

17 April 2020

Attention: The City of Cape Town Metropolitan Municipality

To: Mr Richard Nel  
Manager for the Water Quality  
Improvement Project  
City of Cape Town Metropolitan  
Municipality

Per: E-mail:  
[Richard.Nell@capetown.gov.za](mailto:Richard.Nell@capetown.gov.za)

CC: Mr Michael Webster  
Office of the Executive Director:  
Water and Waste Services

Per: E-mail:  
[Michael.Webster@capetown.gov.za](mailto:Michael.Webster@capetown.gov.za)

Dear Sirs,

**MILNERTON/ DIEP RIVER WATER CONTAMINATION**  
**OUR REF: L9/BD/04**  
**YOUR REF: UNKNOWN**

1. Your letter dated 26 March 2020 refers.
2. We herewith acknowledge receipt of the correspondence and note the content thereof. We are grateful for your responses and the attached information.
3. We wish to comment as follows:
4. Ad paragraph 3.8 of our letter dated 20 March 2020:

In your response to our letter, you stated that you are waiting for a response from the City Scientific Services. Kindly advised whether City Scientific Services are able to undertake weekly water testing or not and what the City's plan is to make these results available on time to the public.

In the event that you did not receive a response yet, please indicate by when you expect to receive a response.

5. Ad paragraph 3.9 of our letter dated 20 March 2020:

The City noted that the national oversight authorities were satisfied with the City's current action plan to address the problems in Milnerton. Kindly provide us with the confirmation correspondence received from these national oversight authorities.

6. Ad paragraph 3.11 of our letter dated 20 March 2020:

According to your response, the Terms of Reference of the City's WQIP and the detailed action plan for the Diep River/ Milnerton Lagoon were in the process of being finalised and were due for completion on 09 April 2020. Kindly provide us with the City's detailed action plan.

7. Ad paragraph 3.12 of our letter dated 20 March 2020:

- Thank you kindly for the water quality data. We herewith acknowledge receipt thereof.
- Kindly indicate if the City is planning on releasing the data timeously and in such a manner that the general public can understand the results. And, if the City intends doing so, kindly indicate what platform will be used.

8. Ad paragraph 3.13 of our letter dated 20 March 2020:

- You noted in your response that you were still waiting for the formal minutes of the meeting held with The Department of Water and Sanitation (DWS) on 05 March 2020. In the event that the City received the minutes from DWS, kindly provide us with a copy thereof. In the event that you did not receive the minutes, please indicate by when you expect to receive same.
- Although we received some correspondence exchanged between the City and DWS (which was attached to your letter dated 26 March 2020), the correspondence received did not clarify DWS's stance on the non-compliance with the Potsdam Waste Water Treatment Works' (WWTWs') Water Use License (WUL).

The correspondence attached to your letter mentioned that the City believed that the Potsdam WWTWs' Water Use License Conditions were inappropriate and that the City made an application to amend said Conditions.

Kindly provide us with all the documentation/ records that relate to the aforementioned amendment application submitted to the DWS as well as all related correspondence.

Kindly indicate what the current status of the License Amendment Application is.

9. Ad paragraph 4.2 of our letter dated 20 March 2020:

With reference to the response in your letter dated 26 March 2020, we are of the opinion that the City is confusing the concept of “pollution caused” and “accountability”.

It is common cause that the “pollution caused” are due to various different factors. However, the City has a responsibility to practice due diligence in the management of the City’s resources. “Accountability” is about holding those entrusted with this responsibility, accountable if they do not execute their respective duties diligently. The officials that are and were mandated to deal with the crisis have failed, especially in the light of the fact that the crisis did not happen overnight but has persisted for almost 8 years.

It certainly appears from your answer that the City is not serious about holding those responsible to account and we urge you to consider steps in this regard.

10. Ad paragraph 5.3 of our letter dated 20 March 2020:

In your response to our paragraph 5.3, you confirmed that once the belt presses and ultraviolet treatment processes were fully operational, the effluent produced will improve significantly. Kindly indicate by when these processes will be fully functional.

11. Furthermore, OUTA has been made aware of new developments. According to our sources, the Lagoon began to smell again because the new and long-awaited low flow diversion system at Milky Way was apparently "overwhelmed". It resulted in another major spill of highly contaminated water into the river. We were further informed that this had not been cleaned despite the fact that the incident occurred over a week ago. As a result, stagnant smelly pools formed in the reeds. Kindly indicate what the City’s plans are to rectify the situation and to prevent this from happening in future.

12. We take note of the City’s concern about OUTA’s independent water tests and the publication of the results. OUTA always strives to be transparent and accurate when conducting water tests and we can assure the City that we apply the utmost scientific rigour and standards in our public reporting. We are of the opinion that

one test that does not comply with the conditions of a valid Water Use License is enough to show non-compliance and non-adherence.

13. We look forward to receiving the City's response. Should you have any questions, please feel free to contact our Ms Andrea Korff on [andrea.korff@outa.co.za](mailto:andrea.korff@outa.co.za).
14. Kindly acknowledge receipt of this letter.

Yours Sincerely,



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Stefanie Fick  
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E-Mail: [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)