



water affairs

Department:
Water and Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Enquiries: L Siwelane
Telephone: 012-392-1411
Reference: 6/2/2/6

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 2078 FOR ORAL REPLY

A draft reply to the above-mentioned question asked by Mr M Waters (DA) is attached for your consideration, please.


DIRECTOR-GENERAL (Acting)

DATE: 16.10.09

DRAFT REPLY APPROVED/AMENDED →


MS B P SONJICA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 25/10/2019

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2078

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 12 OCTOBER 2009
(INTERNAL QUESTION PAPER NO 19)

2078 Mr M Waters (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether the national Department has issued the Ekurhuleni Metro Council any Section 19(3) notices in terms of terms of the National Water Act of 1998; if so, what are the relevant details?

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REPLY:

- (1) Yes, the following notices were issued by My Department to Ekurhuleni Metropolitan Municipality after receiving several complaints regarding broken outfall sewer lines as well as a blocked manhole (**copies attached as Annexure A, B & C**).
- (a) Annexure A: Contravention of Section 19 of the National Water Act, 1998 (Act No. 36 of 1998): Elgin Road sewage spills.
- (b) Annexure B: Contravention of Section 19 of the National Water Act, 1998 (Act No. 36 of 1998): Glen Marais, broken sewer line.
- (c) Annexure B: Contravention of Section 20 (3) of the National Water Act, 1998 (Act No. 36 of 1998), broken outfall sewer.

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water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA

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OFFICE OF THE REGIONAL DIRECTOR: GAUTENG
Sanlam Plaza East, 285 Schoeman Street, Pretoria

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The Manager
City of Ekurhuleni Metropolitan Municipality
P.O.Box 1022
Pretoria
0002

Attention: Dumisani Mthembu

CONTRAVENTION TO SECTION 19 OF THE NATIONAL WATER ACT (NWA), 1998 (ACT 36 OF 1998): ELGIN ROAD SEWAGE SPILLAGE

Reference is made to the site inspection done by Mr. Nemailli on 04th of September 2009. During the site visit the following observations where made.

- The manhole in the Elgin road Municipal pump station overflowed into the storm water eventually to a wetland down stream.
- The wetland down stream was severely contaminated with sewage from Municipal Pump station.
- The continuous spillage is due to electricity outages in the Elgin road Municipal pump station.

Please note that the above observations, constitute the contravention of section 19 of the NWA, 1998 (act 36 of 1998) which state that "(1) an owner of a land, a person in control of a land or a person who occupies or uses land on which-

- (a) any activity or process is or was performed or undertaken; or
 - (b) any other situation exists,
- which causes, has caused or is likely to cause pollution of water resources must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.

- (2) the measures referred to in subsection (1) may include measures to ;
 - (a) cease, modify or control any act or process causing the pollution;
 - (b) comply with any prescribed waste standard or management practice;
 - (c) contain or prevent the movement of pollutants;
 - (d) eliminate any source of pollution;
 - (e) remedy the effects of pollution.

Based on the above, the Department request that the following measures should be considered:

- Take all reasonable measures to prevent a recurrence of this incident (a backup plan in case of electricity outages)


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- Remediate the impacted wetland.
- The remedial method must be investigated and the proposed method must be implemented in accordance with the generic process for remediation of contaminated land or areas and deteriorated water resources (attached).

Please notify the Department about the measures that will be taken within 7 days of the receipt of this letter to remedy the situation. Failure to comply with this request will lead to the legal actions against the municipality.

Should you have any enquiries regarding this, please don't hesitate to contact the Department on the above-mentioned contact details.

Yours Faithfully


ACTING REGIONAL HEAD: GAUTENG REGION
DATE: 18-09-2009



water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA

DW 6/1

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The Manager
City of Ekurhuleni Metropolitan Municipality
P.O.Box 1022
Pretoria
0002

Attention: Dumisani Mthembu

CONTRAVENTION TO THE NATIONAL WATER ACT (NWA), 1998 (ACT 36 OF 1998): GLEN MARAIS

Reference is made to the site inspection done by Mr. Nematli and Ms Nevondo on 13 July 2009 at Glen Marais, Kimptonpark, at the corner of Rietfontain Road and Arbour Street. During the site visit the following observations were made.

- A sewer line was broken and sewage is flowing into the storm water which flows into the Rietvlei River.
- The Rietvlei River down stream was severely contaminated with sewage from Municipal Servitude pipe line.

The above observations, constitute the contravention of section 19 of the NWA, 1998 (act 36 of 1998) which state that "(1) an owner of a land, a person in control of a land or a person who occupies or uses land on which-

(a) any activity or process is or was performed or undertaken; or
(b) any other situation exists,
which causes, has caused or is likely to cause pollution of water resources must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.

(2) the measures referred to in subsection (1) may include measures to ;
(a) cease, modify or control any act or process causing the pollution;
(b) comply with any prescribed waste standard or management practice;
(c) contain or prevent the movement of pollutants;
(d) eliminate any source of pollution;
(e) remedy the effects of pollution.

Observations, indicates that same measures have been taken to unblock the sewer pipe and manhole, however the department consider the measures taken as inadequate since the area affected by pollution has not been cleaned.

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Based on the above, the Department request that the following measures should be considered:

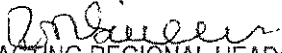
- Take all reasonable measures to prevent a repeat of this incident.
- Remediate the impacted stream.
- The remedial method must be investigated and the proposed method must be implemented.

During the inspection three water samples were collected from the site, chemical and microbiological samples were taken from each sampling point. The samples were taken to ERWAT laboratory the same day and a copy of the result is attached. The results from the laboratory prove that the sewer flow has impacted the water resource.

Please notify the Department about the measures that will be taken within 7 days of the receipt of this letter to remedy the situation. Failure to comply with this request will lead to the legal actions against the municipality.

Should you have any enquiries regarding this, please don't hesitate to contact the Department on the above-mentioned contact details.

Yours Faithfully


ACTING REGIONAL HEAD: GAUTENG REGION
DATE: 12-08-2009



water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA

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Ekurhuleni Metropolitan Municipality
P.O Box 13
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1620

ATTENTION: Mr M.I Marate

CONTRAVENTION OF SECTION 20(3) OF THE NATIONAL WATER ACT, 1998(ACT 36 OF 1998)

Refence is made to the emergency water use licence application submitted to this Department on the 21 August 2009 by Aurecon consulting on behalf of the Ekurhuleni Metropolitan Municipality.

During the evaluation process, a site visit was conducted by the Departments officials Ms E Madumo and Mr T Mathebe on 23 September 2009. During. It has come to the Department's attention that the Swartspruit is highly polluted due to the following observations:

1. The broken outfall sewer spilling into the Swartspruit.
2. Debris is strewn around.
3. Stormwater is discharged directly into the spruit without any attenuation.
4. Shredded litter is left lying and the plant debris find their way into the spruit.

The Department is very concerned about the risk and health impact that this pollution can pose to the community and the Water Resource as well. According to the Constitution of South-Africa, everyone has a right to an Environment that is not harmful to their health/wellbeing.

In addition, Environmental Conservation Act, Section 20, stipulates that Waste must be disposed of in a permitted waste disposal site. In terms of Section 20 Of the National Water Act, 1998(Act 36 of 1998), the responsibility for remedying the situation rests with the person responsible for the incident. The Municipality as the responsible person and owner of the land in question is required by act to remedy the situation as required in terms of section 19 and 20 of the National Water Act. Based on the above, the Department requires to be provided with an action plan within 14 working days to ensure the following:

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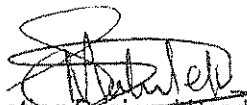
- (a) cease, modify or control any act or process causing the pollution
- (b) comply with any prescribed waste standard or management practice
- (c) Contain or prevent the movement of pollutants
- (d) eliminate any source of the pollution
- (e) remedy the effects of the pollution; and
- (f) remedy the effects of any disturbance to the bed and banks of a watercourse.

I would also like to bring to your attention that Failure to comply with this request, will lead to the Department taking legal action in terms of section 19 and 151 of the National Water Act.

Please note that the above incident must be addressed as a matter of agency as it can delay the Water use licence application for rehabilitating the banks of Swartspuit.

Should you have any enquiries regarding this letter, please contact Ms D.E Madumo at the above contact numbers.

Yours Faithfully


Acting Regional Head: Gauteng Region

12/10/2009
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Aurecon
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