

(17 September 2010 - to date)

NATIONAL WATER ACT 36 OF 1998

(Gazette No. 19182, Notice No. 1091. See Act for commencement dates)

REGULATIONS FOR THE ESTABLISHMENT OF A WATER RESOURCE CLASSIFICATION SYSTEM

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The Minister of Water and Environmental Affairs, Ms Buyelwa Patience Sonjica, has under section 12(1) of the National Water Act, 1998 (Act No. 36 of 1998) made the regulations in the Schedule.

Signed

MS B P SONJICA, MP

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

INTRODUCTION

The Water Resource Classification System and other measures laid down by the Act are together intended to ensure the ecological sustainability of all the significant water resources by taking into consideration the social and economic needs of competing interests by all who rely on the water resources.

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates -

"ecological category" means the assigned ecological condition by the Minister to a water resource that reflects the ecological condition of that water resource in terms of the deviation of its biophysical components from a predevelopment condition;

"ecologically sustainable base configuration scenario" means the lowest acceptable level of protection required for the sustainable use of the entire integrated unit of analysis;

"ecological water requirements" in relation to a water resource, means the quantity and quality of water of that resource that is required to maintain the said water resource in its assigned ecological category;

"ecosystem goods, services and attributes" means the goods, services and attributes that ecological systems provide that are critical to the functioning of the earth's life-support system, and which contribute both directly and indirectly to human welfare, and therefore have economic value;

"integrated unit of analysis" means a water resource catchment that incorporates a socio-economic zone, but is defined by a watershed;

"pre-development condition" in relation to a water resource, means the condition of that resource prior to significant alteration to its biophysical components by human impact;

"the Act" means the National Water Act, 1998 (Act No. 36 of 1998); and

"watershed" means a line of separation between water resources.

2. Procedure for determining different classes of water resources

(1) The class of a water resource must describe –

- (a) the extent of use of the water resource;
- (b) the Reserve;
- (c) the resource quality objectives; and
- (d) the determination of the allocable portion of a water resource for use.

(2) Water resources must be classified into one of the following classes –

- (a) Class I water resource;
- (b) Class II water resource; or
- (c) Class III water resource.

(3) (a) A Class I water resource is one –

- (i) which is minimally used; and
- (ii) in which the configuration of the ecological categories of the water resources within a catchment results in an overall condition of that water resource that is minimally altered from its pre-development condition.

- (b) A Class II water resource is one –
 - (i) which is moderately used; and
 - (ii) in which the configuration of ecological categories of the water resources within a catchment results in an overall condition of that water resource that is moderately altered from its pre-development condition.
- (c) A Class III water resource is one —
 - (i) which is heavily used; and
 - (ii) in which the configuration of ecological categories of the water resources within a catchment results in an overall condition of that water resource that is significantly altered from its pre-development condition.
- (4) The procedure to determine the different classes of water resources must comprise of the following 7 steps:
 - (a) **Step 1:** Delineate the units of analysis and describe the status quo of the water resource or water resources;
 - (b) **Step 2:** Link the socio-economic and ecological value and condition of the water resource or water resources;
 - (e) **Step 3:** Quantify the ecological water requirements and changes in non-water quality ecosystem goods, services and attributes;
 - (d) **Step 4:** Determine an ecologically sustainable base configuration scenario;
 - (e) **Step 5:** Evaluate scenarios within the integrated water resource management process;
 - (f) **Step 6:** Evaluate the scenarios with stakeholders; and
 - (g) **Step 7:** Gazette and implement the class configuration.

3. Procedure for determining the Reserve

For each water resource class, the procedure for the determination of the Reserve must comprise of the following 8 steps:

- (a) **Step 1:** Initiate the basic human needs and ecological water requirements assessment;

- (b) **Step 2:** Determine eco-regions, delineate resource units, select study sites and, where appropriate, align with Step 1 of the water resource classification procedure set out in regulation 2(4);
- (c) **Step 3:** Determine the reference condition, present ecological status and the ecological importance and sensitivity of each of the selected study sites;
- (d) **Step 4:** Determine the basic human needs and ecological water requirements for each of the selected study sites and, where appropriate, align with Step 3 of the water resource classification procedure set out in regulation 2(4);
- (e) **Step 5:** Determine operational scenarios and its socio-economic and ecological consequences;
- (f) **Step 6:** Evaluate the scenarios with stakeholders and align with Step 6 of the water resource classification procedure set out in regulation 2(4);
- (g) **Step 7:** Design an appropriate monitoring programme; and
- (h) **Step 8:** Gazette and implement the Reserve.

4. Procedure for determining resource quality objectives

For each water resource class, the procedure for establishing resource: quality objectives must comprise of the following 6 steps:

- (a) **Step 1:** Identify water users within each water resource management unit, and where appropriate, align with Step 1 of the water resource classification procedure set out in regulation 2(4);
- (b) **Step 2:** Determine the present state per water user and, where appropriate, align with Step 5 of the water resource classification procedure set out in regulation 2(4);
- (c) **Step 3:** Determine the desired water quality per user and, where appropriate, align with Step 6 of the water resource classification procedure set out in regulation 2(4);
- (d) **Step 4:** Determine water user specifications and, where appropriate, align with Step 6 of the water resource classification procedure set out in regulation 2(4);
- (e) **Step 5:** Determine water quality requirements of water uses and, where appropriate, align with Step 6 of the water resource classification procedure set out in regulation 2(4); and
- (f) **Step 6:** Gazette and implement the resource quality objectives.

5. Title

These regulations shall be called the Regulations for the Establishment of the Classification System, 2010.