



the federation for a sustainable environment

(Reg. No. 2007/003002/08)
NPO NUMBER 062986-NPO
PBO No. (TAX EXEMPT) 930 039 506
Postnet Suite #113, Private Bag X153, Bryanston, 2021

FOR ATTENTION:

Dr Simphiwe Chabalala
E-Mail: ChabalalaS@dws.gov.za

Copied to Mr. Khathutshelo Joshua Rasifudi
RasifudiK@dws.gov.za

COMMENTS ON THE WATER MONITORING PLAN FINAL DRAFT

The following comments on the Water Monitoring Plan are submitted on behalf of the Federation for Sustainable Environment (FSE), albeit belatedly. May we express the hope that our comments, notwithstanding our late response, will be considered?

The FSE is an Associate of the Research Niche for the Cultural Dynamics of Water (CuDyWat) at North-West University (Vaal), a guest lecturer and associate researcher at a number of national and international universities and is/was a member number of governmental steering and advisory committees and forums.¹

¹ *Inter alia*: The DWS' Study Steering Committee on the Department of Water and Sanitation's (DWS) Development of the National Eutrophication Strategy (2020); Study Steering Committee (SSC): Development of the Limpopo Water Management (WMA) Area North Reconciliation Strategy (2017); The DWS' WSSLG SDG6 Task Team; Regional Steering Committee of the Catchment Management Agency for the Vaal River; The DWS' study steering committee on the Feasibility Study For A Long Term Solution To Address The Acid Mine Drainage Associated With The East, Central And West Rand Underground Mining Basins; DWS' Expert Steering Committee for the Resource Quality Objective Determination Study for the Upper and Lower Vaal Water Management Area; DWS' Steering Committee for the Classification of Significant Water Resources in the Upper, Middle and Lower Vaal Water Management Areas (Department of Water Affairs); DWS' Steering Committee on the Classification of significant water resources in the Mokolo and Matlabas catchments: Limpopo Water Management Area and Crocodile (West) and Marico WMA: WP 10506; Strategy Steering Committee (SSC) for

The FSE furthermore published and contributed to a significant number of international and national academic papers and books on the impacts and management of mine water.

PROBLEM STATEMENT: INACCESSIBILITY OF DATA BY THE PUBLIC

Notwithstanding the provisions in terms of the DWS PAIA Manual, civil society experiences significant difficulties to obtain water quality results from the DWS and holders of water use licences, such as municipalities, mining companies and industry. Please refer to ANNEXURE “A.”

The officials of the DWS consider the participation of holders of water use licences in certain Catchment Management Forums (CMFs) such as the Elands/Hex, the Hennops-, Magalies CMFs as optional and voluntarily, without any obligation to present their water quality results to members of the Forum.

The delay of the re-vitalisation of the Green, Blue and No Drop programmes and the publishing of the results since 2014 make it crucial for holders of water use licences to present their water quality results to the broader public in order to promote consumer confidence and greater transparency in service delivery.

PROBLEM STATEMENT: INADEQUATE SAMPLING INTERVALS

In view of frequently drastic short-term fluctuations of pollution levels caused by day-night rhythms of discharging mine and industry effluents, natural diurnal fluctuations of water chemistry as well as events such as rainstorms and spillages weekly or monthly sampling intervals are inadequate. This is illustrated by the fact that U-levels in samples from the Wonderfonteinpruit Catchment Area used in IWQS (1999) from identical sites (normally sampled at the same day of the week and the more or less the same time of the day) at some locations fluctuate by up to a factor of 1000 (i.e. 100000%).

PROBLEM STATEMENT: LIMITATIONS REGARDING THE VARIABLES THAT ARE SAMPLED

The financial constraints of the DWS limit the variables that are sampled by officials of the DWS e.g .within the Vaal Water Management Area. The only metals that are sampled are manganese and uranium whilst it is widely accepted that mine water within the Witwatersrand gold fields contain a wide spectrum of metals in toxic concentrations, including Fe, Al, Pb, Co, Ni, As, Cu, etc.

the DWS’ Crocodile West water Supply System Reconciliation Strategy (Directorate: National Water Resource Planning); SSC for the DWS’ Vaal River System Reconciliation Strategy Study; The South African Human Rights Commission’s Section 5 Advisory Committee on Mining and Acid Mine Drainage; The North West University’s Eco Health Research Forum.

PROBLEM STATEMENT: LIMITED SPATIAL REPRESENTATIVITY OF DATA

There are long stretches within catchments where no samples are taken and where pollution sites have been largely ignored. Thus, the spatial representativity of databases is to be regarded as generally insufficient.

Moreover, in many instances the choice of sampling sites was determined by accessibility rather than actual understanding of the contamination process.

PROBLEM STATEMENT: LOCAL KNOWLEDGE NOT GIVEN THE SAME WEIGHTING AS MEASURED DATA

Only 'hard' i.e. measured data are included in databases while anecdotal and circumstantial evidence as provided in a large number of newspaper articles and TV-documentations as well as documents of environmental pressure groups are ignored.

PROBLEM STATEMENT: FAILURE TO ACHIEVE THE SDG6 GOAL AND ITS TARGETS

The achievement of the Sustainable Development Goal 6 and its targets, is highly unlikely in the light of the following gaps.

Target 6.1

- No data on rural water quality
- 2011 was the last time any meaningful data on reliable water supply was obtained
- Major gap in receiving information from other national departments and lack of co-operations between actors

Target 6.3

- Inadequate surface and groundwater quality data to enable reporting on SDG6.3
- Compliance to Resource Quality Objectives (RQOs) is not monitored and reported on
- There are large data gaps regarding to data on quantity and quality effluent discharged by municipalities
- Many municipalities do not have flow gauging stations or are monitoring the quality of outflows
- There are significant gaps in the availability of data of wastewater discharged by authorised non-municipal Waste Water Treatment Works (WWTWs)
- There is lack of information on unlawful water users with a pollution potential

Target 6.4

- No comprehensive national water balance at catchment level done since the National Water Resource Strategy (NWRS) 1 (2004), which directly impacts on target 6.4 calculation disaggregation.
- Lack of consistent and accurate water use and water loss data in all major water sectors (agriculture, industry and municipalities).

Target 6.5

- No provision for testing of oxygen in rivers as per the 6.3 requirements
- Need for integrated management of groundwater resources at river basin level

Target 6.6

- Severe lack of wetland data
- 69% of RSA has low confidence in data on the location and extent of wetlands
- Monitoring of wetland health is currently not being undertaken by the DWS with limited wetlands monitored by others
- There is lack of co-ordination which presents massive gaps and issues with access data
- Insufficient estuarine monitoring data – only 23 of the 300 estuaries are being monitored by the DWS
- Insufficient hydrological data for rivers, lakes, dams and estuaries
- Groundwater level data is insufficient
- 16 geohydrological regions have only one borehole for monitoring and 4 regions have none at all
- Lack of groundwater operating rules in high groundwater use areas to ensure sustainable use of groundwater
- Lack of updated National River Survey

SUBMITTED BY:

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

23 June 2021.

From: Sepoloane Milandu
Sent: Wednesday, 21 April 2021 21:25
To: Matseba Ephraim Mogale (GAU) <MatsebaE@dws.gov.za>
Cc: Khuduga Mapula <KhudugaM@dws.gov.za>; Ntshabele Ofentse <NtshabeleO@dws.gov.za>;
Mariette Liefferink <mariette@pea.org.za>
Subject: FW: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT
CATCHMENT AREA (2017 - 2018)
Importance: High

Dear Ephraim

Urgent

The below emails refers.

Please note that the Departmental PAIA manual mandated the information officer to provide information requested.

We have previously advised that the information be provided to the requestor.

It is unfair that the requestor have not received the requested information to date.

The delay in providing the information is not assisting the Department but it's just creating unnecessary action to be taken against the Department.

We urgently request that the information be provided to our office on the 23rd April 2021.

We will proceed and dispatch the information to the requestor.

We will appreciate your urgent attention to the matter.

Regards

Sepoloane Milandu

Snr Legal Officer

Directorate: Legal Services (Legislation, Contract & International Agreement)

Department: Water and Sanitation

Francis Baard Str

Pretoria

Tel: 012 336 7006

Cel: 076 507 6511

Email: sepoloanem@dws.gov.za

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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

From: Mariette Liefferink [<mailto:mariette@pea.org.za>]

Sent: Monday, 19 April 2021 11:37

To: Sepoloane Milandu <SepoloaneM@dws.gov.za>; Matseba Ephraim Mogale (GAU) <MatsebaE@dws.gov.za>; Govender Bashan (DHQ) <GovenderB@dws.gov.za>

Cc: Khuduga Mapula <KhudugaM@dws.gov.za>; Ntshabele Ofentse <NtshabeleO@dws.gov.za>; 'Lucien Limacher' <lucien@lrc.org.za>; 'Lauren Nel' <lauren@lrc.org.za>

Subject: RE: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT CATCHMENT AREA (2017 - 2018)

FOR URGENT ATTENTION:

Ms Sepoloane Milandu

Snr Legal Officer

Directorate: Legal Services (Legislation, Contract & International Agreement)

Department: Water and Sanitation

Copied to: Mr Lucien Limacher

Ms Lauren Nel

Legal Resources Centre

Mr Bashan Govender

Acting Director: Mine Water Management Directorate

Dear Ms Milandu,

I refer to the subjoined correspondence and the above-mentioned matter.

We wish to respectfully advise that notwithstanding your noble intervention and assistance, we have not received copies of the water quality results.

We furthermore wish to advise that the Legal Resources Centre (“the LRC”) is currently acting on behalf of the Federation for a Sustainable Environment (“the FSE”) in the current litigation between the FSE v the Minister of Human Settlement, Water and Sanitation, the Director General of Water and Sanitation and the Deputy Director General of Water and Sanitation and others with case number 38365/2019.

Kindly note that a Court Order was granted to the FSE on 27 August 2020 (“the Court Order”).

In terms of the Court Order (attached), the FSE was directed “*to submit and file a report in terms of Rule 36(8) to supplement the notice in terms of Rule 36(6)(7) pertaining to the nature and extent of the health hazard to the lives of the surrounding residents and the damage to the environment.*”

For the FSE to comply with the Court Order, it requires certain information that is currently being held by the Department of Human Settlements, Water and Sanitation (“the DWS”). The Water Quality Results of the Wonderfontein spruit Catchment Area are presented quarterly by the DWS at the Wonderfontein spruit Catchment Management Forums (“the WFS CMF”). The FSE is a member of the WFS CMF. It follows hence that the information is in the public domain and not private and confidential. The work involved in processing the FSE’s request will in no way or

manner divert the resources of the Department since the information is easily and readily available to the Department.

Please take note that this delay is impacting the litigation through delaying information to be accessible, which results in further damage and destruction to the environment and harm to communities living and around the Wonderfonteinspruit Catchment Management Area. We refer in this regard to section 7.6 of the Departments PAIA Manual, which directs: *“Despite any other provision of PAIA, the Information Officer must grant a request for access to a record if:*

(a) The disclosure of the record would reveal evidence:

- A substantial contravention of, or failure to comply with the law; or*
- An imminent and serious public safety or environmental risk; and*

(b) The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.”

In the light of the aforesaid, the FSE hereby requests that the information be made available within 3 (three) days.

We wish to respectfully advise that should the Department not meet the demand set out above, this letter will be shown to the Court in the pending litigation as mentioned above and the necessary action taken.

We urgently await your response.

Faithfully yours,

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL. (+27) 11 465 6910

(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Mariette Liefferink <mariette@pea.org.za>

Sent: 03 April 2021 10:07 AM

To: 'Sepoloane Milandu' <SepoloaneM@dws.gov.za>; 'Matseba Ephraim Mogale (GAU)' <MatsebaE@dws.gov.za>

Cc: 'Khuduga Mapula' <KhudugaM@dws.gov.za>; 'Ntshabele Ofentse' <NtshabeleO@dws.gov.za>

Subject: RE: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT CATCHMENT AREA (2017 - 2018)

Dear Ms Milandu

Please accept the FSE's and my sincere thanks.

We are eagerly awaiting the information.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL. (+27) 11 465 6910

(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Sepoloane Milandu <SepoloaneM@dws.gov.za>

Sent: 01 April 2021 02:38 PM

To: Matseba Ephraim Mogale (GAU) <MatsebaE@dws.gov.za>

Cc: Khuduga Mapula <KhudugaM@dws.gov.za>; Ntshabele Ofentse <NtshabeleO@dws.gov.za>;
Mariette Liefferink <mariette@pea.org.za>

Subject: FW: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT
CATCHMENT AREA (2017 - 2018)

Dear Ephraim

The above mentioned matter refers and our telephonic conversation this afternoon.

Note that I have further liaised with Mariette and ask her to indicate the periods regarding the information she is requesting.

Please note that she is requesting information from 2017 to 2021 all quarters. Note further that in my discussion with the requestor she indicated that she is willing to pay for the copies.

Please see para 8.3 and para 14 of DWS PAIA Manual for payment, for dispatching see clause 10.

we advise that the information be granted to the requestor.

Attached hereto find the Manual for your ease of reference.

Trust you will find this in order.

Regards

Sepoloane Milandu

Snr Legal Officer

Directorate: Legal Services (Legislation, Contract & International Agreement)

Department: Water and Sanitation

Francis Baard Str

Pretoria

Tel: 012 336 7006

Cel: 076 507 6511

Email: sepoloanem@dws.gov.za

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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

From: Mariette Liefferink [<mailto:mariette@pea.org.za>]
Sent: Tuesday, 30 March 2021 18:53
To: Sepoloane Milandu <SepoloaneM@dws.gov.za>
Subject: RE: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT CATCHMENT AREA (2017 - 2018)

Noted, with thanks.

Best Regards
Mariette Liefferink
CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT
TEL. (+27) 11 465 6910
(+27) 73 231 4893
Postnet Suite #113, Private Bag X153, Bryanston, 2021
E-MAIL: mariette@pea.org.za

From: Sepoloane Milandu <SepoloaneM@dws.gov.za>
Sent: 30 March 2021 02:15 PM
To: Mariette Liefferink <mariette@pea.org.za>
Subject: RE: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT CATCHMENT AREA (2017 - 2018)

Good day,

Thank you I will liaise with them and revert back in due course.

Regards

Sepoloane Milandu
Snr Legal Officer
Directorate: Legal Services (Legislation, Contract & International Agreement)
Department: Water and Sanitation
Francis Baard Str
Pretoria
Tel: 012 336 7006
Cel: 076 507 6511
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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

From: Mariette Liefferink [<mailto:mariette@pea.org.za>]

Sent: Tuesday, 30 March 2021 13:27

To: Sepoloane Milandu <SepoloaneM@dws.gov.za>; Matseba Ephraim Mogale (GAU) <MatsebaE@dws.gov.za>; Chawane Portia Nkosimani (GAU) <ChawaneP@dws.gov.za>; Govender Bashan (DHQ) <GovenderB@dws.gov.za>

Cc: 'Lucien Limacher' <lucien@lrc.org.za>; 'Lauren Nel' <lauren@lrc.org.za>

Subject: REQUEST FOR DWS WATER QUALITY RESULTS FOR THE WONDERFONTEINSPRUIT CATCHMENT AREA (2017 - 2018)

Importance: High

Dear Ms Sepoloane

I refer to our telephonic discussion a few minutes ago. I thank you sincerely for your willingness to assist with the above request.

The Chairperson of the Wonderfonteinspruit Catchment Area Forum is Mr Mogale Ephraim Matseba, whom I copy on this e-mail. The official who supplies us with the DWS' water quality results at our quarterly Forum meetings is Ms Portia Chawane whom I also copy on this e-mail.

Mr Bashan Govender, the acting director of the DWS: Directorate Mine Water Management, whom I also copy on this e-mail, will be in the position to confirm that the water quality results from the DWS is public information and in terms of the DWS PAIA Manual, an application in terms of the provisions of the PAIA is not a required.

I trust this addresses your enquiry satisfactorily?

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

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(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Mariette Liefferink [<mailto:mariette@pea.org.za>]

Sent: Sunday, 30 May 2021 12:22 PM

To: 'Tshepang Sebulela' <tsebulela@sahrc.org.za>; Kemi Behari <Kemi.Behari@ekurhuleni.gov.za>; svanderberg@sahrc.org.za; 'Balzer Trevor' <BalzerT@dws.gov.za>; 'Mochotlhi Deborah' <MochotlhiD@dws.gov.za>

Cc: Queen Makhanye (Germiston) <Queen.Makhanye@ekurhuleni.gov.za>; PAIA <PAIA@ekurhuleni.gov.za>; Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>; Trevor Cele <Trevor.Cele@ekurhuleni.gov.za>; 'Maluleke Justice (GAU)' <MalulekeJ@dws.gov.za>; Diane Muyanga Makwela <Diane.Makwela@ekurhuleni.gov.za>; Moeketsi Motsapi <Moeketsi.Motsapi@ekurhuleni.gov.za>

Subject: REQUEST FOR INFORMATION IN TERMS OF THE PROVISIONS OF PAIA (CITY OF EKURHULENI) - FAILURE TO PROVIDE

FOR ATTENTION:

Mr Tshepang Sebulela
Compliance Officer
Promotion of Access to Information Act (PAIA)

Copied to:

Adv. Kemi Behari
Divisional Head: Municipal Courts, By-law Enforcement and Compliance,
Department: Corporate Legal Services,
City of Ekurhuleni

Ms Queen Makhanye
Senior Manager: Support Services
Corporate Legal Services Department
City of Ekurhuleni

Mr Trevor Balzer
Deputy Director General
Department of Water and Sanitation

Ms Deborah Mochotlhi
Acting Deputy Director General
Department of Water and Sanitation

Dear Mr Sebulela

1. The following request for assistance is submitted on behalf of the Federation for a Sustainable Environment (FSE).
2. We refer to the subjoined correspondence and the attached request for the water quality results of two of the tributaries of the Hennops River in terms of the provisions of the Promotion of Access to Information Act, 2 of 2000 (PAIA). These results were presented by Mrs Elsie van Staden of the City of Ekurhuleni in a powerpoint presentation on the 30th of March 2021 at the Hennops River Catchment Management Forum.
3. Following the powerpoint presentation, our request for an electronic copy of the presentation was refused.

4. The process to obtain the water quality results has been a cumbersome and time-consuming process.
5. On the 30th of April 2021, in compliance with the advice of the City of Ekurhuleni and Mr Justice Maluleke of the Department of Water and Sanitation, we submitted a request for the information in terms of the provisions of the PAIA. Please see attached.
6. After the effluxion of 30 (thirty) days, we have not received the requested information. The failure to provide us with the requested information within the prescribed time period of thirty days, is deemed a refusal.
7. In motivation of our request for the information, allow us to submit as follows:
 - 7.1 The pollution of the tributaries of the Hennops River is a matter of serious concern with e-coli counts of more than 36 counts per 100ml in the Kaalspruit. The attached report adduced authentic photographic evidence of the ongoing pollution.
 - 7.2 The polluted state of the Hennops River has resulted in the SAHRC's one-day in loco investigation into the pollution the Hennops River. According to Mr Buang Jones of the SAHRC, the investigations into this matter have been finalised and "*the team is currently working tirelessly to finalise the provisional report*".
 - 7.3 The publication of the blue and green drop and no drop programmes have been in abeyance since 2014. When the information generated by these programmes were made available to the broader public, it promoted consumer confidence and greater transparency in service delivery.
 - 7.4 In the absence of the revitalisation of the blue, green and no drop programmes, civil society is dependent on the water quality results presented at the Catchment Management Forums in order to understand the state of their drinking water and waste water.
 - 7.5 In order for NGOs to disseminate the information to their constituencies and communities who have capacity constraints in participating in Catchment Management Forum, it is necessary for participants in the Catchment Management Forums to be provided with electronic copies or hard copies of the water quality results. In terms of the National Water Resource Strategy -2, civil society is encouraged to play a watchdog role but without the dissemination of effective information, this is not possible.
 - 7.6 Of concern too is the fact that there are large data gaps regarding to data on quantity and quality effluent discharged by municipalities; many municipalities do not have flow gauging stations or are monitoring the quality of outflows; there is no data on rural water quality; severe lack of wetland data; etc. according to the Water and Sanitation Water Sector Leadership Group: SDG6 Task Team's Gap Report. The FSE is a member of the SDG6 Task Team.
 - 7.7 In terms of the Department of Water and Sanitation's PAIA Manual (attached) the information ought to be automatically available.
8. In the light of the aforesaid, we hereby respectfully request your intervention.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

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Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

SUBJOINED CORRESPONDENCE

From: Mariette Liefferink <mariette@pea.org.za>
Sent: 30 April 2021 01:57 PM
To: 'Queen Makhanye (Germiston)' <Queen.Makhanye@ekurhuleni.gov.za>; 'PAIA@ekurhuleni.gov.za' <PAIA@ekurhuleni.gov.za>
Cc: 'Paledi M. Marota' <Paledi.Marota@ekurhuleni.gov.za>; 'Trevor Cele' <Trevor.Cele@ekurhuleni.gov.za>; 'MalulekeJ@dws.gov.za' <MalulekeJ@dws.gov.za>; 'Diane Muyanga Makwela' <Diane.Makwela@ekurhuleni.gov.za>; 'Moeketsi Motsapi' <Moeketsi.Motsapi@ekurhuleni.gov.za>; 'Elsie van Staden' <Elsie.vanStaden@ekurhuleni.gov.za>; 'Kemi Behari' <Kemi.Behari@ekurhuleni.gov.za>
Subject: REQUEST FOR INFORMATION IN TERMS OF THE PROVISIONS OF PAIA

Dear Ms Makhanye

Please find attached hereto the request for information in terms of the provisions of the Promotion of Access to Information Act, 2 of 2000 and confirmation of payment.

We are eagerly awaiting the information.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL. (+27) 11 465 6910

(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Queen Makhanye (Germiston) <Queen.Makhanye@ekurhuleni.gov.za>
Sent: 30 April 2021 11:39 AM
To: mariette@pea.org.za
Cc: Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>; Trevor Cele <Trevor.Cele@ekurhuleni.gov.za>; MalulekeJ@dws.gov.za; Diane Muyanga Makwela <Diane.Makwela@ekurhuleni.gov.za>; Moeketsi Motsapi <Moeketsi.Motsapi@ekurhuleni.gov.za>; Elsie van Staden <Elsie.vanStaden@ekurhuleni.gov.za>; Kemi Behari <Kemi.Behari@ekurhuleni.gov.za>
Subject: RE: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Good day,

Kindly note that before the request for access to records can be considered, the attached form(**form A**) must be completed and the **Request Fee** of **R40.25 (R35.00 +15%)** must be paid and the proof of payment must be emailed to PAIA@ekurhuleni.gov.za.

The request will be considered on receipt of the proof of payment. If the request is approved and documentation compiled, you will be informed of the required **Access Fee** to be paid before such records/documents could be made available.

The Municipality's Banking details are as follows:

Bank: Nedbank

Account Name: EMM Nigel Income

Account Number: 1119114993
Branch Code: 198765
Reference number: PAIA12781420911MKZZZZ16.

You are welcome to contact the undersigned should you need further clarity.

Regards,
Queen Makhanye
Senior Manager: Support Services
Corporate Legal Services Department



Telephone : +27 (0) 11 999 0832
Fax : +27 (0) 86 624 9371
E-mail : queen.makhanye@ekurhuleni.gov.za
Website : www.ekurhuleni.gov.za

From: Kemi Behari
Sent: Friday, 30 April 2021 11:18 AM
To: mariette@pea.org.za
Cc: Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>; Trevor Cele <Trevor.Cele@ekurhuleni.gov.za>; Queen Makhanye (Germiston) <Queen.Makhanye@ekurhuleni.gov.za>; MalulekeJ@dws.gov.za; Diane Muyanga Makwela <Diane.Makwela@ekurhuleni.gov.za>; Moeketsi Motsapi <Moeketsi.Motsapi@ekurhuleni.gov.za>; Elsie van Staden <Elsie.vanStaden@ekurhuleni.gov.za>
Subject: FW: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Good Day Ms. Liefferink.

Thank you for your email which was sent to me by Ms. Marota.

I have included Ms. Queen Makhanye and the Chief Information Officer (PAIA Compliance) Adv. Moeketsi Motsapi in this email. Ms. Makhanye will forward the necessary forms to you for completion and processing in terms of the Promotion of Access to Information Act.

I trust that this is in order. Please advise if any further information is required.

Adv. Kemi Behari

Divisional Head: Municipal Courts, By-law Enforcement and Compliance,
Department: Corporate Legal Services,
Office: 1.032, First Floor, D.R Tambo Government Precinct, Administration Bldg.
Cnr. Roses and Cross Streets, Germiston.
Tel: (0) +27 11 999 2053 (M) +27 82 324 3889
Kemi. Behari@ekurhuleni.gov.za



From: Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>
Sent: Friday, 30 April 2021 09:58
To: Mariette Liefferink <mariette@pea.org.za>; 'Maluleke Justice (GAU)' <MalulekeJ@dws.gov.za>; 'Sepoloane Milandu' <SepoloaneM@dws.gov.za>; Trevor Cele <Trevor.Cele@ekurhuleni.gov.za>
Cc: Kemi Behari <Kemi.Behari@ekurhuleni.gov.za>
Subject: RE: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Good Morning Mariette

My apology for the late response

Kindly be informed that there are PAIA processes to be followed. Mr Kemi Behari copied in the email will assist with process to follow in applying for permission to get that information

Kind Regards

Paledi Marota

From: Mariette Liefferink <mariette@pea.org.za>
Sent: Friday, 30 April 2021 08:37
To: 'Maluleke Justice (GAU)' <MalulekeJ@dws.gov.za>; 'Sepoloane Milandu' <SepoloaneM@dws.gov.za>; Trevor Cele <Trevor.Cele@ekurhuleni.gov.za>; Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>
Cc: 'Khuduga Mapula' <KhudugaM@dws.gov.za>; 'Ntshabele Ofentse' <NtshabeleO@dws.gov.za>; Aser Sekgoela <Aser.Sekgoela@ekurhuleni.gov.za>; Annamarie Maurizi <Annamarie.Maurizi@ekurhuleni.gov.za>; Smuts Marais (Alberton) <Smuts.Marais@ekurhuleni.gov.za>; 'Madumo Esmey (GAU)' <MadumoE@dws.gov.za>; 'Willem Snyman' <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za; gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs' <amandaj1960@gmail.com>; Elsie van Staden <Elsie.vanStaden@ekurhuleni.gov.za>; 'David Cochrane' <d.cochrane@spoor.com>
Subject: RE: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Dear Mr Maluleke

Your diligence in this matter is much appreciated.

I have received no response to my letter to Mr Cele and Ms Marota, dated the 15th of April, 2021, which I attach hereto. I, on behalf of the FSE, have committed to escalate the matter to the SAHRC and I wish to honour my promise. In order to motivate my request for the Commission's involvement in this matter, I am in need of the water quality results, which the City of Ekurhuleni presented at the last Hennops River CMF meeting.

I am sure we are in agreement that this matter has become urgent.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL. (+27) 11 465 6910

(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Maluleke Justice (GAU) <MalulekeJ@dws.gov.za>

Sent: 30 April 2021 08:20 AM

To: Mariette Liefferink <mariette@pea.org.za>; Sepoloane Milandu <SepoloaneM@dws.gov.za>; Trevor.Cele@ekurhuleni.gov.za; Paledi M. Marota <Paledi.Marota@ekurhuleni.gov.za>

Cc: Khuduga Mapula <KhudugaM@dws.gov.za>; Ntshabele Ofentse <NtshabeleO@dws.gov.za>;

'Aser Sekgoela' <Aser.Sekgoela@ekurhuleni.gov.za>; 'Annamarie Maurizi'

<Annamarie.Maurizi@ekurhuleni.gov.za>; 'Smuts Marais (Alberton)'

<Smuts.Marais@ekurhuleni.gov.za>; Madumo Esmey (GAU) <MadumoE@dws.gov.za>; 'Willem

Snyman" <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za;

gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs'

<amandaj1960@gmail.com>; 'Elsie van Staden' <Elsie.vanStaden@ekurhuleni.gov.za>; 'David

Cochrane' <d.cochrane@spoor.com>

Subject: RE: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Dear Ms Liefferink

As per my email of 14 April 2021 (see attached), I refer your request to the office of the City Manager and cc Mr Cele and Ms Marota (Managers in the office of the City)since this is an Administrative matter and not political.

Kindly confirm that they did not respond even after your follow up so that the Department legal services can assist accordingly as per the request below.

Dear Mr Cele and Ms Marota

The emails below and attached refers.

Kindly and urgently provide a response on the request.

Wisani Justice Maluleke

Director: Water Regulation and Use

Department of Water and Sanitation

North West Provincial Operation

Tel: 018 3879578/ 0123921409

Cell: 082 8049817

e-mail: malulekej@dws.gov.za

Proverbs 3:27 "Withhold not good from them to whom is due when it is in the power of thine hand to do it"



From: Mariette Liefferink [<mailto:mariette@pea.org.za>]

Sent: Thursday, 29 April 2021 18:02

To: Sepoloane Milandu <SepoloaneM@dws.gov.za>

Cc: Khuduga Mapula <KhudugaM@dws.gov.za>; Ntshabele Ofentse <NtshabeleO@dws.gov.za>;

'Aser Sekgoela' <Aser.Sekgoela@ekurhuleni.gov.za>; 'Annamarie Maurizi'

<Annamarie.Maurizi@ekurhuleni.gov.za>; 'Smuts Marais (Alberton)'

<Smuts.Marais@ekurhuleni.gov.za>; Madumo Esmey (GAU) <MadumoE@dws.gov.za>; 'Willem

Snyman" <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za;

gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs'

<amandaj1960@gmail.com>; Maluleke Justice (GAU) <MalulekeJ@dws.gov.za>; 'Elsie van Staden'

<Elsie.vanStaden@ekurhuleni.gov.za>; 'David Cochrane' <d.cochrane@spoor.com>

Subject: RESPECTFULL ASSISTANCE TO OBTAIN THE WATER QUALITY RESULTS OF THE HENNOPS RIVER FROM THE CITY OF EKURHULENI

Importance: High

FOR ATTENTION:

Ms Sepoloane Milandu

Snr Legal Officer

Directorate: Legal Services (Legislation, Contract & International Agreement)

Department: Water and Sanitation

Cel: 076 507 6511

Email: sepoloanem@dws.gov.za

Dear Ms Sepoloane,

The purpose of this e-mail is two-fold.

Firstly, to thank you most sincerely for your successful intervention in the Federation for a Sustainable Environment's (FSE) request for the DWS' Water Quality results for the Wonderfonteinspruit Catchment Area.

Secondly, encouraged by your diligence in the above matter, may I, on behalf of the FSE and the Hennops River Catchment Management Forum (CMF) kindly request your assistance with our request for an electronic copy of the water quality results, which were presented by Ms Elsie van Standen on behalf of the City of Ekurhuleni at the Hennops River CMF meeting on the 30th of March 2021? Our request for this information was unsuccessful. The information ought to be publicly available, yet we were refused access to the information.

Please see subjoined correspondence in substantiation. Our request to the Mayor of the City of Ekurhuleni was also unsuccessful

The role of civil society as a key stakeholder in this matter ought not to be overlooked. We here refer to inter alia the following:

- The National Development Plan 2030. “Active citizenry and social activism is necessary for democracy and development to flourish, to raise the concerns of the voiceless and marginalised and hold government, business and all leaders in society accountable for their actions”.
- Chapter 7 of the NWA. Requires the Minister to establish financially sustainable CMAs – “to involve local communities in the decision making process.”
- NWRS-2 (9.4.9) “Civil society will be encouraged to play a watchdog role in supporting compliance by water users with water regulation at all levels.”

The attached report pursuant to the in loco inspection of the Hennops Rive by Mr Samuel Mashimbyi (resident of Tembisa) and Mr David Cochrane (resident of Irene) adduces overwhelming evidence of pollution and ecological degradation of the Hennops River.

SUBJOINED CORRESPONDENCE

From: Maluleke Justice (GAU) <MalulekeJ@dws.gov.za>
Sent: 16 April 2021 05:38 AM
To: Mariette Liefferink <mariette@pea.org.za>; 'Elsie van Staden' <Elsie.vanStaden@ekurhuleni.gov.za>
Cc: Madumo Esmey (GAU) <MadumoE@dws.gov.za>; 'Willem Snyman' <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za; gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs' <amandaj1960@gmail.com>; 'Aser Sekgoela' <Aser.Sekgoela@ekurhuleni.gov.za>; 'Annamarie Maurizi' <Annamarie.Maurizi@ekurhuleni.gov.za>; 'Smuts Marais (Alberton)' <Smuts.Marais@ekurhuleni.gov.za>
Subject: RE: FRIENDLY, ALBEIT URGENT REQUEST FOR THE WATER QUALITY RESULTS OF CoE AS PRESENTED AT THE HENNOPPS CMF MEETING ON 30 MARCH 2021

Dear Ms Liefferink

Each institution has its own policy on how they deal with the information. There for please allow Elsie to follow her municipality protocol.

I have also referred you to office of the City Manager and I trust they will guide on the process.

Wisani Justice Maluleke
Director: Water Regulation and Use
Department of Water and Sanitation
North West Provincial Operation
Tel: 018 3879578/ 0123921409
Cell: 082 8049817
e-mail: malulekej@dws.gov.za
Proverbs 3:27 “Withhold not good from them to whom is due when it is in the power of thine hand to do it”



From: Mariette Liefferink [<mailto:mariette@pea.org.za>]

Sent: Thursday, 15 April 2021 11:16

To: 'Elsie van Staden' <Elsie.vanStaden@ekurhuleni.gov.za>; Maluleke Justice (GAU) <MalulekeJ@dws.gov.za>

Cc: Madumo Esmey (GAU) <MadumoE@dws.gov.za>; 'Willem Snyman' <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za; gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs' <amandaj1960@gmail.com>; 'Aser Sekgoela' <Aser.Sekgoela@ekurhuleni.gov.za>; 'Annamarie Maurizi' <Annamarie.Maurizi@ekurhuleni.gov.za>; 'Smuts Marais (Alberton)' <Smuts.Marais@ekurhuleni.gov.za>

Subject: RE: FRIENDLY, ALBEIT URGENT REQUEST FOR THE WATER QUALITY RESULTS OF CoE AS PRESENTED AT THE HENNOPS CMF MEETING ON 30 MARCH 2021

Dear Elsie (and Mr Maluleke)

While I understand your position, I am perplexed that the same restrictions do not apply to other Catchment Management Forums. In substantiation, please see attached hereto examples of the Water Quality Reports, which members of inter alia the Klip River-, Wonderfonteinspruit-, Blesbokspruit-, Wonderfonteinspruit CMFs regularly receive. Of particular relevance is that the City of Ekurhuleni regularly supplies members of the Blesbokspruit Catchment Management Forum with the electronic copies of its Water Quality Results. (Please refer to the 10th attachment.)

Rand Water's instream water quality results are accessible to the public on their Reservoir website.

In my engagement with the SAHRC, I shall raise this issue, which I consider to be a human rights issue, since the public has the right to know the quality of their waste water and drinking water. In terms of the National Water and Sanitation Master Plan, the revitalisation of the Green, Blue and No Drop programmes and the publishing of the result has been identified as an urgent action. In the absence of the re-instatement of the Green and Blue Drop programmes, copies of the Water Quality Reports ought to be made available to the public.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

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Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za

From: Elsie van Staden <Elsie.vanStaden@ekurhuleni.gov.za>

Sent: 15 April 2021 10:22 AM

To: Mariette Liefferink <mariette@pea.org.za>
Cc: 'Madumo Esmey (GAU)' <MadumoE@dws.gov.za>; 'Willem Snyman' <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za; gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs' <amandaj1960@gmail.com>; Aser Sekgoela <Aser.Sekgoela@ekurhuleni.gov.za>; Annamarie Maurizi <Annamarie.Maurizi@ekurhuleni.gov.za>; Smuts Marais (Alberton) <Smuts.Marais@ekurhuleni.gov.za>
Subject: RE: FRIENDLY, ALBEIT URGENT REQUEST FOR THE WATER QUALITY RESULTS OF CoE AS PRESENTED AT THE HENNOPS CMF MEETING ON 30 MARCH 2021

Morning Mariette,

Your request below is noted, however please understand that as an official of CoE, I am bound by a long-standing instruction that no results may be given out upon request. Such requests may only be handled through official request to the Office of the City Mayor- which I understand Justice Maluleke have forwarded on your behalf.

The only permission we as officials have, is to present our analysis data at the different River Forums, because of an agreement from Forums to never utilise any reported data against Municipalities.

I therefore apologise that I am unable to assist you with your request.

Kind Regards,

Elsie van Staden
Water Quality Technician
Office: (011) 999 – 9311
Cell: 082 474 0009
e-mail: elsie.vstaden@ekurhuleni.gov.za

From: Mariette Liefferink <mariette@pea.org.za>
Sent: Thursday, 15 April 2021 09:45
To: Elsie van Staden <Elsie.vanStaden@ekurhuleni.gov.za>
Cc: 'Madumo Esmey (GAU)' <MadumoE@dws.gov.za>; 'Willem Snyman' <willemsnyman@gmail.com>; tarryn@hennopsrevival.co.za; gbrumme@legacyhotels.co.za; 'Anthony Duigan' <anthony@jcp.co.za>; 'Amanda Jacobs' <amandaj1960@gmail.com>
Subject: FRIENDLY, ALBEIT URGENT REQUEST FOR THE WATER QUALITY RESULTS OF CoE AS PRESENTED AT THE HENNOPS CMF MEETING ON 30 MARCH 2021
Importance: High

Dear Elsie,

I write on behalf of the Federation for a Sustainable Environment and other key stakeholders.

The purpose of this e-mail is to respectfully, albeit urgently request a copy of the powerpoint presentation or alternatively the Water Quality Results Report, which you presented at the abovementioned CMF meeting.

In anticipation, please accept our sincere thanks.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

TEL. (+27) 11 465 6910

(+27) 73 231 4893

Postnet Suite #113, Private Bag X153, Bryanston, 2021

E-MAIL: mariette@pea.org.za