



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Free State Provincial Office **Postal Address:** Private Bag X528, Bloemfontein, 9300 Physical  
**Address:** Corner of Charlotte Maxeke and East Burger Street, 2nd floor Sanlam

**Enquiries:** S Mdhuli

**Telephone:** 051 405 9204

**Reference:** 16/2/7/C513/D1

Mr M de Villiers  
Jagersfontein Developments Pty Ltd  
P O Box 24  
**JAGERSFONTEIN**  
9974

**BY HAND**

Dear Sir

**DIRECTIVE IN TERMS OF SECTIONS 20(4) NATIONAL WATER ACT (NO. 36 OF 1998) IN RESPECT OF THE INCIDENT OF COLLAPSE OF A RETAINING WALL OF A FINE TAILINGS STORAGE FACILITY AND DISCHARGE OF WATER CONTAINING WASTE INTO THE WATER RESOURCES AT THE JAGERSFONTEIN DEVELOPMENTS OPERATION**

**DATE OF INCIDENT:** 11 September 2022

**LOCATION OF INCIDENT:** Jagersfontein-29°46'27.8"S 25°25'46.5"E

1. I, Dr T Ntili, in my capacity as the Provincial Head, Free State Provincial Operations in the Department of Water and Sanitation (DWS) and duly authorised in terms of powers delegated to me by the Minister hereby issue you, as the Compliance Manager for Jagersfontein Developments with a Directive in terms of Section 20(4) of the National Water Act, 1998.
2. This Directive pertains to requirements of Section 20 of the National Water Act, 1998 which stipulates that:
  20. (1) In this section "incident" includes any incident or accident in which a substance –
    - (a) pollutes or has the potential to pollute a water resource; or
    - (b) has, or is likely to have, a detrimental effect on a water resource.
  - (2) In this section, "responsible person" includes any person who –
    - (a) is responsible for the incident;
    - (b) owns the substance involved in the incident; or
    - (c) was in control of the substance involved in the incident at the time of the incident
  - (4) A responsible person must –
    - (a) take all reasonable measures to contain and minimise the effects of the incident;
    - (b) undertake clean-up procedures;
    - (c) remedy the effects of the incident; and
    - (d) take such measures as the catchment management agency may either verbally or in writing direct within the time specified by such institution.
3. In light of the above you are hereby Directed to implement the following measures



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- 3.1 Immediately install a pumping mechanism to reduce the volume of slimes in compartment two of the Fine Tailings Storage Facility to prevent a secondary breach incident. Release the pumped material into the historical pit at Jagersfontein without compromising the structural stability of the pit.
- 3.2 Submit detailed incident report with full details of the cause of the incident, extent of the damage or impact and relevant water quality status reports of all affected water resources within seven (7) working days of receiving this Directive.
- 3.3 Prepare an action plan with timeframes and budgets to correct the impacts resulting from the incident, prevent the incident from causing any further impacts and prevent the reoccurrence of any similar incident within twenty one (21) working days of receiving this Directive.
- 3.4 Prepare a rehabilitation plan for all affected environmental resources and other infrastructure within 21 working days of receiving this Directive.
- 3.5 Immediately cease all operations relating to mineral processing of the tailings and disposal of water contain waste, coarse tailings, and any other material on both compartments of the affected fine tailings storage facility.
- 3.6 Ensure full compliance with requirements of Section 19(1) of the National Water Act, as follows:
  19. (1) *An owner of land, a person in control of land or a person who occupies or uses the land on which - (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.*
4. In terms of Section 151 of the National Water Act, 1998
  151. (1) *No person may -*
    - (d) *fail to comply with a directive issued under section 19, 20, 53 or 118;*
    - (i) *unlawfully and intentionally or negligently commit any act or omission which pollutes or is likely to pollute a water resource;*
  - (2) *Any person who contravenes any provision of subsection (1) is guilty of an offence and liable, on the first conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment and, in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment.*
5. Kindly be informed that the instructions in this Directive are given in the interest of responsible water resource management and with a view to a co-operative resolution of the issue.

The response to this Directives must be submitted to the Free State Head of Provincial Operations as follows:

Dr T Ntili  
 Provincial Head: Free State  
 Department of Water and Sanitation  
 2<sup>nd</sup> Floor, Bloem Plaza, C/o Charlotte Maxeke and East Burger Streets  
**BLOEMFONTEIN**  
 9300

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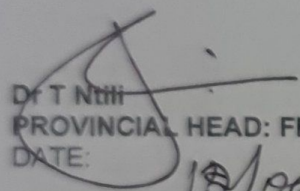
**LOCATION OF INCIDENT:** Jagersfontein-29°46'27.8"S 25°25'46.5"E

Or

Dr T Ntuli  
Provincial Head: Free State  
Department of Water and Sanitation  
Private Bag 528  
**BLOEMFONTEIN**  
9300

Should you have any further queries, please contact Mr Nkhumeleni Musekene as follows: Telephone: 051 405 9000 | Cell: 060 583 5065 | Email: MusekeneN2@dws.gov.za.

Yours faithfully

  
Dr T Ntuli  
PROVINCIAL HEAD: FREE STATE  
DATE: 18/09/2022



**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

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You have the right to appeal against this directive to the Water Tribunal in terms of Section 148 (1) of the National Water Act, 1998 within (30) days after receipt of this Directive.

Please note that in terms of section 148 (2) (a) of the National Water Act, 1998 an appeal does not suspend this Directive.

The Water Tribunal contact details are as follows:

Xuba Luyanda Angel  
Legal Admin Officer  
Registrar of Water Tribunal  
Pretoria

Email : [XubaL@dws.gov.za](mailto:XubaL@dws.gov.za)

Tell : 012 336 8168

Cell : 074 383 1029



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REPUBLIC OF SOUTH AFRICA

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Enquiries: S Mdhuli

Telephone: 051 405 9204

Reference: 16/2/7/C521/D4

ACKNOWLEDGEMENT OF RECEIPT: DIRECTIVE IN TERMS OF SECTIONS 20(4) NATIONAL WATER ACT (NO. 36 OF 1998) IN RESPECT OF THE INCIDENT OF COLLAPSE OF A RETAINING WALL OF A FINE TAILINGS STORAGE FACILITY AND DISCHARGE OF WATER CONTAINING WASTE INTO THE WATER RESOURCES AT THE JAGERSFONTEIN DEVELOPMENTS OPERATION

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Received by: Mr. /Ms.

Marius de Villiers

ID Number/official stamp:

630811-5013083

On behalf of the Institution:

Reypan Development (Pty) Ltd.

In my capacity as:

Company Manager

Email address 1:

mdv@landwa.com

Email address 2:

On this

12

day of

September 2022, at Jagersfontein



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