

25 March 2022

Attention: The National Department of Human Settlements,
Water and Sanitation
c/o Mr Senzo Mchunu
Per E-Mail: Sibongile.Hlongwane@dpsa.gov.za

And to: Acting Director-General: Department of Human Settlements,
Water and Sanitation
Ms Deborah Mochotlhi
Per E-mail: MdakaneP@dws.gov.za
HeneB@dws.gov.za
CentralP@dws.gov.za
claassenm@dws.gov.za

CC: Mr. G Hill-Lewis
Executive Mayor: City of Cape Town
Per E-mail: mayor.mayor@capetown.gov.za

CC: Cllr Z Badroodien
Mayoral Committee Member: Water and Waste
Per E-mail: zahid.badroodien@capetown.gov.za

Good day Sir/s,

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

1. The Organisation Undoing Tax Abuse (“OUTA”) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation.

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: WL Duvenage (CEO), Adv. S Fick,

Non-Executive Directors: W Modisapodi (Chair), P Majoji, LJJ Pauwen, T Pillay Van Graan, Dr H Volmink, T Skweyiya, S Ndlovu, Z Mukwevho

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2. OUTA is further geared towards the harmonious cooperation with government on various levels and seeks to assist government wherever necessary in carrying out its mandate in the interests of the citizens of South Africa.
3. We refer to the ongoing engagement with the City of Cape Town, the Western Cape Government's Directorate for Environmental Law Enforcement and the National Department of Water and Sanitation, more specifically to our engagement held on 16 February 2022.
4. OUTA is disappointed with the Department's continued perceived relaxed and dilatory responses to the ongoing non-compliance by the City of Cape Town ("the City") with their water use license ("WUL") in respect of the Potsdam Wastewater Treatment Works ("WWTW").
5. OUTA contends that during the past 8 months (from 07 June 2021 to 24 January 2022) the City's water sampling on all the reported discharge points at the Potsdam WWTW, found that on only 5 out of the 102 occasions the plant complied with the general authorisation limit for e-Coli of <1000 cfu /100ml, as is stipulated in the WUL, and that other parameters were also frequently not met.
6. It is worthy to note that most recently (between the dates of 20 December 2021 and 24 January 2022) the City's own results recorded a count of more than 1 million cfu /100ml (which is over one thousand times the official limit) on 2 out of the 5 dates sampled. Furthermore, during the above-mentioned dates further water tests conducted by the City recorded on one occasion 340 000 cfu /100ml, and 32 000 and 37 000 respectively on the other two occasions.
7. The City's blatant non-compliance with their WUL, as highlighted above, is corroborated by OUTA's independent water samples taken during the period of 16 July 2021 up to and including 19 January 2022. OUTA's results show that the e-Coli levels contained within these discharges were over the 1 000 cfu/100ml limit on 10 out of the 10 occasions that sampling took place.
8. Furthermore, OUTA's independent water sampling shows that on 29 December 2021 a measurement of 1 070 000 e-Coli/100ml was recorded at the WWTW's official outlet. On 03 December 2021, a measurement of 400 000 cfu /100ml was recorded from the Pond 5

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discharge point and on 19 January 2022, a measurement of 120 000 cfu/100ml was recorded from the reed bed discharge point.

9. OUTA is of the opinion that given that there is no or minimal flow in the river above the WWTW, little or no dilution is occurring in the actual river. This resulted in sustained catastrophically high levels of pollution in the actual river immediately below the plant.
10. The City's results of over a million e-Coli/100ml in January 2022 (OUTA results 19/01/2022 of 440 000 cfu/100ml at sample point PDD) in the Diep River below Potsdam demonstrates the damage caused to the ecosystem of the Diep River and the imminent risk to public health.
11. As these treated effluent results are far worse than those noted as being the reason for the issuing of the December 2019 pre-directive (treated effluent discharges August 2019 e-Coli 317 500 cfu/100ml, September 2019 e-Coli 303 020 cfu/100ml), the collaborative approach by DWS with the City has failed to demonstrate any meaningful improvement. In fact, the situation has deteriorated significantly.
12. Whichever steps the department might have taken (steps which to date have not been communicated to OUTA or the affected residents) to enforce compliance with the conditions of the WUL, have clearly not been effective. The pollution of the river system and Milnerton Lagoon has escalated.
13. OUTA therefore humbly requests the Department as the regulatory authority, to fulfil its obligations and enforce the conditions of the City's WUL in a transparent and accountable manner.
14. In OUTA's view, DWS's failure to fulfil its obligations detract from compliance with the Directive that was issued by the MEC responsible for environmental affairs in January 2021, as well as the duty of the City to take reasonable measures to prevent further pollution and degradation of the environment.
15. We would appreciate receiving the Department's response on how compliance will be enforced as soon as possible, but in any event not later than 07 days from date of receipt of this letter.

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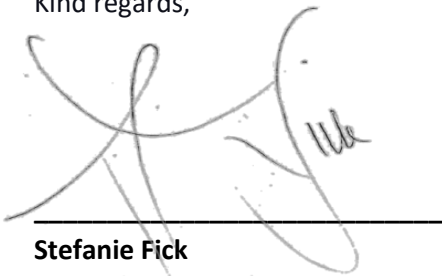
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16. Should you have any queries, kindly contact OUTA's Senior Legal Project Manager, Ms. Andrea van Heerden, on andrea.korff@outa.co.za.
17. We trust that you find the above in order.

Kind regards,



Stefanie Fick
Executive Director: Accountability and
Public Governance Division
OUTA – Organisation Undoing Tax Abuse
Email: stefanie.fick@outa.co.za