



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

Executive Director of the Accountability Division

OUTA – Organisation Undoing Tax Abuse

BY EMAIL: stefanie.fick@outa.co.za / 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. I refer to the following:

- 1.1. Your letter dated 22 August 2021 and acknowledged by the Office of the Ministry of Local Government, Environmental Affairs and Development Planning on 24 August 2021;
- 1.2. the Provincial Department's compliance inspection of the Diep River Catchment and Milnerton Lagoon conducted on 17 September 2021;
- 1.3. the Western Cape Government Diep River Task Team meeting with the City of Cape Town ("the City") on 21 September 2021;
- 1.4. the Provincial Department's compliance inspection at the Potsdam Wastewater Treatment Works ("WWTW") on 1 October 2021; and
- 1.5. the Intergovernmental Diep River and Milnerton Lagoon Coordinating Task Team ("IGDRMLTT") meeting of 13 October 2021, which consists of this Department, the national Department of Water and Sanitation ("DWS") and the national Department of Forestry, Fisheries and the Environment ("DFFE").

2. At the outset, I wish to thank OUTA for its acknowledgement and commendation expressed of the work undertaken by my Department pertaining to this complex matter, and also for the continuous contribution that your organisation is making to ensure a healthy and sustainable environment for the benefit of the people of our City and Province.
3. Having said that, please find my response to your concerns raised in your letter (dated 22 August 2021):

3.1. Ad. Par 3:

The contents of this paragraph is noted.

3.2. Ad. Par 4:

3.2.1. At the time of my Department's compliance audit of the modified Directive, the City was compliant with 6 (six) conditions, partially compliant with 8 (eight) conditions and non-compliant with 2 (two) conditions. My Department has received the City's response which included their self-review compliance exercise and is in the process of finalising the compliance audit and will clarify the discrepancies with the City regarding the 8 (eight) partially compliant conditions of the modified Directive, of which the City has indicated as being compliant.

3.2.2. It should be noted that the majority of the conditions as stipulated in the modified Directive encompasses timeframes for the completion of key bulk infrastructure projects and upgrades, which are subject to the City's budget and tender procedures, and therefore may result in delays in adhering to the stipulated timeframes.

3.3. Ad. Par's 5 and 7.1:

3.3.1. The Department acknowledges your concerns regarding the lack of a response from the DWS. However, the Department has honoured your request and has engaged with the DWS during the IGDRMLTT meeting (13 October 2021) informing them of the important role which your organisation is playing in communities and to address your concerns.

3.3.2. During the aforesaid meeting, officials of my Department were informed that the DWS has since responded to your letter. To ensure continuous open-dialogue and progress in this matter, my Department has taken the initiative to invite the DWS and the DFFE to the quarterly meeting of OUTA/MCRA/DEA&DP/City.

3.3.3. As such, you are hereby encouraged to raise your concerns regarding the "temporary approval" granted for a presumed departure from certain conditions of the WUL with DWS at the next quarterly meeting.

3.3 Ad. Par 6:

Please refer to paragraphs 3.1.1 and 3.1.2 above.

3.4 Ad. Par 7.2:

3.4.1. Insofar as your concerns regarding the collaboration between my Department and the City are concerned, I can assure you that my Department's Environmental Law Enforcement Directorate has always acted independently in respect of enforcing environmental legislation within its mandate even if it is against another organ of state that has contravened environmental legislation. The WCG/City Task Team not only comprises of my Department's Directorate: Environmental Law Enforcement, but also the Directorate: Pollution and Chemicals Management to ensure progress and compliance with the City's Action Plan and modified Directive, which includes addressing complaints and incidents received relating to sewage pollution.

3.4.2. The WCG/City Task Team was established to promote collaboration with other spheres of government in the spirit of cooperative governance to find solutions to this complex matter which is multifaceted and thus requires the collaboration and expertise of both spheres of government.

3.5. Ad Para 8:

Once my Department has concluded its compliance audit as indicated in paragraph 3.2. above, the outcome will be communicated to the City and OUTA.

4. In conclusion, I wish to reiterate my Department's commitment 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 fails to implement reasonable measures to minimise and/or prevent such pollution from continuing.

Sincerely

A handwritten signature in black ink, appearing to read 'A. Bredeell', written over a large, light-colored oval shape.

A BREDELL

MINISTER

DATE: 27/10/2021