

**Ref:02/1/5/2**

**MINISTER**

**QUESTION NO. 3990 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to **Ms D van der Walt (DA)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA**

**DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**MRS B E E MOLEWA, MP**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL ASSEMBLY**

**(For written reply)**

**QUESTION NO. 3990 {NW4858E}**

**INTERNAL QUESTION PAPER NO. 49 of 2015**

**DATE OF PUBLICATION: 16 November 2015**

**Ms D van der Walt (DA) to ask the Minister of Environmental Affairs:**

Whether her department is aware of alleged non-compliance with several pieces of landfill-related legislation at the (a) Modimolle, (b) Vaalwater, (c) Bela-Bela, (d) Mookgophong and (e) Thabazimbi landfill sites in Limpopo; if not, (i) why not, (ii) will her department (aa) launch investigations and (bb) take steps in this regard; if so, what steps have been taken in this regard to ensure compliance with the prescribed legislation?

**3990. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

The department was informed by the Limpopo Department of Economic Development Environment and Tourism that an administrative enforcement notice was issued to the management of the Modimolle landfill site and that a criminal investigation was initiated, at the Thabazimbi landfill site, by Environmental Management Inspectors within the Limpopo Department of Economic Development Environment and Tourism and this case is currently under investigation.

1. The Limpopo Department of Economic Development Environment and Tourism is the licensing authority for general landfill sites in the Limpopo Province. For this reason, the Limpopo Department of Economic Development Environment and Tourism is also the competent authority for undertaking compliance and enforcement activities in relation to non-compliance that is detected at the landfills that the enquiry relates to. Given that the function is a constitutionally concurrent function, the Department of Environmental Affairs is mindful of the Limpopo Department of Economic Development Environment and Tourism’s regulatory obligations in this regard. The Department of Environmental Affairs will provide the necessary assistance and support if this is required or requested, but will always first engage with the provincial authority (which in this case is the Limpopo Department of Economic Development Environment and Tourism) before any form of enforcement action is taken in instances where the competence to undertake the necessary compliance and enforcement action lies with the provincial authority.

(ii)(aa) As indicated above, the Department of Environmental Affairs will not encroach into the regulatory space of various competent authorities which regulate the environment unless a specific request is received. However, and in response to the growing environmental concerns around general landfill sites across the country, Working Group IV included in its 2014/2015 work programme a national general landfill site compliance and enforcement blitz in order to understand what the exact compliance status is in relation to sites which were flagged as problematic; and

 (bb) Upon request of the Limpopo Department of Economic Development Environment and Tourism, the Department of Environmental Affairs will undertake the necessary enforcement action. However, and as indicated above, the Limpopo Department of Economic Development Environment and Tourism is currently undertaking various actions at each of these landfills, and where no action is noted the Limpopo Department of Economic Development Environment and Tourism indicated that these facilities, namely, Vaalwater, Bela-Bela and Mookgophong will be included in their inspection programme for this financial year.

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