



# SAVE

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## Save the Vaal Environment

16<sup>th</sup> August 2018

### ANOTHER OPEN LETTER TO MINISTER **GUGILE NKWINTI**, MINISTER OF WATER AND SANITATION

Dear Minister

We were obliged to write to you by way of an open letter to undo the damage caused by the press release issued by your department on 7<sup>th</sup> August 2018 relating to the recent fish kill on the Vaal River near the Barrage. The information provided to the public was grossly inaccurate and misleading.

We were pleased to see that the press release has been removed from the media statements section of your department's website.

We must now take issue with the media statement issued by your department on 13<sup>th</sup> August 2018. The media statement paints a misleading picture.

The problems referred to namely, the incapacity of municipalities, especially the Emfuleni Local Municipality (ELM) to maintain their wastewater management systems and the incapacity/non-performance of the Sebokeng Regional Sewer Scheme (SRRS) arose many years ago. They are not recent phenomena as the media statement suggests.

SAVE has met with officials of your Department on a regular basis since the year 2000. We have been promised many solutions and a number of plans were presented to us, all of which came to naught. Eventually, SAVE wrote to your predecessor on 17<sup>th</sup> July 2013, demanding action to combat the pollution of the Vaal River. SAVE met officials of your department, Rand Water and ELM on 24<sup>th</sup> January 2014. The problems alluded to in the media release were raised in the letter and discussed fully at this meeting. At the meeting, SAVE was informed that the SRRS was undergoing a "R2 billion expansion, scheduled for completion in 2016". Your department cautioned however, that even with this proposed expansion, the SRRS would not have the capacity to accommodate expected growth in the region.

Registration Number - 011015200004

**Committee members:** Malcolm Plant - 0825662101 (Chairperson); Maureen Stewart (Vice-chairperson) – 0825705058; Thomas du Toit - 082 419 6526; Samson Mokoena – 084 291 8510; Desiree du Toit; Johan du Toit; Irene Main - 078 521 1676; Warren Flores; Mike Gaade – 0825686826; Chris Williams- ;Belinda Daymond- 0828078888.

Patron: The Hon. Justice W.L. Wepener

At that stage, SAVE had already obtained court orders against ELM, interdicting it from polluting the Vaal River and its tributaries. SAVE held off on further court action on the strength of this promised action.

The proposed interventions did not materialise and on 25<sup>th</sup> February 2015 SAVE addressed demands to your predecessor, the Minister of Environmental Affairs, the Premier Gauteng Province and the Minister of Finance, in which it called upon them to recognise the pollution problems on the Vaal as a national priority and to intervene at the national level, invoking if they had to, the provisions of section 139 of the Constitution. These demands were ignored.

Against the threat of legal action, SAVE met with your officials on 23<sup>rd</sup> September 2015. In good faith SAVE accepted promises that that your department had taken full responsibility for sanitation problems (at the previous meeting officials disavowed responsibility for this function, claiming it was the responsibility of the Department of Human Settlements) and would be implementing a viable programme to resolve the many issues it faced. Communication with your department was regular. SAVE held off on its threatened legal action in return.

By May 2017, it became clear that your department had all but collapsed, certainly in regard to its ability to solve the sewage problem on the Vaal. Public statements by Treasury in June 2017 and your predecessor in August 2017 disclosed that your department was effectively insolvent and in no better position to deal with the serious pollution of the Vaal River than ELM was.

ELM was threatened with further court action, but by this time it was clear to SAVE that court action against the Premier and national government would be necessary. By January 2018, and due to sewage pollution of the River caused by a breakdown of the ELM sewage reticulation, the condition of the River had deteriorated to such an extent that SAVE was compelled to take the action that culminated in the court order and “structural interdict” issued on 13<sup>th</sup> February 2018.

Only the Premier’s intervention in June 2018 under section 139 of the Constitution prevented further court action, as for the first time, SAVE was presented with an action plan that had provincial and national financial backing, led by the Premier and the department of Cooperative Governance and Traditional Affairs, as it had called for years before.

For your department to claim the statutory mandate under the Water Services Act to take responsibility for water and sanitation services in the Emfuleni municipal area is laughable. Forgive us if statements and promises of action from your department ring hollow.

SAVE supports the Premier’s initiative and the action plan that has been devised under section 139 of the Constitution and recognises the role of the other organs of state, including your department, that must be involved in its implementation.

What SAVE objects to, is the impression created in the media release that your department is in control of matters. It is not and has not been for years.

Yours sincerely

MALCOLM PLANT  
CHAIRMAN