



KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE MEC

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The Honourable Ms. N Boyce
Speaker of the KwaZulu-Natal Provincial Legislature
241 Langalibalele Street
PIETERMARITZBURG
3200

WRITTEN REPLY

194/2022 **MR HU DE BOER (DA) TO ASK THE MEC FOR ECONOMIC
DEVELOPMENT, TOURISM AND ENVIRONMENTAL
AFFAIRS:**

The KwaZulu-Natal Environmental Affairs Department in a recent meeting disclosed that criminal charges had been laid against eThekweni Municipality. These charges relate to ongoing sewerage discharges into the Durban Harbour from the Lavender Creek stormwater outlet (**Margret Mncadi Avenue**) a result of mechanical failure at Mahatma Gandhi pump station:

- 1. PLEASE COULD THE SAPS CASE NUMBER BE FURNISHED?**
CAS 197/05/2022.

- 2. WHAT CHARGES UNDER WHICH LEGISLATION HAVE BEEN LAID?**
 - a. The charges relate to contravention of the National Environmental Management: Integrated Coastal Management Act No. 24 of 2008 (ICMA). The Department of Forestry, Fisheries and the Environment (DFFE) issued eThekweni Municipality with a Coastal Protection Notice in terms of Section 59 of ICMA for illegally discharging effluent to coastal waters without authorization in contravention of Section 69 of ICMA. eThekweni failed to comply with the instructions in this notice.



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- b. Section 79 (2)(e) states that “A person is guilty of category two offence is that person- fails to comply with a coastal protection notice or access notice issued in terms of section 59”
- c. Section 69 (1) “No person may discharge effluent that originates from a source on land into coastal waters except in terms of a general discharge authorization contemplated in subsection (2) or a coastal waters discharge permit issued under this section by the Minister after consultation with the Minister responsible for water affairs in instances of discharge of effluent into an estuary”
- d. Section 79(1)(a) states that “A person is guilty of category one offence if that person-discharges effluent originating from a source on land into coastal waters in contravention of section 69;”

3. DOES ENVIRONMENTAL AFFAIRS HAVE ANY FEEDBACK REGARDING THE PROGRESS OF THE INVESTIGATION?

- a. The docket is under investigation and the Investigating Officer from DFFE is in the process of obtaining additional statements. DFFE is also still awaiting further evidence in relation to water quality results from the Council for Scientific and Industrial Research (CSIR). Depending on the evidence collected, additional charges may be added to the docket.
- b. Once the investigation has been finalized, the docket will be sent to the Director of Public Prosecutions for a decision on whether or not to prosecute and which parties to prosecute.

4. AT WHICH STATION WERE THE CHARGES LAID?

Maydon Wharf SAPS.



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5. ARE THERE ANY ALTERNATE RESOLUTION PLANS IN PLACE TO PREVENT THE WHOLESALE POLLUTION OF THE HARBOUR FROM THIS PUMP STATION?

- a. eThekweni needs to urgently procure the missing pumps at the Mahatma Ghandi pump station. According to eThekweni, this pump station was designed to have four pumps working at all times but it is currently running on two pumps which results in the backflow of raw sewage into the harbour through Lavender Creek stormwater outfall when there is pump/system failure or during peak hours. The other two pumps have been out for repairs for more than two years now.
- b. The Coastal Protection Notice issued by the DFFE required the above to be done, amongst other things, and failure to comply with the instructions in the notice resulted in the initiation of the criminal case.

Signed by: Brightboy Nhlakanipho Nkont
Signed at: 2022-08-18 23:54:07 +02:00
Reason: Witnessing Brightboy Nhlakaniph

MR. N. NKONTWANA
HOD: ECONOMIC DEVELOPMENT,
TOURISM AND ENVIRONMENTAL AFFAIRS
DATE: 16/08/22

MR. S.A.DUMA, MPL
MEC FOR ECONOMIC DEVELOPMENT,
TOURISM AND ENVIRONMENTAL AFFAIRS
DATE: 17/08/22