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## AFFIDAVIT

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I, the undersigned,

### RETIEF ODENDAAL

do hereby make oath and state that:

1. I am a member of the Eastern Cape Legislature and the Democratic Alliance (DA) Constituency Leader for EC Midlands (Cradock and Middelburg).
2. The facts contained herein are true and correct and are within my personal knowledge save where it is otherwise stated or where it appears otherwise from the context.
3. During a routine oversight visit to the Cradock Waste Water Treatment Plant (operated by the Chris Hani District Municipality) on the 11<sup>th</sup> of June 2019 I discovered that said plant was totally dysfunctional.
4. Not a single official was onsite and the untreated sewerage was discharged directly into the Great Fish River. This was a particular concern to me given the fact that thousands of people are depended on the Great Fish River, either for domestic and/or agricultural purposes.
5. On the 12<sup>th</sup> of June 2019, I wrote to the Green Scorpions and requested their urgent intervention in order to address the situation. Please find letter attached hereto as Annexure A.
6. As a result of the aforesaid letter and the subsequent media interest in the matter, the Department of Water and Sanitation (DWS) confirmed to AlgoaFM News that they were indeed aware of the situation and that it has been ongoing for quite some time. In this regard I attach the article "Department of Water confirms DA allegations about sewage flowing into Fish River", dated the 14<sup>th</sup> of June 2019 hereto, and marked as Annexure "B".
7. I continued with unannounced site inspections to the plant on a number of occasions and the plant remained unmanned and dysfunctional.
8. Given the fact that no response was forthcoming from the Green Scorpions, I wrote to the Minister of Human Settlements and Water and Sanitation as well as the Acting Director General for the Department of Water and Sanitation on the 20<sup>th</sup> of June 2019 and requested their personal intervention in the matter at hand. Letter attached hereto as Annexure "C"

9. As a result of the aforesaid correspondence and media interest in the matter, the Department of Water and Sanitation through its spokesperson Mr Sputnik Ratau released a media statement on the subject matter on the 24<sup>th</sup> of June 2019. Media Statement attached hereto as Annexure "D".
10. In the press statement Mr Ratau confirmed that the department would be taking legal action against the Chris Hani Municipality because of their inaction in addressing the situation.
11. Following the aforementioned media statement and threat of legal action by the Department of Water and Sanitation, the Chris Hani District Municipality confirmed via a number of media statements that a contractor was appointed to refurbish the water treatment works and to get the plant up and running.
12. On the 5<sup>th</sup> of July 2019 I learned that the contractor stopped all work at the plant and moved off site. I immediately wrote to the Acting Municipal Manager Dr Bhekisisa Mthembu and warned him that should he fail to remedy the situation by 8am on Monday the 8<sup>th</sup> of July 2019, I would proceed to lay criminal charges against him and his municipality. Letter attached hereto as Annexure "E".
13. I visited the plant at 15:05 on the 8<sup>th</sup> of July 2019 but was prevented from entering the premises by the security guards. I could however see from the perimeter that there was no contractor or any municipal officials on site.
14. At 15:12 on even date I contacted the Municipal Manager, Dr Bhekisisa Methembu on the number 045 808 4600 but he was not available to take my call. I left a message for him to return my call with his personal assistant but he has to date neglected to do so. Screenshot of call to aforesaid call attached hereto as Annexure "F".
15. I could clearly see that the brush aerators were still dysfunctional and as a result raw, untreated sewerage from the plant was still being discharged into the Great Fish River.
16. At 15:35 on even date I visited a sewerage pump station at Michausdal (also in Cradock) where a dysfunctional pump at the pump station was the cause of a further sewerage spill directly into a branch of the Great Fish River.
17. Given the aforesaid and the continued failure of the Municipal Manager, Dr Bhekisisa Methembu, to address the situation notwithstanding numerous warnings and opportunities to do so, I now wish to lay criminal charges against him and his municipality for the continued intentional and willful contamination and pollution of the Great Fish River in terms of Section 151 (1) of the National Water Act 36 of 1998.
18. The aforesaid section reads as follows: s155 (1) No person may –
  - (i) Unlawfully and intentionally or negligently commit any act or omission which pollutes or is likely to pollute a water resources;

(j) unlawfully and intentionally or negligently commit any act or omission which detrimentally affects or is likely to affect a water resource;

(2) Any person who contravenes any provision of subsection (1) is guilty of an offence and liable, on the first conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment and, in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment.

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**RETIEF ODENDAAL**

THUS SIGNED and SWORN to BEFORE ME at  
.....on this day the .....of JULY 2019, the  
Deponent having knowledge that he knows and understands the content of this  
Affidavit, and that he has no objection to taking the prescribed oath, which he regards  
binding on his conscience and that the allegation herein contained are all true and  
correct.