



REFERENCE: 14/1/1/E1/1/2/3/0627/19
ENQUIRIES: Grant Dyers/ Dale Wakefield

BY EMAIL: Lungelo.Mbandazayo@capetown.gov.za
Michael.Webster@capetown.gov.za

Municipal Manager
City of Cape Town Municipality
Private Bag X9181
Cape Town
8000

Attention: Mr Michael Webster (Executive Director: Water and Waste)

Dear Sir

POLLUTION OF THE DIEP RIVER CATCHMENT AND MILNERTON LAGOON, MILNERTON

1. I refer to the following:

- 1.1. the City of Cape Town Municipality's ("the City") monthly reports submitted to the Department;
- 1.2. the Department's joint compliance monitoring inspections with the City in respect of the City's monthly reports;
- 1.3. the modified Directive issued by the MEC, Mr A. Bredell, on 22 January 2021 (see Compliance Audit Report attached hereto as "**Annexure A**");

- 1.4. the Department's recent compliance inspection dated 27 July 2021; and
 - 1.5. the meeting between the Department and the City dated 28, July 2021.
2. During the Department's audit exercise it was confirmed that of the 16 (sixteen) conditions, as stipulated in the modified Directive (dated 22 January 2021), the City is partially compliant with 8 (eight) conditions, compliant with 6 (six) conditions, and non-compliant with 2 (two) of the conditions of the aforesaid Directive.
3. As such, the City is requested to provide the Department with the following:
 - 3.1. **In terms of the modified Directive:**
 - 3.1.1. The City's audit report and findings on all applicable pump stations and the associated risk ratings to determine the priority upgrades (refer to Annexure A: Item no. 7, Condition 1.5.6);
 - 3.1.2. A detailed timeline and phases (including the progress on the procurement process) of the following project upgrades:
 - the Potsdam Wastewater Treatment Works;
 - the Koeberg Road pump-station;
 - the Montague Gardens Bulk Sewer Gravity Reticulation Network and screening system; and
 - all other problematic infrastructure and pump stations (refer to Annexure A: item 3, Condition 5.1.3 and Item 6, Condition 5.1.5);
 - 3.1.3 A further update specifically on tender 131Q/2020/21 and RFQ, SK12100149 detailing the tender contract duration and the work to be done/conditions of these tenders (Annexure A: item 3, Condition 5.1.3);
 - 3.1.4 Reference is made to Annexure A: Item 10, Condition 5.1. In the City's recent monthly report (dated 2 July 2021), the City indicated that the correct media for testing *E.coli* is not in place. Kindly provide an update

on when the City expects to receive the correct media for testing *E.coli*, and further advise the Department how *E.coli* is currently being tested as the City has shown the Potsdam WWTW effluent results for *E.coli* in the recent monthly report (dated 2 July 2021).

- 3.1.5 An update on when an additional sampling point will be added at the final effluent discharge point, at the point of entry into the Diep River (refer to Annexure A: Item 10, Condition 5.1);
 - 3.1.6 An update on the procurement process and installation of the donated nets at strategic stormwater outlets to trap all the general waste from flowing into the Diep River and Milnerton Lagoon (refer to Annexure A: Item 13, Condition 5.6.);
 - 3.1.7 An update on the various measures proposed and/or already implemented to increase community engagements with affected groups along the Diep River Catchment (refer to Annexure A: Item 16, Condition 5.9); and
 - 3.1.8 A further update on each condition within Annexure A where partial and non-compliance have been identified.
- 3.2. **In terms of the monthly reports submitted by the City and the quarterly engagements between the Department and the City:**
- 3.2.1. An update on the stormwater inflow into Potsdam and the investigation into possible bioremediation alternatives as discussed in the engagement between the Department and the City, on 01 June 2021;

- 3.2.2. Provide sewage and storm water reticulation network maps of Milnerton and surrounding suburbs which impacts on the Diep River Catchment; and
- 3.2.3. A detailed update illustrating the investigation into external sources of pollution adding to the pollution of the Diep River which should include photographs and dates of investigation (i.e. investigate all areas potentially polluting the Diep River, within the boundaries of the City);
- 3.2.4. A detailed update illustrating the investigation into the sporadic pollution in Montague Gardens as indicated in Paragraph 2 of the City's monthly report (dated 2 July 2021).
- 3.2.5. An update of the removal of the settled sediment from the weir at the Theo Marais Canal as indicated in Paragraph 2 of the City's monthly report (dated 2 July 2021).
- 3.2.6. Provide information on the measures that have been undertaken regarding the illegal sewage connections to stormwater pipes as indicated in Paragraph 4 of the City's monthly report (dated 2 July 2021).
- 3.2.7. According to Paragraph 5 of the City's monthly report (dated 2 July 2021), a clean-up was done on 16 June 2021, as there was a sewage surcharge in Joe Slovo, which was contributing to the overland flow of sewage. However, during the Department's compliance inspection (dated, 18 June 2021) of the area and noted pools of sewage and visible heaps of solid waste situated along the storm water canals in Freedom Drive. Please indicate what measures are in place to monitor the clean-up teams and to ensure that clean-up of these areas is effective.

3.2.8. A detailed report of the City's survey of the pipelines to gain clarity on the connections between the sewerage and stormwater systems in the vicinity of the Phoenix Way Pump Station as indicated in Paragraph 5 of the City's monthly report (dated 2 July 2021).

3.2.9. An update on Dunoon and the diversion of the sewerage from the stormwater system into the sewage system as indicated in Paragraph 6 of the City's monthly report (dated 2 July 2021).

3.2.10. An update into the investigation of the recent complaints received from Mrs Marx, dated 22 July 2021 and 25 July 2021.

3.2.11. An update on the repair of the damaged litter grid at the Erica Road outlet as shown in Paragraph 5 of the City's monthly report (dated 2 July 2021). The said litter grid has been damaged for months and has proven to be ineffective in preventing general waste and sewage solids from entering the Milnerton Lagoon.

3.2.12. An updated contingency plan to address the current pollution being experienced (particularly at the Erica Road outlet), until the long-term upgrades have taken place. Currently, the short- and medium-term contingency plans in place for the Erica Road outlet are not adequate in preventing the pollution from entering the Diep River Catchment.

3.3. In terms of the reedbeds at Potsdam WWTWs:

3.3.1. Advise when the reedbed outlet has been opened;

- 3.3.2. Provide a schematic of where the channel that was cut in the reed bed to divert the stormwater directly to the Theo Marais Canal at reedbed 2; and
- 3.3.3. Provide the Water Quality results, from the sampling, as mentioned during the meeting, dated 28 July 2021, taken during the times of discharge at the reedbeds.
- 3.4. **Observations based on the compliance inspection conducted on 27 July 2021 at the Potsdam WWTWs (in respect of the proposed remedial measures for long-pond):**
- 3.4.1. in the City's monthly report, (dated 2 July 2021), it states that once the cleaning of the long pond commences, effluent will be discharged directly from pond 5 and the discharge point after the UV disinfection (i.e. there will be two discharge points and discharges from long pond will cease). Kindly advise where the disinfection for the discharges from pond 5 will take place and where will the effluent samples for this discharge point is taken;
- 3.4.2. adjacent to the long-pond is a smaller pond, with is connected to the reedbeds, it was observed during the compliance inspection (dated 27 July 2021) that there were visible evidence of sludge present in the pond. Kindly advise whether this pond will also be cleaned as part of the long-pond cleaning; and
- 3.4.3. there was visible scum in the UV disinfection contact chambers, which indicates that the plant is not operating effectively. However, the effluent in ponds 5 - 7 visibly appears to be of a better quality. Is the current process still in place in by-passing the ponds which was recently cleaned and when will these ponds come online again?

- 4 In light of the above, you are hereby requested to submit to the Department, within **21 (twenty-one) calendar days** of receipt of this letter, a detailed response to the requests outlined in **paragraphs 3.1. – 3.4** above, in order to provide clarity and address the concerns raised following the compliance audit conducted in respect of the modified Directive and the City's monthly's reports.
- 5 If you should be unclear about any aspect of this communication, or should you wish to consult regarding its terms, please contact Mr Grant Dyers at the Directorate: Environmental Law Enforcement on (021) 483 8102 or Grant.Dyers@westerncape.gov.za
- 6 Your cooperation in this regard is appreciated.



Achmad Bassier

Director: Environmental Law Enforcement

Date: 02/08/2021

CC:

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|---------------------------------------|---|
| (1) Honourable Mayor Dan Plato (CoCT) | Email: Dan.Plato@capetown.gov.za |
| (2) Councillor Xanthea Limberg (CoCT) | Email: Xanthea.Limberg@capetown.gov.za |
| (3) Michael Killick (CoCT) | Email: Michael.Killick@capetown.gov.za |
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| (13) Natasha Davis (DWS) | Email: DavisN@dws.gov.za |
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ANNEXURE A

DIRECTIVE COMPLIANCE AUDIT

Case: Pollution of the Diep River Estuary and Milnerton Lagoon

Reference Number: 14/1/1/E1/1/2/3/0627/19

Case officer: Grant Dyers

Assisting Case Officer: Derryn Lendrum

Date of Directive: 21/09/2020

Date of Modified Directive: 22/01/2021

Special Notes:

1. Colum labeled “Directive Conditions”

- 1.1. Wording highlighted in **red** is the wording of the original Directive dated 21/09/2020.
- 1.2. Wording highlighted in **black** is the additional points/amendments added in the modified Directive date 22/01/2021.

2. Colum labeled “Comments”

- 2.1. Notes highlighted in **green** are thoughts on the specific point
- 2.2. Notes highlighted in **orange** are new amended points.

No.	Directive Condition	Compliant/ Non-compliant	Comments
1.	<p>5.1.1. Ref: Diep 111 (Item no. 801 - 803) – expedite the investigation of illicit discharge into the stormwater drainage systems and surrounding water courses, and submit a report of the City's findings and proposed actions to prevent ongoing pollution to the Department within 60 (sixty) calendar days of receipt of this Directive;</p>	PARTIALLY COMPLIANT	<p>(See report from City dated 23 March 2021)</p> <p>Item 801: Investigate & regulate illicit discharges into the stormwater drainage systems, rivers and water bodies. The various activities regarding the investigation and regulation of illicit discharges into the Lower Diep river have been documented and submitted to DEA&DP (Annexure A)</p> <p>Item 802: Investigate & regulate racehorse facilities at Milnerton Racehorse Stables. This investigation was concluded in 2020 and the report and photographic evidence were submitted to DEA&DP (Annexures B1 and B2).</p> <p>Item 803: Montague Gardens industrial illicit discharge. The incursion with DWS was undertaken</p>

			<p>on 10 & 11 November 2020 (Annexure A).</p> <p>There are however notable sources of pollution that has not yet been investigated. The City needs to provide an updated report on the investigations and the actions that were taking to address the pollution sources found.</p>
2.	<p>5.1.2. Ref: Diep 113 – submit the revised pollution incident protocols and contingency plans for the Facility, Koeberg and Sanddrift Pump Stations to the Department's Directorate: Pollution and Chemical Management ("D: P&CM") for review and comment, within 30 (thirty) calendar days of receipt of this Directive, to address future incidents which may occur while the upgrade of the aforementioned facilities are in progress;</p>	PARTIALLY COMPLIANT	<p>Incidence protocols and contingency plans submitted in February 2021 Over-arching document & appendices are completed. Work in progress on specific practical implementation protocol to physically deal with spillages. Pollution incident protocols to be revised/ re-drafted covering (i) sewer gravity system, (ii) sewer pump stations, & (iii) WWTW (review) to be submitted by end of October 2021.</p> <p>Currently there are contingency plans in place, however they are not adequate in addressing the</p>

			continuation of pollution to the Diep River catchment.
3.	<p>5.1.3. Ref: Diep 114 (Item no. 105 – 107) – Update to enable the expediting of the upgrade of the Facility, which must be completed by 31 August 2025, in order to prevent/minimise further pollution of the lower Diep River/ Milnerton Lagoon; The DEA&DP must be kept informed of the progress of the implementation of this measure in the monthly reports that are bring submitted by the City.</p>	PARTIALLY-COMPLIANT	<p>Potsdam WWTW upgrade – in design and tender stage The Potsdam WWTW will be increased from 47MI to 100MI/d upon completion of the upgrade works in 2025. The membrane bioreactor (MBR) will be installed with sufficient. Report from D:P&CM dated 20 April 2021 indicates that plans for Potsdam WWTW upgrade have been put forth and the area for the addition to the plant has already been designed on site. Mr Nell stated that he will be drafting a more detailed timeframe for this upgrade, which will be sent to the Department. Mr Nell indicated that the City would endeavor to comply with the timeframe set in the Directive.</p> <p>The WQIP TAP states that civil/mechanical and electrical works were to start in Jan 2021 – the city has not made mention of any progress in this regard</p>

			<p>but from the Department's inspections this has clearly not started. The TAP also states that the WW dept was to provide a summary of the project programmes for each of the project phases.</p> <p>The City is not fully compliant in this respect as they have not provided the Department with enough details and seem to be behind project schedule.</p> <p>Need to request the detailed timeline Richard Nell mentioned with the project programmes from the City?</p>
4.	<p>5.1.4. Ref: Diep 116 (Item 301) – Update to enable the expediting of the upgrade of the Montague Gardens Bulk Sewer Gravity Reticulation Network and screening system by 30 June 2025, in order to prevent sewer network blockages and spillages into the Theo Maria Canal; The City must indicate to the DEA&DP the measures to be undertaken to reduce the blockages as a result of foreign objects entering the sewer reticulation network within</p>	PARTIALLY COMPLIANT	<p>The City employs 17 operational teams in its Region 3 reticulation area which covers Milnerton, Kraaifontein & Brackenfell areas and a sewer reticulation pipe network of 2 603 km. The City produces heat maps from its C3 sewer spill notification system which are used to identify:</p>

	<p>60 Calendar days of this Appeal Directive.</p>	<p>Areas of the network requiring more frequent or targeted cleaning. Pipes requiring capacity investigation and possible replacement.</p> <p>Areas where awareness interventions such as the City's "Bin it, don't block" campaign door to door education.</p> <p>In terms of the bulk sewer line, a consultant has been appointed and Section 33 process underway with a targeted completion January 2021</p> <p>Koeberg road pump station refurbishment – some of which has been completed (Brian Thomson) and other planned upgrade (Acric Smit) report required. Budget available in 2021/2022. Consultants tender 293C cancelled and planned refurbishment design to start after September 2021 when the replacement tender is awarded.</p>
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			<p>The operational teams and heat maps deal with the blockages and spillages but do not prevent and/or reduce them. It's great that the heat maps can identify areas for more frequent and targeted cleaning etc. However, the Modified Directive states that measures to be undertaken must be submitted within 60 days but there is no timeline for implementation besides the larger timeline for the upgrade of the bulk sewer by 30 June 2025.</p> <p>The short and medium-term contingency plans and preventative measure in place are not adequate in preventing continued pollution, until the upgrade takes place.</p>
5.	<p>5.1.5. Ref: Diep 117 - Update to enable the expediting of the upgrade of the Du Noon and Doornbach Sewer Gravity Reticulation Network (which includes plan, design, and construction of stormwater to sewer diversion/s) by 31 December 2023, in order to prevent sewer network blockages and spillages into the</p>	<p>COMPLIANT (in terms of time frames but not directly spoken to in report)</p>	<p>Electric power supply source investigation completed.</p> <p>City programme dates: 1 July 2020 – 1 June 2023</p> <p>Designs completed by CSR and approved by Relic – pending budget & project implementation.</p>

	<p>lower Diep River via the stormwater drainage system and the two outflow channels; The DEA&DP must be kept informed of the progress of the implementation of this measure in the monthly reports that are bring submitted by the City.</p>		<p>No specific mention of this is 23 March 2021 report, however, still within the overall timeframe of 31 December 2023. Briefly address in the Lower Diep River: Transversal action Plan 01 April 2021).</p>
<p>6.</p>	<p>5.1.5. Ref: Diep 120 & 122 – Update to enable the expediting of the upgrade of the Koeberg Road Pump Station (which includes plan, design, and construction of stormwater to sewer diversion/s) to be completed by 31 December 2021, in order to prevent/minimise pollution into the lower Diep River/ Milnerton Lagoon via the stormwater drainage system inlets and underground pipes; This measure falls under the Montague Gardens Bulk Sewer Upgrade project to be completed between 1 July 2022 and 1 June 2024.</p> <p>Progress reports on the implementation of this measure must be included in the monthly reports submitted to the DEA&DP.</p> <p>Implement measures of strategic outlets to trap all the general waste</p>	<p>PARTIALLY COMPLIANT</p>	<p>(Compliant as the City has until November 2021 to implement measures of strategic outlets to trap all the general waste from flowing into the Diep River and Milnerton Lagoon the measures. However non-compliant in they have not provided an interim response plan to deal with the trapping and clean-up of general waste at storm-water outlets flowing into the Diep River & Milnerton Lagoon. Nets procured but no plan in place for the nets and no interim response plan has been provided to deal with the trapping and clean-up while the planning and identifying of outlets is underway) –</p>

	<p>from flowing into the Diep River and Milnerton Lagoon (e.g nets at the mouths of stormwater outlets to capture the general waste, as implemented in the Soet River Catchment), by November 2021.</p> <p>The City must however provide an interim response plan to deal with the trapping and clean-up of general waste at storm-water outlets flowing into the Diep River & Milnerton Lagoon, within 60 calendar days of this Appeal Directive, while the plan is under development and submit it to the DEA&DP.</p>		<p>Progress reports on the implementation of the interim measures must be included in the monthly reports.</p> <p>The City procured netting, which has been sponsored by a private fishing company. Planning and identifying outlets are underway and will be reported in the City's monthly reports to the Department.</p>
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<p>7.</p>	<p>5.1.6. Ref: Diep 121 – Submit the sewer pump station audit report to the Department's Directorate: P&CM for review and comment, within 60 (sixty) calendar days of receipt of this Directive;</p>	<p>PARTIALLY COMPLIANT</p>	<p>The report titled “Pump Station Awareness October 2020 (Potsdam Mekkbosstrand and Wesfleur), which covers the City's sewer pump stations in the Diep River Catchment was provided to DEA&DP in the 23 March 2021 report (Annexure C).</p> <p>The City noted in their report that “this report covering the pump station assessment was to gather data and assess conditions by an independent consultant; it does not produce a remedial plan of action and budget schedule. The findings are being used to update the pump station refurbishment” However, the clause/condition only requests an audit report and not a remedial plan of action.</p> <p>Mr Nell stated that he will be drafting a more detailed report.</p> <p>Mr Nell also stated that he will be compiling a risk</p>
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			<p>rating based on the audit findings to determine the priority upgrades.</p> <p>Request an update on this on the above-mentioned from the City?</p>
8.	<p>5.1.7. Action: Increase frequency of refuse collection and area cleaning - submit a plan to the Department's Directorates Waste Management and D: P&CM for approval, within 30 (thirty) calendar days of receipt of this Directive, to address the littering and solid waste pollution occurring through wind dispersion, illegal dumping and within the stormwater drainage systems (including the lack of proper waste collection services for "back yard dwellings") within Du Noon, Doornbach and Joe Slovo Park.</p>	<p>PARTIALLY COMPLIANT</p>	<p>(compliant in submitting on time but unclear whether this report included the increased frequency of refuse collection and area cleaning or solid waste management measures in general)</p> <p>IMS catch pit cleaning programme/winter readiness programme in place –Killarney Depot cleans the river/canal</p>

	<p>The plan must include clear action deliverables, proposed budgets and adequate timeframes.</p>		<p>banks on a bi-monthly basis, but it is very costly.</p> <p>Twice/monthly frequency cleaning the Bayside canal banks in terms of litter and solid waste</p> <p>In February 2021 solid waste management measures that are being implemented were submitted to DEA&DP for nets procured but no plan in place for the nets and no interim response plan has been provided to deal with the trapping and clean-up while the planning and identifying of outlets is underway.</p> <p>There are still numerous complaints being received regarding dumping, frequency of refuse removal, blockages etc.</p> <p>The current plans in place are not adequate enough.</p>
<p>9.</p>	<p>5.2. Conduct a thorough clean-up of the sludge within the Diep River at the Final Effluent discharge point of the Facility, within 14 (fourteen)</p>	<p>COMPLIANT</p>	<p>Report submitted to DEA&DP on 05 February 2021.</p>

	calendar days of receipt of this Directive;		
10.	5.3. Add an additional sampling point at Final Effluent discharge point of the Facility (at the point of entry into the Diep River), in order to reflect the water quality of the final effluent entering the environment.	NON-COMPLIANT	<p>The City indicated that they do not have enough media.</p> <p>Discrepancies between the two discharging points.</p> <p>This was requested prior to the new discharge point being installed – when the official discharge point was at the sluice gates of the long pond, the City were conducting samples at the chlorination point prior to the effluent being discharged into the long pond. Currently the City is sampling just before the effluent is discharged into the Diep River (at the contact chambers) at the new discharge point. The DWS still must approve the amendments to the WUL, which should include the co-ordinates for this new discharge point (Inspection report 10 Nov 2020)</p> <p>Clarity is needed from the DWS as to where the official sampling points should be</p>

			as per the WUL and subsequent agreements between the City and the DWS.
11.	5.4. Effectively seal-off all historical outlets and underground pipes leading from the Facility (including the maturation ponds) into the Diep River, within 30 (thirty) calendar days of receipt of this Directive, and provide proof to the Department within 7 (seven) calendar days after completion;	PARTIALLY-COMPLIANT	<p>There is only temporarily sealing of the historical outlets and reedbeds.</p> <p>The outlets from the reedbeds have been opened to allow water to flow from the reedbeds into the Theo Marais Canal. This was observed during the inspection dated 27/07/2021.</p> <p>The City has advised that they have obtained temporarily approval from the DWS.</p>
12.	5.5. The standby generators must immediately come online in the event of a power outage, and not have 15 – 30 mins delays, and provide proof to the Department within 7 (seven) calendar days after completion;	COMPLIANT	Completed –
13.	5.6. Implement measures at strategic stormwater outlets to trap all the general waste from flowing into the Diep River and Milnerton Lagoon (e.g. nets at the mouths of stormwater	NON-COMPLIANT	Nets procured but no plan in place for the nets and no interim response plan has been provided to deal with the trapping and clean-up

	<p>outlets to capture the general waste, as implemented in the Soet River Catchment), within 30 (thirty) calendar days of receipt of this Directive, and provide proof to the Department within 7 (seven) calendar days after completion. These stormwater outlets must be cleaned regularly in order to prevent blockages;</p>		<p>while the planning and identifying of outlets is underway.</p> <p>According to Annexure A of the June 2021 report, nets have been donated, however there is no mention of their implementation and whether enough nets have been donated or if more need to be procured? Therefore, still non-compliant</p>
<p>14.</p>	<p>5.7. Submit an Estuary Management Plan for the Milnerton Lagoon, which must address improving the estuary water quality, marine and coastal ecosystem functions and the overall management of the Milnerton Lagoon Estuary, to this Department for comment and the DEFF for approval, within 60 (sixty) calendar days of receipt of this Directive;</p>	<p>COMPLAINT</p>	<p>Estuary Maintenance Management plan was submitted and approved by D: DM. Estuary Management & monitoring proposal submitted to DEA&DP on 03 March 2021. The interim changes have been highlighted in the communication dated 5 March 2021, but the actual document has been requested again.</p> <p>The above EMP has been sent to MS Marlene Laros and signed, however Ms Laros indicated that the</p>

			<p>EMP must include the entire estuarine functional zone as delineated by the NBA (2018)</p> <p>The signed report from DEA&DP's coastal management unit was sent to the City on 28/06/2021</p> <p>There currently is an EMP in place however the City has proposed to update the EMP to include some key elements for pollution management. DEA&DPs coastal management has responded on the proposed update of the EMP. The City will further correspond with DEA&DPs coastal management regarding the processes to be followed and what must be included in the EMP.</p>
15.	<p>5.8. Continue to submit to the Department the monthly update reports on the implementation of the Action Plan as indicated in paragraph 5.1., above, which must include the progress of actions outlined in paragraphs 5.1.3 – 5.1.6., 5.3., and 5.5. above, to this Department; and</p>	COMPLIANT	

16	5.9. Continue to conduct meetings or engagements with affected groups to communicate and inform the communities along the Diep River Catchment of the City's short-, medium and long-term actions contained in the Action Plan, and provide them with copies of the update reports.	COMPLIANT	
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