



REFERENCE: 3/6/R (2021/37)

Executive Director of the Accountability Division
OUTA – Organisation Undoing Tax Abuse

Attention: Adv. S. Fick and Ms Korff

stefanie.fick@outa.co.za / andrea.korff@outa.co.za

Dear Adv. Fick and Ms Korff

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

1. Your letter dated 25 March 2022 refers.
2. Kindly note, I do not propose to respond to all the issues and allegations raised in your letter, and therefore such omissions do not constitute an acknowledgement or admission thereof.
3. The measures undertaken by my Department to monitor the City of Cape Town's ("the City's") compliance with its obligations in terms of the modified Directive, dated 22 January 2021, have already been communicated to OUTA in a previous letter, dated 12 August 2021.
4. That being said, the Department continues to monitor compliance with the modified Directive and the City's monthly reports, and thus requested the City to reassess the short- to medium-term measures in order to prevent/minimise the ongoing pollution from occurring whilst the long-term measures are currently underway and is subject to tender processes and timeframes.
5. In response to your statement indicating that my Department has levied no penalties on the City for non-compliances with the modified Directive, please note that the National Environmental Management Act, 1998 ("NEMA") does not currently provide for administrative fines or penalties, other than civil action and criminal offences.

6. Furthermore, in order to address the recent spillages/incidents, my Department has written to the national Department of Water and Sanitation, as one of the regulatory authorities who are mandated in terms of the National Water Act, 1998, to monitor compliance with the Potsdam Wastewater Treatment Works ("WwTW") Water Use License, as the pollution emanating from the Potsdam WwTW has been identified as one of the major sources of pollution to the lower Diep River Catchment.
7. Insofar as the Inter-governmental task team meetings, the Department acknowledges OUTA's concerns, however, not only do these meetings create a platform for engagement between the relevant regulatory authorities (i.e. the Department, DWS and DFFE) to assess the status and progress of the City's Action Plan and modified Directive (including addressing complaints received and incidents relating to sewage pollution) the meetings are also used to deliberate alternative ways to address the pollution within the Diep River Catchment and Milnerton Lagoon, as there are various cross-cutting mandates amongst the authorities, and therefore it is imperative that these engagements take place.
8. To this end, my Department has agreed to and requested dates from the DWS to have a joint on-site meeting at the Potsdam WwTW with the political heads from the respective organs of state (i.e. Minister Mchunu from the DWS, the City Mayor Geordin Hill-Lewis, and myself) and OUTA in order to collectively address the issues raised in your correspondence (dated 25 March 2022) and discuss the way forward.
9. In conclusion, my Department is committed in ensuring that the sources of pollution and its impact on the lower Diep River Catchment and the Milnerton Lagoon are addressed, and will take the necessary enforcement and/or civil action available in terms of the NEMA, should the abovementioned interventions not yield satisfactory results.
10. I trust that the above response to your letter has provided you with sufficient insight into the ongoing investigation and interventions by my Department and wish to thank you for your assistance in the protection and preservation of our environment, as well as ensuring the health and wellbeing of the people in this country.

Sincerely,



A BREDELL

MINISTER

DATE: 04/05/2022