



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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By email: stefanie.fick@outa.co.za / andrea.korff@outa.co.za.

Mr Stefanie Fick
Organisation Undoing Tax Abuse
Executive Director: Accountability and Public Governance Division
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Dear Mr Fick

POLLUTION AND DEGRADATION OF THE DIEP RIVER CATCHMENT AND THE MILNERTON LAGOON

Your letter dated 25 March 2022 has reference.

The pollution and degradation of the Diep River catchment and the Milnerton Lagoon is a serious concern to us as government, including the City of Cape Town (the City). However, the construction of the Potsdam waste water treatment work (WWTW) is a necessary process for a sustainable elimination of the pollution and management of water in the metro. Let me state that regrettably, I seek to differ with you that my Department is "relaxed and dilatory" in its regulatory function towards the ongoing non-compliance by the City. As per your letter, this view is a perception.

Since 2018, numerous site inspections and engagements were held with the City at the Potsdam WWTW and surrounding Diep River catchment and Milnerton Lagoon areas. The Department also shared with the City a water quality report assessing the impacts of the Potsdam WWTW treated effluent discharge on the Diep River as well as other pollution sources, such as sewage pump stations, informal settlement run-off and stormwater outlets both upstream and downstream of the WWTW.

Despite the City cooperating and duly responding timeously and positively and implementing a number of actions that have been proposed, my Department implemented administrative enforcement towards the City and has since issued four Pre-Directives regarding the pollution at



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Potsdam WWTW. These were issued on 20 December 2019, 11 November 2021 with the latest pre-directive issued to address the failure to contain wastewater spillages on-site, the prolonged discharge from a temporary discharge point and the poor maintenance of stormwater reedbeds situated at the WWTW but designed to treat off-site stormwater flows. On 10 and 11 November 2020 as part of the Enforcement Blitz, the DWS Blue Scorpions, in partnership with Green Scorpions and other sector stakeholders, conducted a site visit with City officials at the Potsdam WWTW. The WWTW was in a more stable condition and showed an improvement in the handling of the pollution management. Informal settlements along the Diep River, namely Du Noon and Joe Slovo Park were also visited to inspect and follow up the broader and different sources of pollution for potential impact on the water quality of the Diep River and Milnerton Lagoon. The impact of the informal, formal and industrial waste was clearly visible.

As you are aware, section 41(h) of the Constitution instructs the three spheres of government to (ii) assist and support one another and (iv) avoid legal proceedings against one another. Section 154(1) further enjoins national government and provincial governments to support and strengthen the capacity of municipalities to perform their functions, among other things.

Based on this Constitutional injunction, my Department together with other sector Departments - the Western Cape Provincial Department of Environmental Affairs and Development Planning (DEA&DP) and National Department of Forestry, Fisheries and the Environment (DFFE) have established a joint Potsdam WWTW / Diep River Catchment Pollution Task Team on 13 July 2021. The aim of the task team is to ensure that all available information is coordinated for close and continuous monitoring of the situation and to ensure that reasonable progress is made to reduce and manage the risks associated with pollution of the Diep River and ultimately the Milnerton lagoon. Due to the age of the WWTW and its associated infrastructure, number of challenges arise from time to time and these are brought to the attention of the Joint Task Team for a cooperative solution.


To your humble request for the Department as the regulatory authority to regulate in a transparent and accountable manner as well as your request for compliance to be enforced as soon as possible, the Department reply as follows -

- The task team has thus far embarked on joint inspections of potential polluters in the upper regions of the Diep River, with the aim of mapping out pollution hotspots and establishing a more holistic monitoring programme of all potential pollution sources including the Potsdam WWTW.
- The City has been providing sampling analysis results of all discharge points from the Potsdam WWTW, many of which are taken on daily basis. The City also furnishes the Task Team with monthly reports. The results are collated and together with the report, reviewed by the joint task team.
- As you are aware, the City and the Joint Task Team met with Organisation Undoing Tax Abuse (OUTA) on numerous occasions to provide progress updates and to answer any questions. The last meeting with OUTA was held on 16 February 2022 and the Department explained why it had opted not to issue a Directive and/or commence with further enforcement action on the basis that the City has been co-operative with conditions stipulated in the pre-directive.
- The City has been transparent about the challenges faced by timeously notifying this Department of any incidents and has displayed significant effort to monitor, prevent and/or manage pollution impacts.

To further demonstrate transparency, we propose an onsite meeting with OUTA and the joint task team and City under the leadership of the Mayor on a date that will be suitable for all of us. We are of the view that this will help provide a solution in this regard. The City is expected to table temporary / short term measures to at least reduce the pollution caused by the Portsdam WWTW as it plans to address all challenges and concerns regarding the pollution at the commencement of the 2022/23 municipal financial year.

Let us grow South Africa's water sector together.

Yours sincerely


DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 21/07/22