

22 July 2019

To: Dr. Moeketsi Mosola
The Municipal Manager
City of Tshwane
Email (citymanager@tshwane.gov.za)

CC: Cllr Stevens Mokgalapa
Executive Mayor
City of Tshwane
Email (sallym@tshwane.gov.za)

And to: Mr Sandile Mkhize
Chief Executive
Magalies Water Board
Email (info@magalieswater.co.za)

CC: Ms. Lindiwe Nonceba Sisulu
Minister of Human Settlements,
Water and Sanitation
Email (Tuso.zibula@dhs.gov.za)

Dear Dr. Moeketsi Mosola,

**LETTER OF DEMAND TO ADDRESS THE SUBSTANDARD POTABLE WATER
QUALITY SUPPLIED BY MAGALIES WATER AND THE CITY OF TSHWANE TO
HAMMANSKRAAL RESIDENTS**

OUR REF: L3CA/03

YOUR REF: UNKNOWN

1. The Organisation Undoing Tax Abuse (OUTA) is a proudly South African non-profit civil action organisation, comprising of and funded by people who are passionate about working for a better South Africa.
2. The Organisation Undoing Tax Abuse (OUTA) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA envisions a prosperous country with an organised, engaged and empowered civil society that ensures responsible use of tax revenues at all spheres of Government.
3. The Constitution¹ read with the Water Services Act², relevant Regulations³ and National Standards⁴ places a constitutional duty on local authorities to provide water and sanitation services of a prescribed supply and quality as well as steps to be taken in the event that the standards are not met.

¹ The Constitution of the Republic of South Africa, 1996

² Act 108 of 1997

³ Government Notice R509 in Government Gazette 22355 dated 8 June 2001.

⁴ SANS 241-1:2015 Drinking Water Standard (SABS, 2015)

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick, G Gulston, Dr H Volmink

Non-Executive Directors: F Adam (Chair), P Majazi, W Modisapodi, LP Pauwen, T Pillay Van Graan

Address: O'Keeffe & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

Contacts: 087 170 0639 • info@outa.co.za • www.outa.co.za

4. Basic water supply is the minimum standard prescribed by regulation of abstraction, conveyance, treatment and distribution of potable water for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene. The water supplied should be of sufficient quality for drinking purposes at the point of consumption.
5. During June 2019, we were alerted to the fact that there was possible non-compliance with the national standard of potable water within the Hammanskraal Community which causes a possible danger to the health of the community.
6. OUTA subsequently instructed an independent SANAS-accredited water laboratory, Aquatico Scientific (Pty) Ltd (Aquatico), to conduct a random water sample test, report on and interpret same.
7. According to the Water Quality Report provided by Aquatico, a sample was taken from a public tap at the Hammanskraal Metro Police Regional Office in Region 2 on 5 July 2019 and tested.
8. The results indicated that the drinking water as provided by the Municipality contains, amongst other -
 - 8.1 16.4 mg/l Nitrate (NO_3) instead of the permissible <11 mg/l. This poses a chronic health risk to some babies;
 - 8.2 3.94 mg/l Nitrite (NO_2) instead of the permissible <0.9 mg/l; and
 - 8.3 Total Viable Count of 8720 CFU/ml instead of the permissible <1000 CFU/ml.
9. Based on the assessment of variables analysed in comparison to 'SANS 241-1:2015 Drinking Water Standard (SABS, 2015)' and 'Quality of Domestic water supplies' (WRC, 1998), the tested water sample of the date of the sample is **Not Fit** for use as potable water and domestic use. Please see attached report “**OUTA – Hammanskraal Potable Water – July Week 1.**”
10. What is more of a concern is that the water quality is deemed in a worse state than December 2018 where the community had the same outcry, after which various government interventions arose before the upcoming National Elections. Please see the attached independent water sample report “**58069 - WQR - OUTA Hammanskraal**” taken in December 2018.

11. In the circumstance we hereby demand the following –

- 11.1 The Municipality must immediately inform the Director-General of Water and Sanitation as well as the community of the substandard quality and dangers of the water provided by the Municipality at Hammanskraal;
- 11.2 Take immediate action to resolve the situation and ensure that the drinking water quality is up to standard within the next 48 hours.
- 11.3 Provide alternative potable water of consumable standard to the community in the interim and until all reason for concern of danger to public health has been resolved.

12. Kindly take note that due to the seriousness of the situation we request you to comply by no later than end of business on Wednesday, **24 July 2019**, and that proof of compliance be forwarded to us.

13. Kindly take note that should you not comply we reserve our right to explore all legal avenues available, including but not limited to, approaching a court of law for appropriate relief.

14. We trust you find above in order and urgently await your response. Should you have any queries kindly contact writer hereof.

Yours faithfully,



Julius Kleynhans
OUTA: Operations Executive
Julius.kleynhans@outa.co.za