to me in terms of Section 63 (1) (b) of the Act.

Therefore, in my capacity as the Director-General of the Department of Water and Sanitation I hereby under delegated authority in terms of section 6 (1) of Schedule 3 read with section 72(1) of the Act, limit the taking and storing of water in terms of section 21(a) and 21(b) by all users in the geographical areas and schemes listed and described below, as follows:

1. The Algoa Water Supply System, its associated primary catchments and its footprint area of supply, as indicated in Table 1:
 - a. Curtailment of overall 40% on all taking of water from surface water resources for domestic and industrial water use from the Algoa WSS and the relevant parts of the primary catchments within which the Algoa WSS occurs.
 - b. Curtailment of 80% on all taking of water from surface water resources for agricultural water use from the Algoa WSS and the relevant parts of the primary catchments within which the Algoa WSS occurs.
 - c. The taking of water from individual sub-systems and dams in the Algoa WSS be limited to the reduced allocations as specified in Table 1.

Table 1: *Dams & sub-systems of the Algoa WSS with restricted allocations for 2022/23, (based on operation risk assessments and Algoa WSS Operating Forum meeting decisions of 15th July 2022)*

Scheme / Dam	River catchment	Restricted Allocation Availability	Curtailment %
Kouga & Loerie Dams Scheme	Kouga River	14.96 million m ³ /a for domestic use (NMBM), 12.06 million m ³ /a for irrigation use, (GIB) 0.53 million m ³ /a for domestic use (Kouga LM)	35% 80% 65%
Churchill & Impofu Dams	Kromme River	11.3 million m ³ /a for domestic use (NMBM & KLM), 0.15 million m ³ / for irrigation use.	70% 80%
Groendal Dam	Kwazunga River	1.46 million m ³ /a for domestic use (NMBM) and 0.51 million m ³ /a for irrigation use	70% 80%

- d. The taking of water from the groundwater resources listed in Table 2 below for domestic, industrial and irrigation use be restricted by the percentages shown in the corresponding rows in Table 2

Table 2: *Algoa System catchments: groundwater resource restrictions per area*

Catchment	Water use	Aquifer	Restriction
Upstream of Kouga, Impofu, Loerie and Groendal dams	Domestic	Whole aquifer	30%
	Agriculture		40%
Downstream of Groendal and Kouga dams, Kabeljous catchment as well as quaternary catchments M10, M20 and M30	Domestic	Shallow (0-200m)	30%
		Deep (200m+)	0%
	Agriculture	Shallow (0-200m)	50%
		Deep (200m+)	20%
Downstream of Impofu dam, Swart & Seekoei catchments	Domestic	Whole aquifer	0%
	Agriculture		30%

- e. The DWS Eastern Cape Provincial Head is delegated the power to review the water restrictions, should the Algoa WSS recover adequately, as informed by systems models and amend the water restrictions, before the next relevant decision date.
 - f. . The Eastern Cape Provincial Head is delegated the power to cease any further releases from any scheme or dam for any purpose other than the basic human needs, once indicated bulk water user have depleted their curtailed annual bulk volumes.
2. Other water schemes / dams and catchments affected by drought, listed in Table 3 below:
 - a. The taking of water from the water schemes/ dams/ catchments listed in Table 3 below for domestic, industrial and irrigation use be restricted by the percentages shown in the corresponding rows,
 - b. The taking of surface or ground water for domestic, industrial and irrigation water use within the catchments above the schemes/ dams listed in Table 3 be restricted at the same percentage level applicable to the scheme / dam in that catchment. (Table 3).

Table 3: Water Schemes with restricted use, (based on Dam Operating Rules and risk assessments).

Scheme / Dam	River catchment	DM / LM	Restriction Required
Nqweba Dam	Sundays River	Dr Beyers Naude LM	20% of allocation for domestic use
Howiesonspoort & Settlers Dams	Palmiet River	Makana LM	10% of allocation for domestic use & 50% for irrigation use
Jameson, Milner & New Year's Dams	New Year's River	Makana LM	10% of allocation for domestic use & 50% of allocation for irrigation use
Belmont Valley WWTW return flow	Bloukrantz River to Kowie River confluence	Makana LM / Ndlambe LM	10% of allocation for irrigation use
Debe Dam	Keiskamma catchment	Amathole DM	10% of allocation for domestic use & 70% of allocation for irrigation use

- c. The DWS Eastern Cape Provincial Head is delegated the power to individually review the water restrictions, should the dams/schemes in Table 3 recover adequately as informed by DWS operating rules, and lift or relax the water restrictions should it happen before the next relevant decision date.
3. The curtailments in points (1), and (2) above are measured against the water allocations / water registrations or water demand of the users as per projected annual water use.
 4. The limitation applies to the annual water year commencing 1st June 2022 or from the date of publication of this gazette.

5. All water use sector groups and individuals taking water from any water resource (surface or groundwater) regardless of their authorisation type, in the geographical areas listed and described above in the Mzimvubu to Tsitsikamma Water Management Area, shall install electronic water monitoring or measuring and recording devices to enable monitoring of abstractions, storage and use of water by existing lawful users.
6. All water use sectors groups and individuals taking water from any water resource (surface or groundwater) regardless of their authorisation type, in the geographical areas listed and described above in the Mzimvubu to Tsitsikamma Water Management Area must
 - a. take records of water abstracted on a daily basis;
 - b. establish links with any monitoring or management system designated by the responsible authority;
 - c. submit monthly totals of metered volumes abstracted with effect from 30 days following the date of publication of this notice, in a format specified by the Department and shall continue such recording and reporting data monthly to the Department by the 5th day of each month to *metering.mzitsi@dws.gov.za*

All the affected Water Service Authorities must ensure that all domestic water users, at least, have access to basic water service and that potable water supply to all domestic water users is not completely restricted.

In exercising these powers I have given preference to, the maintenance of the Reserve, treated all water users on a basis that is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the shortage on the water users, the strategic importance of any water use and any water rationing or water use limitations by a Water Services Institution having jurisdiction in the area concerned, under the Water Services Act 108 of 1997.

Placing limitation on the taking of water use as set out in this notice is an administrative action, affecting the rights of the public as contemplated in section 4 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). After I have taken into consideration all relevant factors, including those referred to in section 4 (4) (b), I have decided that it is reasonable and justifiable in the circumstances to depart from the requirements referred to in section 4 (1)(a) to (e), (2) and (3) and instituted this limitation without allowing the water users affected and other role players to comment on the matter before I institute the limitation.

This Notice overrides any other previous authorization on water use issued by the Department relating to water users from systems, schemes, dams and catchments specified in this Notice.

DR SEAN PHILIPS
DIRECTOR-GENERAL
DATE: