

Water Services Act 108 of 1997 (WSA)

Topic: Environmental

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Introduction

The Water Services Act provides for the right to basic services, which includes the right to have access to clean potable water and basic sanitation.

Objectives of the Act

The WSA sets out the rights and duties of–

- consumers and end users, who have a constitutional right to receive water and related water services but who also have a duty to ensure that such water is not wasted or polluted;
 - local government structures, called water services authorities, who are responsible for the provision of water services to the water services providers; and
 - water services providers who provide the water and related water services to the consumer and end user.
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Application of the Act and its implication to Tourism

The WSA applies to all users of water, without exception.

Summary of the provisions of the Act

Basic water supply

In terms of the WSA, everyone has a right of access to basic water supply and basic sanitation. Every water services institution must, therefore, take reasonable measures to ensure that all persons in its area of operation have access to basic water and sanitation services.

The minimum standard for basic water supply services is–

- the provision of appropriate education in respect of effective water use; and
- a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month
 - o at a minimum flow rate of not less than 10 litres per minute;
 - o within 200 metres of a household; and
 - o with effectiveness such that no consumer is without a supply for more than seven full days in any year.

Provision of and access to water

In terms of the WSA, every person has an obligation to use only water and any related water services (domestic and /or industrial use) which are provided by a nominated 'water services provider' who has been appointed by the 'water services authority'. This will most likely be the relevant water board operating in the area where you operate or reside and who has been appointed to provide water and water services to that community.

Interruption in provision of water services

A water services institution must take steps to ensure that when water services are interrupted for a period of more than 24 hours for reasons other than those contemplated in the Act, a consumer has access to alternative water services comprising–

- at least 10 litres of potable water per person per day; and
- sanitation services sufficient to protect health.

Quality of potable water

A water services authority must include a suitable programme for sampling the quality of potable water which it provides to consumers in its water services development plan.

The water quality sampling programme must specify the points at which potable water provided to consumers will be sampled, the frequency of sampling and the substances and determinants for which the water will be tested.

A water services institution must compare the results obtained from the testing of the samples with South African Bureau of Standards 241: Specifications for Drinking Water, or the South African Water Quality Guidelines published by the Department of Water Affairs and Forestry.

Should the comparison of the results indicate that the water supplied poses a health risk, the water services institution must inform the Director-General of the Department of Water Affairs and Forestry and the head of the relevant Provincial Department of Health. It must also take steps to inform its consumers–

- that the quality of the water that it supplies poses a health risk;
- of the reasons for the health risk;
- of any precautions to be taken by the consumers; and
- of the time frame, if any, within which it may be expected that water of a safe quality will be provided.

Quantity and quality of industrial effluent discharged into a sewerage system

A water services institution is only obliged to accept the quantity and quality of industrial effluent or any other substance into a sewerage system that the sewage treatment plant linked to that system is capable of purifying or treating. This is to ensure that any discharge to a water resource complies with any standard prescribed under the National Water Act.

Control of objectionable substances

A water services institution must take measures to prevent any substance other than uncontaminated storm water to enter

- any storm water drain; or
- any watercourse, except in accordance with the provisions of the National Water Act.

A water services institution must take measures to prevent storm water from entering its sewerage system.

Disposal of grey water

A water services institution may impose limitations on the use of grey water if the use thereof may negatively affect health, the environment or available water resources. Grey water is water that has been used for one purpose but can be used for another purpose without being purified, e.g. bathwater to water plants. If grey water is used for watering plants to which the public has access, a sign indicating that the water must not be used for drinking purposes should be displayed.

Use of effluent

A water services institution must ensure that the use of effluent for any purpose does not pose a health risk before approving that use.

Any tap or point of access through which effluent or non-potable water can be accessed must be clearly marked with a durable notice indicating that the effluent or non-potable water is not suitable for potable purposes. This notice must be in more than one official language and must include the PV5 symbolic sign for non-potable water as described in South African Bureau of Standards 1186: Symbolic Safety Signs: Part 1: Standards, Signs and General Requirements.

The WSA, to a large degree, also regulates the disposal of used water (domestic and industrial) which is commonly referred to as effluent. It states that effluent may only be disposed of in a manner which has been approved by the water services provider.

Water used in a domestic environment, which is either run-off rain water or water which has been produced as a result of washing one's car, may be led into a storm water drain for onward transmission into the storm water drains and outlets operated by the local municipality. Water used in homes, kitchens and bathrooms, including toilets, will be disposed of using the sewerage systems.

On the other hand, where water contains high levels of grease and/or other foreign substances, that water may only be disposed of into storm water outlets if it complies

with certain predetermined standards and levels as agreed between the disposer and the water services provider.

This disposal and related levels are usually agreed on upfront as between the disposer and the water services provider. These levels are regularly tested by the water services provider. When the water exceeds or is below the agreed levels, the disposer will be charged an additional fee for as long as these levels are not in compliance with the agreed levels.

Repair of leaks

A water services institution must repair any major, visible or reported leak in its water services system within 48 hours of becoming aware thereof.

Water charges

Consumers have a duty to pay reasonable charges for access to water. The water services authority can limit or discontinue water services if the consumer does not pay reasonable charges. The consumer or user must ensure that it is aware of all valid and up-to-date water service charges.

Note that a consumer's access to basic water services may not be limited or discontinued if the person can prove to the authority that he or she cannot afford to pay.

By-laws

Various by-laws also provide for the provision and supply of water and related services and the costs which are levied in respect of such services. These by-laws differ from one municipality to the next. All water users must familiarise themselves with any applicable by-laws pertaining to water usage and disposal of water which are in place.

These by-laws can be obtained from the municipality or local authority where one's entity operates or where one resides. The WSA must, therefore, be read together with the relevant water by-laws applicable in one's municipal area.



WHAT HAPPENS IF YOU DO NOT COMPLY?

If any of the above acts are committed by a user, he or she will be liable to criminal prosecution and, if found guilty, liable on conviction to a fine or to imprisonment or to both a fine and imprisonment.

Whenever an act or omission by any employee or agent constitutes an offence in terms of this Act and takes place with the express or implied permission of any employer, the employer will, in addition to the employee or agent, be liable to conviction for that offence. Conversely, whenever an act or omission by the employer would constitute an offence in terms of this Act, that employer will, in addition to that employer, be liable to conviction for that offence.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

Consumers must be educated around the rights protected under the Constitution as well as ensuring that water is not wasted and is used responsibly.

To ensure compliance, water users must

- register as a water user with local authority;
- obtain a permit or authority to dispose of industrial effluent;
- monitor water usage on a regular basis.

FURTHER INFORMATION

Regulators

Department of Water Affairs and Forestry

Department of Agriculture, Forestry and Fisheries

Local water service provider

Websites

www.dwaf.gov.za

www.nda.agric.za