
REPORT NO: 4 OF 2007/2008

REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF THE POLLUTION OF THE VAAL RIVER BY THE LEKWA-TEEMANE LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE
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Executive summary

The Office of the Public Protector investigated an allegation made in a newspaper article in September 2006, suggesting that the drinking water of the residents of Christiana in the North West Province was polluted by the pumping of sewerage overflow into the Vaal River by the Lekwa-Teemane Local Municipality.

The investigation was conducted at the own initiative of the Public Protector and in terms of the provisions of the Public Protector Act, 1994.

It was found that:

- Water for consumption by the residents of Christiana is extracted from the Vaal River approximately 5 kilometres upstream from where the sewerage works are situated;

- The suggestion that the drinking water of the residents of Christiana is polluted by a sewerage overflow pumped into the river by the Municipality, is unfounded;

- The inadequacy of the current sewerage works to cope with the demand and the associated risk of pollution of the Vaal River are being properly addressed by the construction of the new sewerage works, which will be completed in early 2008; and

- The implementation of temporary oxidation ponds as part of the construction of the new works would alleviate the current pressures on the sewerage system and significantly reduce the risk of pollution.
REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF THE POLLUTION OF THE VAAL RIVER BY THE LEKWA-TEEMANE LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE

1. INTRODUCTION

This Report is submitted to the Municipal Council of the Lekwa-Teemane Local Municipality. It relates to an investigation into an allegation of the pollution of the Vaal River in the vicinity of Christiana in the North West Province, by the Lekwa-Teemane Local Municipality.

2. THE ALLEGATION

On 27 September 2006 an article appeared in the Diamond Fields Advertiser, under the heading: "Polluted water sparks concern". It stated inter alia that:

"Christiana residents fear that their drinking water is being polluted with sewerage overflow which is apparently being pumped into the Vaal River.

Residents have also claimed to have found parasites in the water.

The situation follows reports that the existing sewerage infrastructure
of the town can no longer accommodate the increased population.

‘The sewerage system was designed for only 5000 people, but the number of people in the area has expanded to more than 30 000 people,’ said Dennis Muller, chairperson of the Ratepayers’ Association of Christiana.

Money was made available to rectify the problems with the sewerage system last year, but it was never used for the upgrading of this system.

According to Muller, the Lekwatemane (sic) Municipality in Christiana said that there was no money to upgrade the system and that the situation would have to continue. Muller added that the Municipal Manager said the problem was not the responsibility of the municipality, but that of the district council.”

3. THE POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR TO INVESTIGATE THE ALLEGATION

3.1 The Public Protector is one of a group of independent institutions established by Chapter 9 of the Constitution of the Republic of South Africa, 1996 (the Constitution) to support the constitutional democracy of the Republic.

3.2 In terms of section 182 of the Constitution, the Public Protector has the power to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice.
3.3 The Public Protector has to report on the conduct investigated and take appropriate remedial action.

3.4 The additional powers and functions of the Public Protector are regulated by the Public Protector Act, 1994.

3.5 Section 6(4) of the Act provides, inter alia, that the Public Protector may investigate on his or her own initiative or on receipt of a complaint any maladministration in connection with the affairs of government at any level, improper conduct by a person performing a public function and any act or omission by a person in the employ of government at any level, which results in unlawful or improper prejudice to any other person.

3.6 The said allegation against the Lekwa-Teemane Local Municipality (the Municipality) falls within the mandate and jurisdiction of the Public Protector to investigate.

4. THE INVESTIGATION

The investigation was conducted at own initiative and in terms of section 7 of the Public Protector Act. It comprised:

4.1 Consideration of the contents of the said article published by the Diamond Fields Advertiser1;

4.2 Correspondence with the Municipal Manager of the Municipality;

4.3 Consultation with the Municipal Manager and the Technical Manager of the Municipality at Christiana;

4.4 Consultation with the former Chairperson of the Christian Ratepayers’ Association, Mr D Muller;

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1 See paragraph 2 above
4.5 Consultation with the current Chairperson of the Christiana Ratepayers’ Association, Mr W Du Preez;

4.6 An inspection of the water extraction and purification plant of the Municipality at Christiana; and

4.7 An inspection of the sewerage works of the Municipality at Christiana.

5. OBSERVATIONS

The following observations have been made from the investigation:

5.1 The extraction and purification of water from the Vaal River

5.1.1 The Municipality extracts water for residential purposes directly from the Vaal River. The extraction point and the purification plant are situated approximately 5 kilometres upstream from the sewerage works.

5.1.2 Mr Muller confirmed that the water extracted from the river by the Municipality could not be polluted by its sewerage works down stream. His main concern was that the overflow of oxidation ponds at the sewerage works situated close to the Vaal River could cause pollution which might affect other water consumers further down the river.

5.2.2 The quality of the water supplied by the Municipality to its consumers is regularly monitored by means of samples submitted for tests to an independent laboratory that is accredited by the South African National Accreditation System.
5.2 The sewerage works of the Municipality

5.2.1 The oxidation ponds at the sewerage works cannot cope with the increasing demand of the community served by the Municipality. It is biologically overloaded. Overflow from these ponds are temporarily pumped into an open area approximately 400 metres north of the ponds. This temporary measure does however appear to carry the risk of sewerage ending up in the river should the area experience heavy rainfalls.

5.2.2 A new sewerage works is currently being constructed to replace the current works at a cost of approximately R 20 million. It includes temporary oxidation ponds that would address the current risk of pollution to the river, until such time as the construction of the main works has been completed. The construction of the new sewerage works is funded and administered by the Bophirima District Municipality.

5.2.3 It is expected that the temporary oxidation ponds will be completed by May 2007 and the construction of the main works by February 2008.
6. **FINDINGS**

The following findings have been made from the investigation:

6.1 The suggestion that the drinking water of the residents of Christiana is polluted by a sewerage overflow pumped into the river by the Municipality, is unfounded;

6.2 The inadequacy of the current sewerage works to cope with the demand and the associated risk of pollution to the Vaal River are being properly addressed by the construction of the new sewerage works, which will be completed in early 2008; and

6.3 The implementation of temporary oxidation ponds as part of the construction of the new works would alleviate the current pressures on the sewerage system and significantly reduce the risk of pollution.

ADV M L MUSHWANA
PUBLIC PROTECTOR OF
THE REPUBLIC OF SOUTH AFRICA
30 March 2007

Assisted by: Adv C H Fourie
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Office of the Public Protector