



## water & sanitation

Department:  
Water and Sanitation  
**REPUBLIC OF SOUTH AFRICA**

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### BY HAND OR EMAIL

The Municipal Manager  
Rustenburg Local Municipality  
PO BOX 16  
**RUSTENBURG**  
0348

Dear Adv Victor Makona

### **NOTICE OF INTENTION TO ISSUE A DIRECTIVE IN TERMS OF SECTION 19(3) OF THE NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998) TO RUSTENBURG LOCAL MUNICIPALITY FOR FAILURE TO TAKE ALL REASONABLE MEASURES TO PREVENT POLLUTION FROM OCCURRING, CONTINUING OR RECURRING AT VARIOUS SITES IN TLHABANE AND ZINNIIVILLE AREAS**

I, Mr Chadwick Lobakeng, in my capacity as Provincial Head of the Department of Water and Sanitation's Provincial Operations: North West (DWS) and duly authorised in terms of the powers delegated to me by the Minister of Water and Sanitation, hereby give you, Rustenburg Local Municipality (RLM) as the Water Service Authority (WSA), a written notice of the intention to issue you with a directive in terms of sections 19(3) of the National Water Act, 1998 (Act No 36 of 1998) hereafter referred to as the "NWA", for failure to take reasonable measures to prevent pollution from occurring, continuing or recurring at various sites around Tlhabane and Zinniaville.

The directive that I intend to issue relates to contravention of the following section of the NWA.

1. *Section 19(1) – "An owner of land, a person in control of land or a person who occupies or uses the land on which -  
(a) any activity or process is or was performed or undertaken; or  
(b) any other situation exists, which causes, has caused or is likely to cause pollution of a water resources, must take all reasonable measures to prevent any such pollution from occurring, continuing, or recurring."*

I have reasonable grounds for believing that you are contravening the above-mentioned section of the NWA.

I have reached this opinion based on the following:

The DWS has received numerous complaints regarding sewage spillages at various sites within the Rustenburg Local Municipality (RLM)



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After complaints regarding sewage spillages were received, officials from the DWS conducted inspections on 14 August 2022 at the following locations: 10 Sheperds Street, 28 Flamboyant Street, Corner of Boom & Zendeling Street and 54 Kremetart Street. Following the inspection, a non compliance letter in terms of section 19 of the NWA was issued to the RLM, with several recommendations. There has been no response to the letter. The letter is attached as Annexure A.

On 13 September 2022, a photograph showing sewer spillages was brought to the attention of the DWS. Upon investigation, it was discovered that it was posted on social media on 02 September 2022 by a member of the public. On the same day, DWS officials conducted inspections to investigate the causes and extent of the problem.

On 15 September 2022, letters from the Zinniaville Ratepayers Association to the Minister of Water and Sanitation were brought to the attention of the NW Provincial Operations. In the letters, the Association highlighted, amongst others, poor water and sanitation services delivery by the RLM, prompting further inspections on the same day.

The following observations were made at the sites inspected:

13 September 2022:

1. **Manhole overflow at house No. 1483 on North Street, Tlhabane township.** During the inspection, the manhole was overflowing, with sewage flowing into the street and into the yard at number 1483. Screenings were observed around the manhole and in the street. One of the locals stated that the sewage had been overflowing for more than 3 weeks.
2. **Sewer spillage at House No.40 Sechele Street, Tlhabane township.** Sewage was observed flowing from the yard at House No. 745, into the street. Sewage was also flowing through the front door of the house and some soil was put at the front door to act as a berm to prevent the sewage from going into the house.

On inspection inside the yard, it was observed that the sewer pipeline from the back of the house was blocked with screenings. The pipeline had been disconnected, and sewage from the toilet ended up on the side of the house. A drinking water pipeline was leaking and flowing towards the street. The resident at the house stated that numerous complaints had been reported to the Rustenburg Local Municipality (RLM), after which a team would be dispatched to repair the leaks but that the blockages would recur within a number of days.

3. **Sewer main line diversion at House No. B127 Adam Street, Tlhabane Unit B.** A make-shift pipeline was observed joining the sewer main line manhole. The pipeline was discharging raw sewage onto Adam Street. The resident of house No. 127 stated that they were no longer logging calls to report the blockages to the RLM due to them not responding (not dispatching the maintenance team). It was also indicated that the spillage had been occurring for over 10 years.
4. **Drinking water pipeline leak at House No. B580, Rametsi Street, Tlhabane Unit B.** A huge potable water leak was observed on Rametsi Street. The residents stated that there was a funeral held over the weekend of 10 September 2022 and the pipe was damaged when the tent was erected, resulting in the leak.



5. **Reatile Middle School:** A combination of drinking water leaks and sewer spillages was observed emanating from the school premises. One of the teachers stated that the manhole located within the school premises had been overflowing for more than 5 years. The water and waste water had dammed behind the ablution facilities. The toilets were reported to be blocked. Reeds and vegetation had grown in the wet marshy area. An official at the school reported that the some of the water was from the neighbouring Bosabosele and Rauwane Sepeng schools.

15 September 2022:

6. **Blocked sewer manhole located at Zinniaville, 17 Lelie Street.** At this site, a manhole was observed to be overflowing with a significant amount of raw sewage. The sewage eventually flows into the Dorpspruit. The manhole is situated between two houses and large pools of sewage were observed in one of the houses. The stench was very bad and obviously has a negative impact on the residents. Reeds had started growing on the wet area. Sludge, screenings and litter were also observed. To enable people to move from one side to the other, the community has erected crossing stones. There was also a soil berm erected to channel the sewage and prevent it from flowing into the nearby yards.
7. **Blocked sewer manhole located Tlhabane unit 1, 3477 Moraka street and 3479 Moraka street.** Three sewer manholes, about 100 meters apart, were observed on this site. The first manhole was built near the Eskom perimeter fence. At this manhole, there was significant raw sewage overflows that included a lot of raw faeces, screens, and other foreign objects. The raw sewerage was flowing inside the Eskom premises following the topography of the area which was flooded.

The second manhole was constructed at 3479 Moraka street adjacent to the first manhole next to the railway line. It was also blocked and sewage was flowing into the environment. Sludge and reeds were observed. The soil of the affected area was muddy which resulted in power lines not being secure on the ground as the soil was saturated. The untreated sewage subsequently entered the concrete stormwater channel through the stormwater culvert located beneath the railway line. Although the overflowing manholes were said to have been reported to the RLM before July 2022, there has reportedly been no response from the RLM. There was no overflow at the third manhole.

8. **Overflowing sewer manhole located at 18 Vanadium Street within the Chemblock brick-making site.** The manhole is located within the Chemblock brickmaking at No.16 Vanadium Street. There was no overflowing observed other than the dripping of water from the manhole. It was highlighted that there was no overflow as a result of water supply cuts at the time, but that as soon as water supply was restored, the overflow would resume. The Chemblock representative indicated that the overflow was reported to RLM as it affects the business. The representative indicated that the team from RLM had previously visited the site and indicated that the manhole was part of the sewer line running inside the property. Attempts to locate the line failed.
9. **Overflowing sewer pipeline situated at the corner of No.2 Boom Street and Zendeling Street.** The overflow was observed to be from the sewer pipeline. It was reported that the overflow was previously at the manhole but that the RLM visited the site. It was not clear what happened to the sewer line during the RLM investigation, however, the sewage was now overflowing from the sewer pipeline into the stormwater system. Sludge was also observed at the site.

10. **Blocked sewer manhole located No. 10 Sheperds Tree Ave, Protea Park:** The Dorpspruit, which was about 5 meters away from the blocked manhole, was being flooded with raw sewage flowing from the blocked manhole. Screenings and other material were observed flowing into the stream. The blocked manhole was said to have been reported to the RLM two months before and only the call reference number was received.
11. **Leaking drinking water pipeline located at House 71 Vuurpyl Street, Zinniaville** The leak was reportedly detected a few years ago and was repaired, only to start again in August 2021. It was then reported to the RLM but has reportedly not been attended to.

In accordance with Section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), I hereby afford you, Adv. Makona, in your capacity as Municipal Manager of the RLM, an opportunity to make representations in writing to me within seven (7) working days if you believe there are any compelling reasons for me not to exercise my powers in terms of Section 19(3) of the NWA to issue a directive which will require you to, amongst others:

1. Address the reported potable water pipeline leaks within 7 days of receipt of the directive
2. Unblock the sewer manholes, pipelines and stop the sewage from overflowing into the environment within 7 days of receipt of the directive.
3. Take reasonable measures to prevent such pollution from occurring, continuing, and recurring in accordance with the requirements of Section 19 of the NWA.
4. Provide an action plan to address all the recurring sewage spillages resulting in raw sewage being discharged and flows to the environment. The plans should address the following:
  - Contingency measures that will address the current overflow or discharge of untreated wastewater into the environment,
  - A monthly sewer network inspection report for the calls logged at the RLM reporting call centre showing the statistics of the calls that were resolved and those that are still pending.
5. Submit proof of water use authorisation for all the Waste Water Treatment Works (WWTWs) within the RLM area of jurisdiction within 7 days of receipt of the directive
6. Submit records of volumes of raw sewage inflow and final effluent outflow at the WWTWs, for the past 6 months, within 7 days of receipt of the directive

I would also like to bring to your attention that failure to make representations within seven (7) working days of receipt of the notice will leave the DWS with no option but to issue you with a directive in terms of section 53(1) of the NWA, failure to comply with will constitute an offence in terms of section 151 (1) (d) of the NWA.

Your attention is also drawn to the fact that polluting water resource constitutes an offence in terms of Section 151(1) of the NWA. Any person who contravenes any provision of sub-section (1) of Section 151 of the NWA is guilty of an offence and liable, on first conviction, to a fine or imprisonment for a period not exceeding five years, or both a fine and such imprisonment and in the case of a second conviction or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment in terms of Section 151(2).

Should you have any further queries, please contact relevant official at the contact details provided.

Yours sincerely



**MR CHADWICK LOBAKENG**  
**PROVINCIAL HEAD: NORTH WEST**

**DATE:** 19/04/2022