



## **INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY NOTICE: CONTINUATION OF INFORMATION UPDATES AND WASTEWATER-RELATED INFORMATION REGISTRATION**

The Inkomati-Usuthu Catchment Management Agency (IUCMA) has been delegated functions for water resources management by the Minister of Water and Sanitation (DWS) within the Inkomati and Usuthu Water Management Area. To manage the catchment water resources and water allocations effectively, the IUCMA hosts the Water Authorisation Registration Management System (WARMS) as a database for water users. The primary purpose of WARMS is to register authorized water use/users' information to support water use charges and tax collection, prescribed by sections 139 and 140 of the National Water Act No.36 of 1998 (henceforth referred to as the Act).

Pursuant to Notices to Register Water Use (Published in Government Gazette 48187 of 10 March 2023) which were issued in terms of Regulation 3(b)(i) of the water use registration regulations of the National Water Act (34 of 1998), published under Government Notice R1352 in Government Gazette 20606 of 12 November 1999, water users are hereby reminded that the 90-day period for registering water uses contemplated in the notice has lapsed.

Furthermore, water users are reminded that, in terms of the notice, any person who fails to comply with this notice is guilty of an offence.

For the purpose of the notice, and as set out in section 21 of the Act, the following water uses should have been registered:

- Section 21(e) – engaging in a controlled activity defined as such in Section 37(1), with specific reference to irrigation of any land with waste or water containing waste generated through any industrial activity or by a water work.

- Section 21(f) – discharging waste or water containing waste into a water resource through a pipe, canal or other conduit.
- Section 21(g) – disposing of waste in a manner which may detrimentally impact on a water resource.
- Section 21(h) – disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process.
- Section 21(j) – removing, discharging, or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people.

The above wastewater uses include the following non-point sources of pollution:

- Disposal of effluent to land or to a facility (such as a tailings dam, irrigated effluent, or evaporation ponds treatments).
- Disposal of effluent to land or to a facility (such as a landfill, waste rock dumps, fly ash disposal or solid waste disposal).
- Land use activities such as confined animal facilities or dirty water systems.

Notwithstanding the lapsing of the registration period, water users are hereby reminded to commence with and finalise registration, failing which the Authority may proceed with criminal prosecutions in terms of the Act.”

Recently, DWS issued Government Notice 3130 under Government Gazette 48187. The chief intent of the gazette was to provide all water users with an opportunity to update water use/user information on the specified (DW 811 and DW 812) forms, as well as to register wastewater-related water uses. The registration and updating of water use/rs information is mandated by Regulation 3(b)(1) and 11 respectively, of Government Gazette 20606 of 12 November 1999.

**Whereas Regulation 3(b)(i) orders that:**

Any person who uses water in terms of section 21 of the Act must register such use on a form obtained from the Department and submit the completed form to the responsible authority-

- (b) when requested to do so by the responsible authority-
- (i) by means of a notice published in the *Gazette*; and

**Whereas Regulation 11 orders that:**

- (1) The registered user must within one month of any change in the water use reflected in any registration certificate report the proposed change to the responsible authority.
- (2) The responsible authority may instruct the water user in writing -
  - (a) to submit an application for an amendment to his or her registration certificate;
  - (b) to submit a new application for registration; or
  - (c) to apply for a licence in terms of the Act, within a specific period.
- (3) Seasonal or cyclical fluctuations in water use are not regarded as a change in the water use for the purpose of these regulations.

**Summarily, Regulation 3(b)(i)** is purposefully intended for any water user who engages in wastewater-related water uses under section 21 of the Act, as listed hereunder.

- (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1);
- (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- (g) disposing of waste in a manner which may detrimentally impact a water resource;
- (h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;
- (i) altering the bed, banks, course or characteristics of a watercourse;
- (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and

**Summarily, Regulation 11** is purposefully intended for any water user who engages in any of the eleven (11) water use/s under section 21 of the Act, as listed hereunder.

- (a) taking water from a water resource;
- (b) storing water;
- (c) impeding or diverting the flow of water in a watercourse;
- (d) engaging in a stream flow reduction activity contemplated in section 36;
- (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1);

- (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- (g) disposing of waste in a manner which may detrimentally impact a water resource;
- (h) disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;
- (i) altering the bed, banks, course or characteristics of a watercourse;
- (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and
- (k) using water for recreational purposes.

Accordingly, in line with the stipulations, without any variation of the original issued Gazette of 10 March 2023, the IUCMA advises water users that they are welcome to submit their registration and will be considered. The IUCMA would like to take this opportunity to inform water users that, the **IUCMA will be taking water resource management services closer to the water users**. This shall occur by decentralizing the registration and updating of water use/user information throughout the catchment.

Furthermore, the IUCMA hereby informs water users and/ or stakeholders, that continuation of the following related projects is continuing, and participation thereof is sought from affected water users and/or stakeholders. The continuing programmes and projects are;

**(i) Existing Lawful Use (ELU) of water verification**

The purpose of the programme is to declare and/or confirm the lawfulness and extent of past water uses, authorized by any old, repealed water legislation. ELU is determined by considering water use activities between October 1996 and September 1998 and prior to this period and was conducted for sections 21 (a), (b) and (d). However, the court litigation between Forestry SA v/s the DWS and others affected ELU verification section 21 (d) commercial forestry water uses. The ELU verification carries similar and common authority to the Water Use Licence under section 22 of the Act.

For updating of Water User information and ELU verification, please contact the program manager Mr Sampie Shabangu for Registration at [shabangus@iucma.co.za](mailto:shabangus@iucma.co.za) or 062 907 9061.

**(ii) Transformation of Irrigation Boards**

The purpose of the project is to transform the current system of managing irrigation water from the 'single sector' Irrigation Boards into a multi-sector Water Management Institution called the Water User Association. This project is aimed at uniting all water users in a determined operational area to

be controlled by the Water User Associations. All authorized water users will be required to subscribe to these institutions once the proposed water user associations are gazetted in terms of the National Water Act (Act 36 of 1998). All 23 Irrigation Boards will be amalgamated into fewer Water User Associations which will be managed by the Inkomati-Usuthu Catchment Management Agency in terms of Schedule 4 of the National Water Act.

For more information on the transformation of Irrigation Boards into Water User Associations, please contact Mr Hasani Makhubele at [hasanim@iucma.co.za](mailto:hasanim@iucma.co.za) or 062 156 5050.

### **(iii) Expired Licenses/renewal of expired licenses/or new license applications**

Water Users whose license(s) have expired are requested to renew their licenses. Any person who continues to use water while the license has expired is guilty of an offence and liable, on conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

For more information on the renewal of expired licenses/application of new licenses, please contact Ms Lufuno Nemathaga at [nemathaga@iucma.co.za](mailto:nemathaga@iucma.co.za) or 082 766 0035.

### **(iv) Billable and non-billable Water Use**

In accordance with the National Water Resource Strategy, the concept of billable and non-billable water use categorizes water consumption to efficiently manage and allocate water resources. Billable water use pertains to activities that require a charge due to their significant water consumption, such as irrigation for commercial farming or water use for industrial processes. Meanwhile, non-billable water use encompasses activities like basic domestic needs or small-scale subsistence farming, which are exempted from charges to ensure equitable access to water resources, particularly for marginalized communities. This categorization aids in maintaining a balance between economic development and social welfare while safeguarding the sustainability of South Africa's water supply.

For more information on billable and non-billable water use, please contact Ms Lufuno Nemathaga at [nemathaga@iucma.co.za](mailto:nemathaga@iucma.co.za) or 082 766 0035.

### **(v) Waste Discharge Charge System**

The Waste Discharge Charge System (WDCS) is a key component of South Africa's National Water Resource Strategy. Its aim is to promote responsible management of water resources by encouraging the proper

disposal of waste into water bodies. This system imposes charges on individuals, industries, or entities that discharge waste into water resources, incentivizing them to reduce pollution and adopt more environmentally friendly practices. The revenue generated from these charges is then directed towards funding water resource management and conservation efforts, ultimately ensuring the sustainable use and protection of South Africa's precious water sources.

For more information on the WDCS, please contact Ms Lufuno Nemathaga at [nemathaga@iucma.co.za](mailto:nemathaga@iucma.co.za) or 082 766 0035.

**NB: Water users are advised to please note the following, in terms of: -**

1. ss 151(1)(a) of the Act, no person may use water otherwise than as permitted under this Act;
2. ss 151 (1)(f) of the Act no person may fail or refuse to give data or information, or give false or misleading data or information when required to give information under this Act;
3. ss 151 (1)(g) of the Act no person may fail to register an existing lawful water use when required by a responsible authority to do so.

**Water users are welcome to send any water use validation and verification enquiries to the above contacts for assistance. Furthermore, all water users that have verified their existing water, registered and/ or updated their water use/user information can ignore this notice.**

IUCMA human capital resources shall assist water users in the identified venues. Enquiries and/or clarity can be directed to the above Program Managers. Please click [here](#) to see the attached implementation schedule.



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