



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

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

By Email: [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za) / [andrea.korff@outa.co.za](mailto:andrea.korff@outa.co.za)

Attention: Adv. S. Fick and Ms Korff

Dear Adv. Fick and Ms Korff

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

1. Your letter dated 23 July 2021, acknowledged on 26 July 2021, refers.
2. I wish to express my appreciation for the important contribution that your organisation is making and for promoting a harmonious and cooperative approach with my Department and other organs of state in ensuring a healthy and sustainable environment for the benefit of all the people of our country.
3. In response to your request to provide you with details of the measures undertaken by my Department to monitor the City of Cape Town's ("the City") compliance with its obligations in terms of the modified Directive, dated 22 January 2021, I would like to respond as follows:
  - 3.1. Regular compliance inspections are undertaken by my Department's Directorates Environmental Law Enforcement and Pollution and Chemicals Management, in conjunction with the City officials, to monitor compliance with the modified Directive (dated 22 January 2021) and the City's monthly progress reports, which are submitted as part of the instructions contained within the modified Directive. This also includes investigating on-going complaints received from the public and other interested and affected parties in order to verify the complaints along the Diep River Catchment and Milnerton Lagoon.
  - 3.2. The Department has established a quarterly meeting between the City and the Department's Directorates Environmental Law Enforcement and Pollution and Chemical Management to assess the status and progress of the City's Action Plan and the modified Directive, as well as to monitor the City's actions relating to complaints received and incidents reported to the Department by the City regarding sewage spillages.

3.3 Apart from this quarterly Departmental engagement with the City, the City in conjunction with the Department, has also established quarterly liaison meetings with OUTA and the Milnerton Central Ratepayers Association (MCRA) (styled the City/ OUTA/ MCRA/ DEA&DP - Diep River and Milnerton Lagoon Quarterly Engagement Meeting) to encourage open lines of communication between the relevant authorities and interested and affected parties, in order to collectively address issues related to the pollution of the Diep River Catchment and Milnerton Lagoon. The third of such engagements took place on 5 August 2021.

3.4 In addition to the above compliance monitoring inspections and quarterly engagements, this matter has also been escalated to the Inter-governmental Committee Meeting ("IGC") between the Western Cape Government ("WCG") and the City (which includes the Provincial Cabinet and the City's Mayoral Committee), which receives progress reports from a joint WCG/City Task Team regarding ongoing pollution matters within the Diep River Catchment and Milnerton Lagoon.

3.5 The WCG/City Task Team identify short and medium-term measures to be implemented, whilst the City's upgrades and tender processes for the various project upgrades are in process. The WCG/City Task Team have identified the following short- to medium-term actions, amongst others, for addressing the water quality within the Diep River Catchment and Milnerton Lagoon:

- Review of the City's Transversal Action Plan;
- Point source pollution identification: Investigate sources of pollution within the Diep River situated beyond the City's area of jurisdiction (i.e. within the Swartland and Drakenstein Municipal areas);
- Action against other polluters identified;
- Water quality sampling exercises;
- Compliance Audit on Modified Directive;
- Progress on tender awards;
- Sewage blockages/ Pump Station and sewer pipeline repairs;
- Communication plan;
- Forum - Establishment of a Sub-catchment: Diep River Forum; and
- Community engagement; and
- Informal Settlements Planning and Upgrades.

3.6. The WCG/City Task Team has to report on the above actions list and provide progress reports to the Premier and the City Mayor at the IGC, on a quarterly basis.

3.7 Lastly, my Department has also just established an Inter-governmental Diep River and Milnerton Lagoon Coordinating Task Team ("ICTT") comprising of all the relevant regulating authorities, namely: the national Department of Water and Sanitation ("DWS"), the national Department of Forestry, Fisheries and the Environment ("DFFE") and my own Department (DEA&DP). The ICTT will meet on a monthly basis to engage on various items, which includes: Overlapping mandates; coordination of investigation pertaining to complaints received and incidents reports regarding sewage spillages; monitoring of the City's Water-Use Licence for the Potsdam Facility; water quality sample taking and analysis of data; sharing of resources, and to ensure effective communication and responsiveness amongst the relevant authorities in respect of joint compliance and enforcement measures.

4. With regard to your request for a report on the extent to which the City has, or has not, fulfilled its obligations in respect of the Modified Directive, this was responded to OUTA during the City/ OUTA/ MCRA/ DEA&DP meeting on 05 August 2021. My Department has undertaken an audit exercise to monitor the City's compliance with the conditions of the Modified Directive and the findings of the audit were communicated to the City, in a letter dated 02 August 2021.
5. In this letter, the City was requested to provide the Department with a detailed response to the Department's audit findings (see a copy of the letter to the City attached hereto as an Annexure). As such, my Department will provide you with the said report following receipt of the City's response.
6. I would encourage OUTA to make use of the communication platforms which are currently in place, such as, the quarterly City/ OUTA/ MCRA/ DEA&DP meetings, in which such information and queries pertaining to this matter can be requested and addressed. These quarterly engagements have been established by the City and my Department specifically for this purpose in mind.
7. In conclusion, my Department and I are committed to ensuring that the sources of pollution and its impact on the Diep River Catchment and the Milnerton Lagoon are addressed, and to take the necessary enforcement action, within its mandate, should the City and/or any other parties who have been identified as a source of pollution, fail to implement reasonable measures to minimise and/or prevent such pollution from continuing.
8. I trust that this response to your letter provides you with sufficient insight into the measures undertaken by my Department and the WCG in this matter. I wish to thank you for your assistance and active role in the protection and preservation of our environment, as well as ensuring the health and wellbeing of all our residents.

Sincerely

A handwritten signature in black ink, appearing to read 'A. Bredehl', is written over a light blue horizontal line. The signature is fluid and cursive, with a large loop at the end.

A BREDELL

**MINISTER**

DATE: 12/08/2021