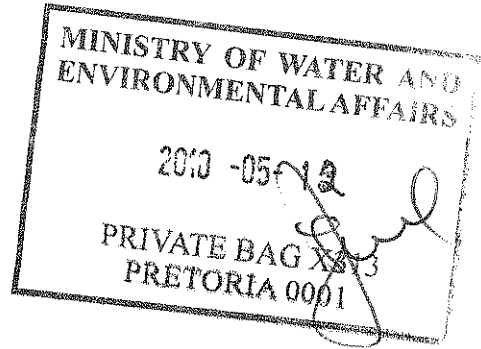




water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA



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Reference: 2/1/5/1

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1295 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mr A J Ellis (DA); is attached for your consideration.


DIRECTOR-GENERAL (Acting)

DATE: 11/5/10

DRAFT REPLY APPROVED/AMENDED


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

DATE: 19/05/2010

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1295

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 16 APRIL 2010
(INTERNAL QUESTION PAPER NO. 11)

1295 Mr M J Ellis (DA) to ask the Minister of Water and Environmental Affairs:

- (1) With reference to her reply to question 974 on 19 October 2009, in the cases of the municipalities in Mpumalanga, what (a) is the current status of the section 19(3) notices and (b) has been the response of each municipality since the initial notices or directives were issued;
- (2) Whether any further section 19(3) notices have been issued against municipalities in Mpumalanga; if not, why not; if so, what are the relevant details? NW1456E

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REPLY:

- (1)(a) Refer to Annexure A
and
- (1)(b) Refer to Annexure A
- (2) Refer to Annexure B

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ANNEXURE A

| Municipality | (1)(a) Current status with regard to section 19(3) notice | (1)(b) Response from the Municipality since the initial notice or directive |
|--|--|--|
| Kungwini Local Municipality | The complaint was a once off incident which involved the residents complaining about a sewer smell. The Municipality attended to it and no further complaints have been received regarding this matter. | The Municipality attended to this problem since it was a once off incident and this matter was resolved |
| Greater Sekhukhune District Municipality (although this municipality falls in Limpopo the water quality issues are handled by the Mpamalanga office as part of the Olifants River catchment) | A section 19(3) and 53(1) directive dated 23/02/2010 was issued for the Burgersfort Sewage Treatment Works | My Department still awaits response from the Municipality. A motivation to open a criminal case against the Municipality for a section 151(1)(d) offence for failing to comply with a Directive will be compiled and forwarded to My Department's legal services for consideration based on its merit. |
| Umjindi Local Municipality | An audit for compliance to the water use license for the operation of the Barberton was conducted and an audit report produced. A Section 53(1) of the NWA Notice dated 16/09/2009 was issued for the identified non-compliances to the license conditions. | The Municipality Responded through a letter dated 07/01/2010 in which they have provided an action plan with time frames to rectify all the non-compliances to the license conditions. My Department is continuing to monitor progress. |
| Bushbuckridge Local Municipality | <p>A letter dated 05/11/2009 was sent to the Municipality after the officials of the department conducted an inspection at the municipalities WWTW to monitor the implementation of the action plan related to the notice. The letter indicated that based on the site inspection the municipality has failed to implement the measures stipulated in the action plan.</p> <p>My Department wrote a letter dated 24/03/2010 to Bushbuckridge Local Municipality indicating that the Department has transferred an amount of R 5.16 million towards the Accelerated Community Infrastructure Programme (ACIP) toward the refurbishment/ upgrade of wastewater treatment works in Bushbuckridge Municipality to resolve the problems of wastewater treatment. One of the problems identified was that these WWTW are old and cannot cope with the current sewage flow because of the population growth and development taking place.</p> | Currently the project is being implemented jointly by the My Department and the Municipality to address the non compliance through the ACIP project. |
| Nkomazi Local Municipality | A directive in terms of section 19(3) and 53(1) dated 12/10/2009 was issued to the municipality. | The municipality responded through a letter dated 25/11/2009 indicating that they have appointed a consultant and a contractor to address the challenges of sewage overflow. |
| Mbombela Local Municipality | A water use license for the upgrade of the White River Sewage Treatment Works was issued on the 19/10/2009 with conditions for the Municipality to comply with. | No response received from the Municipality. |

| Municipality | (1)(a) Current status with regard to section 19(3) notice | (1)(b) Response from the Municipality since the initial notice or directive |
|------------------------------------|---|--|
| | An audit as been planned in the near future to ascertain compliance to the license conditions. | |
| eMalahleni Local Municipality | <p>Section 19(3) Notice dated 13/04/2010 was issued for raw sewage overflow into the Witbank Dam from the Bankenveld Estate Houses.</p> <p>A criminal case with the eMalahleni SAPS was opened on 24th of November 2009 against eMalahleni Local Municipality for failing to comply with a section 19(3) directive, for engaging in a water use activity without authorisation and for unlawfully and intentionally or negligently committing any act or omission which pollutes or is likely to pollute a water resource.</p> | My Department has transferred R 5 Million to the Municipality through the ACIP project. The Municipality has appointed Rand Water to assist with problems of sewage pollution at eMalahleni Local Municipality. |
| Emakhazeni Local Municipality | A notice in terms of section 53(1) dated 17/08/2008 was issued to Emakhazeni Local Municipality for failing to comply with the license condition for the Emthonjeni wastewater treatment works. A reminder letter dated 16/11/2009 was issued to the municipality to make representation on the above notice. After the Municipality failed to respond to the above notices a directive dated 23/02/2010 was issued to the Municipality directing them to rectify the identified non compliances to the license conditions. | The Municipality responded to the Directive through a letter dated 10/03/2010 and requested for an integrated approach to deal with all their wastewater treatment works. A meeting with the Municipality is tentatively scheduled for the 19/05/2010. |
| Govan Mbeki Local Municipality | The Municipality committed to submit a water use license application within 60 days from the date of receipt of the notice but to date no license application has been received by the department. | The Municipality has committed to submit the water use license application to My Department's Bronkhorstspuit office on or by 7/05/2010. |
| Delmas Local Municipality | My Department has transferred R 3 Million by February 2010 to the Municipality to assist with the refurbishment of the Delmas wastewater treatment work | The Municipality is currently busy with the tender process to appoint service providers to assist with the removal of sludge which will improve the efficiency of the wastewater treatment works. |
| Greater Tubatse Local Municipality | An official conducted a site visit on 05/05/2010 at the Steelpoort wastewater treatment works and observed that the wastewater treatment works has malfunctioned and is discharging poor quality final effluent. A section 19(3) and 53(1) notice will be compiled and issued to Greater Sekhukhene District Municipality, who is the Water Services Authority by the 14/05/2010 | The Water Services Authority is Sekhukhene District Municipality and the Notice will be issued to them and not to Greater Tubatse Local Municipality since they are a Water Services Provider. |

ANNEXURE B

| Municipality | Date issued | Notice or Directive | Response from the Municipality |
|--|--------------------|---|---|
| Greater Sekhukhune District Municipality | 23/02/2010 | Section 19(3) Directive was issued which specified what remedial actions is to be taken to address the irregularities at the Burgersfort Sewage Treatment Works | No response has been received from the Municipality and My Department is following up with the Municipality to respond to the Directive. |
| Nkomazi Local Municipality | 31/03/2010 | Section 19(3) Notice for pumping raw sewage into the Komati River from the pump station at Visarend Street | Acknowledgement of receipt of the notice was received from the Municipality dated 14/04/2010. My Department still awaits a formal response from the Municipality. |
| eMalahleni Local Municipality | 13/04/2010 | Section 19(3) Notice for raw sewage overflow into the Witbank Dam from the Bankenveld Estate Houses | My Department still awaits a response from the Municipality |
| | 19/11/2009 | Section 19(3) and 53(1) Notice for Kriel Sewage Treatment Works for poor storm water management | A letter dated 20/11/2009 was received from the Municipality indicating that the notice is receiving the necessary attention and further communication will be directed to the department in due course. To date no further response has been received from the Municipality. My Department will do a follow up to ascertain the progress on their plan of action to rectify their poor storm water management. |
| | 19/11/2010 | Section 19(3) Notice for the Freeway pump station sewage overflow | A letter dated 20/11/2009 was received from the Municipality indicating that the notice is receiving the necessary attention and further communication will be directed to the department in due course. To date no further response has been received from the Municipality. My Department will do follow up to ascertain their progress with regard to this pump station. |
| | 19/11/2009 | Section 19(3) Notice for the Riverview Sewage Treatment Works poor operation | A letter dated 20/11/2009 was received from the Municipality indicating that the notice is receiving the necessary attention and further communication will be directed to the department in due course. To date no further response has been received from the Municipality. My Department will do follow up to ascertain their progress with regard to this pump station. |
| | 19/11/2009 | Section 19(3) Notice for the raw sewage overflow from the manhole at Rotterdam Street | A letter dated 20/11/2009 was received from the Municipality indicating that the notice is receiving the necessary attention and further communication will be directed to the department in due course. To date no further response has been received from the Municipality. My Department will do follow up to ascertain their progress with regard to this pump station. |

| Municipality | Date issued | Notice or Directive | Response from the Municipality |
|---|--------------------|---|--|
| Govan Mbeki Local Municipality | 27/02/2010 | Section 19(3) Notice for the continuous overflow of raw sewage during rainy seasons at residential properties in Secunda | The Municipality responded through a letter dated 15/03/2010 and provided an action plan to rectify the problem; however the action plan did not provide timeframes for implementation. My Department submitted a letter dated 12/04/2010 requesting the Municipality to submit realistic timeframes for the implementation of the action plan. |
| | 13/04/2010 | Section 19(3) Notice for the raw sewage overflow of manhole at Jabulani Street in Bethal. | The Municipality responded through a letter dated 21/04/2010 indicating that the manhole has been unblocked and that since the first week of March 2010 there has not been any spillages. |
| BaPhalaborwa Local Municipality (although this municipality falls in Limpopo the water quality issues are handled by the Mpamalanga office as part of the Olifants River catchment) | 14/01/2010 | Section 19(3) Notice for the raw sewage overflow into the nearby stream at the Main Pump Station | The Municipality responded through a letter dated 28/01/2010 indicating that they are not responsible for the pump station and that Mopani District is the responsible Water Services Authority. A site visit was conducted on the 16/04/2010 by My Department's officials and the Mopani District officials and section 19(3) Notice will be issued to the District by 10/05/2010. |
| Thaba Chweu Local Municipality | 13/04/2010 | Section 19(3) Notice for the continuing malfunctioning of the Mashishing extension 2 and 6 pump station and resulting in the discharge of raw sewage into the Marambane River | No response has been received from the Municipality yet. |

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