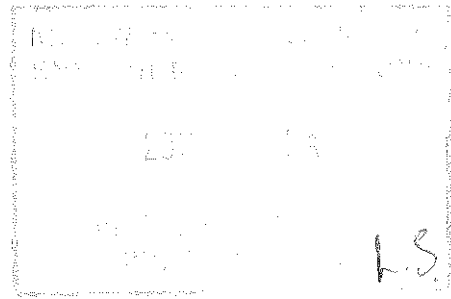




## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

M3462



EdST

Reference: A Mowzer  
Telephone: 021 941 6111  
Reference: Atr/Cer/2011

### MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

#### DISPOSAL OF RUBBLE FROM THE DEMOLITION OF ATHLONE TOWERS, CAPE TOWN

##### 1. PURPOSE

- 1.1 To brief you on the situation regarding the disposal of rubble from the demolition of the Athlone Towers in Cape Town.
- 1.2 To request your signature on the attached letter to Ms Melissa Fourie, the Executive Director of the Centre for Environmental Rights, should you agree with the contents.

##### 2. BACKGROUND AND DISCUSSION

- 2.1 Your Administrative Secretary's request dated 22 September 2011 in pursuance of the letter dated 22 September 2011 from Ms Fourie regarding the disposal of rubble from the demolished Athlone Towers site.
- 2.2 In her letter, Ms Fourie states that the Centre for Environmental Rights received reports that the rubble that arose from the demolition of the Athlone Towers may have been disposed of in contravention of the National Water Act, 1998 (Act No. 36 of 1998) (the Act). As a result, she wants to establish the following:
  - Whether the Department has conducted an investigation into the disposal of the rubble.
  - If an investigation has been conducted, what were the findings of that investigation and did the Department find evidence of contravention of the Act and/or other environmental legislation.
  - If evidence of contravention of the Act was found, what enforcement action, if any has the Department taken or resolved to take and the status of the enforcement action and against what entities will action be taken.
- 2.3 The Athlone Towers were demolished on 22 August 2010 by the City of Cape Town (CoCT). The decision to demolish the towers was taken by the CoCT as the Athlone Towers were declared to be structurally unsafe.
- 2.4 On 30 September 2011, upon receipt of the query, the Department's Regional Office: Western Cape established with the CoCT if there was any contravention of the Act by the companies contracted by the CoCT to dispose the rubble from the demolished Athlone Towers (refer to attached **Annexure A**).

pb

- 2.5 On 3 October 2011, the CoCT advised the Department's Regional Office: Western Cape that a similar complaint was lodged in September 2011 with their Electricity Services department that is responsible for the demolition work (refer to attached **Annexure B**). Upon inspection, the CoCT established that the illegal dumping of rubble could not have originated from the Athlone Towers site due to the specific nature of the steel reinforced rubble being removed from the Athlone Towers at the time of demolition.
- 2.6 Further, the CoCT advised the Department's Regional Office: Western Cape that the demolition contract was carried out according to a stringent specification and environmental management plan with regular monitoring being undertaken by the CoCT to ensure compliance by the contractor responsible for the demolition.
- 2.7 In view of the above information from the CoCT, the Department can deduce that there was no contravention with the Act. Although the management of waste is clearly dealt with under the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), from the CoCT response, the rubble from the Athlone Towers was not disposed in contravention of the Waste Act.
- 2.8 The Department's Regional Office: Western Cape has however communicated the CoCT's response to the competent authority, i.e. the Western Cape Department of Environmental Affairs and Development Planning to investigate the illegal dumping which was noted by the CoCT during its inspection.

### 3. IMPLICATIONS

- 3.1 Personnel
- 3.1.1 None
- 3.2 Financial
- 3.2.1 None
- 3.3 Legal
- 3.3.1 None
- 3.4 Communication
- 3.4.1 None

### 4. OTHER COMPONENTS CONSULTED

- 4.1 None

**5. RECOMMENDATIONS**

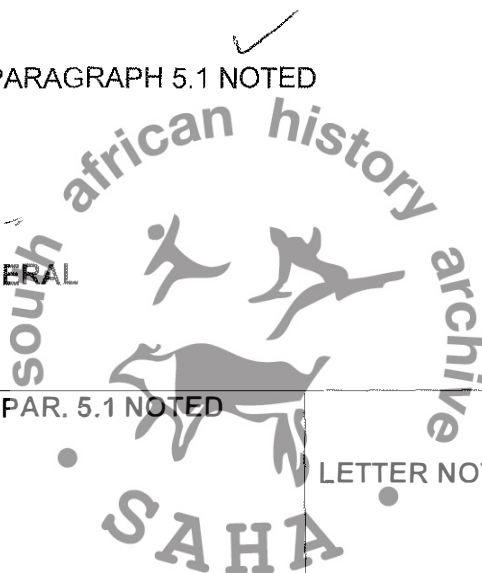
It is recommended that:

- 5.1 You take note of the situation regarding the disposal of rubble from the demolition of the Athlone Towers in Cape Town.
- 5.2 You sign the attached letter to Ms Melissa Fourie, the Executive Director of the Centre for Environmental Affairs, should you agree with the contents.

*M. M. M. M.*  
 DEPUTY DIRECTOR-GENERAL: REGIONS  
 DATE: 27/11/11

RECOMMENDATION IN PARAGRAPH 5.1 NOTED ✓

*P. M. M.*  
 ACTING DIRECTOR-GENERAL  
 DATE: 9/11/2011



RECOMMENDATION IN PAR. 5.1 NOTED	
LETTER SIGNED	LETTER NOT SIGNED
MRS B E E MOLEWA, MP MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS	MRS B E E MOLEWA, MP MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS
DATE:	DATE:

FIRST  
 (C) Let us ascertain first  
 where exactly was the  
 Athlone rubble disposed?  
 Was it disposed in line  
 with NEMA? — check with  
 DEA  
*2011/11/22*



MINISTER  
WATER AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, 185 Schoeman Street, Sedibeng Building, Tel: +27 12 336 8733, Fax: +27 12 336 8717  
Private Bag X9052, Cape Town, 8000, 120 Plein Street, Tel: +27 21 464 1500, Fax: +27 21 465 3362

Ref: Atr/Cer/2011

**By fax: 086 730 9098**

Ms M Fourie  
Centre for Environmental Rights  
8A Sussex Road, Observatory

**CAPE TOWN**

7925

Dear Ms Fourie

**DISPOSAL OF RUBBLE FROM THE DEMOLITION OF ATHLONE TOWERS, CAPE TOWN**

Your letter dated 22 September 2011 in above regard, refers.

I express my sincere gratitude for your effort to report the alleged contravention of the National Water Act, 1998 (Act No. 36 of 1998) (the Act).

Kindly be advised that on 30 September 2011, the Department's Regional Office: Western Cape established with the City of Cape Town whether any contravention of the Act arose during the disposal of the rubble from the demolished Athlone Towers.

On 3 October 2011, the City of Cape Town advised the Department's Regional Office: Western Cape that a similar complaint was lodged in September 2011 with their office and a subsequent inspection revealed that the illegally dumped rubble could not have originated from the Athlone Towers due to the specific nature of the steel reinforced rubble being removed from the Athlone Towers at the time of demolition. The City of Cape Town further indicated that the demolition of the Athlone Towers was carried out according to a stringent specification and Environmental Management Plan and that regular monitoring was undertaken to ensure compliance by the contractor responsible for the disposal of the rubble.

In light of the response from the City of Cape Town which was responsible for managing the disposal of the rubble from the demolished Athlone Towers, the Department can deduce that there was no contravention of the Act. However should there be tangible proof that the Act was contravened, it would be highly appreciated if you could furnish the Department with evidence in this regard. In the meantime, the Department's Regional Head: Western Cape has communicated the contents of your letter to the Western Cape Department of Environmental Affairs and Development Planning to also investigate [in accordance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)] the alleged illegal dumping which was noted by the City of Cape Town during the investigation of your complaint.

Should you require more information regarding this matter, please do not hesitate to contact the following officials:

- Mr MAR Khan, the Department's Regional Head: Western Cape at telephone number 021 941 6027.
- Mr K Wiseman, the City of Cape Town Manager: Environmental Resource Management at telephone number 021 487 2283.
- Mr G Arendse, the Director of Pollution and Waste Management at the Western Cape Department of Environmental Affairs and Development Planning.

Yours sincerely

**MRS B E E MOLEWA, MP**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

DATE:





## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X16 Santamhof 7532, 17 Strand Street Bellville 7532  
Tel: 021 950 7259 Fax: 086 620 4568 e-mail: stimefat@dwa.gov.za  
Enquiries: T. Stimela Ref: 21/22/10/2/2

Attention: Mr K. Wiseman

City of Cape Town  
Private Bag x 9181  
CAPE TOWN  
8000

Dear Sir

### REQUEST FOR INFORMATION: DISPOSAL OF RUBBLE FROM DEMOLITION OF ATHLONE TOWERS, CAPE TOWN

This Department's Provincial Office has received an enquiry from the Minister Molewa's Office regarding the demolition of the Athlone Cooling Towers and the disposal of the waste from the site.

Kindly provide us with any information that can assist in our response to the Minister of any transgression by companies that were contracted by the City to dispose the rubble from the Athlone Towers site.

Please find the attached enquiry for your information. The due date for the response to the Minister's office is the 07<sup>th</sup> October 2011.

Yours faithfully

**Adv A Mowzer**  
**DEPUTY DIRECTOR: STRATEGIC SUPPORT**  
**WESTERN CAPE**

DATE: 30/9/2011



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

ENS House  
2 Lower Loop Street  
P O Box 82, Cape Town 8000  
Ask for: Mr Talu Tshivhase

Tel: 021 446-1931  
Fax: 021 446-2001

E-mail: [electricity@capetown.gov.za](mailto:electricity@capetown.gov.za)  
Ref:  
File reference: Talu/jvk

ENS House  
2 Lower Loop Street  
P O Box 82, Cape Town 8000  
Cela: Mr Talu Tshivhase

Umnxeba: 021 446-1931  
Ifeksi: 021 446-2001

ENS House  
2 Lower Loop Street  
Posbus 82, Kaapstad 8000  
Vra vir: Mr Talu Tshivhase

Tel: 021 446-1931  
Faks: 021 446-2001

## MEMORANDUM

UTILITY SERVICES — Electricity Supply

3<sup>rd</sup> October 2011

Department of Water Affairs  
Private Bag X 16  
Sanlamhof  
7532

Attention: Adv A Mowzer

Dear Sir

**Request For Information: Disposal of Rubble From Demolition of Athlone Towers, Cape Town.**

Your departments letter to Mr Wiseman of the City of Cape Town dated 30/09/2011, Ref: 21/22/10/2/2 is acknowledged.

The demolition work was managed by Electricity Services and all the rubble from the demolition of the Athlone cooling towers was re cycled, most of it being used for the making of cement bricks. A small portion was reclaimed to be used as aggregates for the civil and building industry during a short period when the brick maker material line was becoming over supplied.

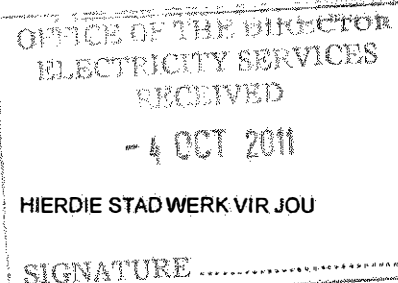
A report was received by the project team that alleged illegal dumping of the rubble from the towers had taken place during September 2010. The site (Erf No 161572 in Phillipi) at which this was alleged to have taken place was inspected by representatives from the appointed consulting engineer, the contractor and a City official. None of the rubble at the site so mentioned could be identified to be from the towers. This was due to the very specific nature of the steel reinforced rubble being removed from the cooling tower site at the time. The demolition contract was carried out according to a stringent specification and environmental management plan. Regular monitoring and follow ups were undertaken by City officials and the engineer to ensure compliance by the contractor in respect of the rubble being removed from the cooling tower site and no anomalies were recorded.

If you require any further information please do not hesitate to contact us.

Yours Sincerely

DIRECTOR: ELECTRICITY SERVICES

THIS CITY WORKS FOR YOU ESI SIXEKO SISEBENZELA WENA HIERDIE STAD WERK VIR JOU





DWE

MINISTRY  
WATER AND ENVIRONMENTAL AFFAIRS

INTERNAL MEMO

<b>Date:</b>	22 September 2011	<b>File no:</b>	
<b>To:</b>	Acting Director-General: Water Affairs	<b>From:</b>	Admin Secretary: Ministry
		<b>Contacts</b>	012 336 8733
<b>Subject</b>	DISPOSAL OF RUBBLE FROM DEMOLITION OF ATHLONE TOWERS, CAPE TOWN : CONTRAVENTION OF THE NATIONAL WATER ACT, 1998 - LETTER FROM CENTRE FOR ENVIRONMENTAL RIGHTS		

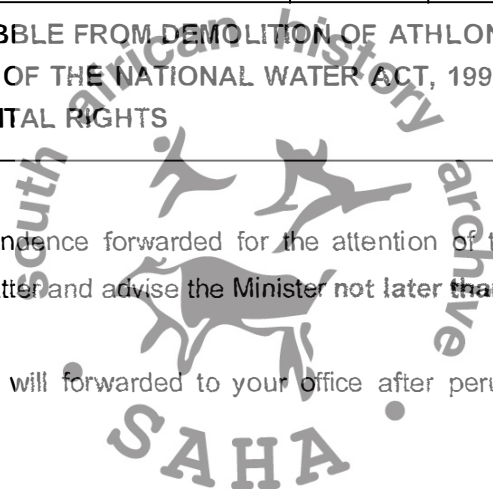
Please find attached correspondence forwarded for the attention of the Minister. You are kindly requested to investigate the matter and advise the Minister not later than 7 October 2011.

Any comments on the matter will be forwarded to your office after perusal of the document by the Minister.

E PEENS

ASSISTANT ADMINISTRATIVE SECRETARY

DATE: 22.9.2011





11 Sep 22 10:35

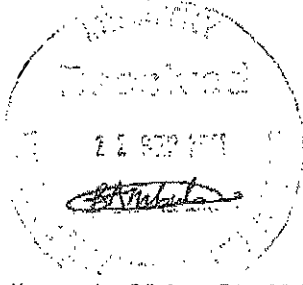
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MIN OF WATER & ENVIR  
p.1

CER1



## Centre for Environmental Rights

Advancing Environmental Rights in South Africa

The Honourable Minister Edna Molewa  
Minister of Water and Environmental Affairs  
Private Bag X9052, CAPE TOWN, 8000  
Fax: 021 465 3362

22 September 2011

Dear Minister Molewa

### DISPOSAL OF RUBBLE FROM DEMOLITION OF ATHLONETOWERS, CAPE TOWN

The Centre for Environmental Rights has been receiving reports that the rubble that arose from the demolition of the Athlone Towers in Cape Town last year may have been disposed of in contravention of the National Water Act, 1998 and other environmental legislation.

Please could you advise:

1. Whether the Department of Water Affairs (DWA) has conducted an investigation into the disposal of the rubble?
2. If an investigation has been conducted, what were the findings of that investigation? In particular, did the DWA find evidence of contravention of the National Water Act and/or other environmental legislation?
3. If evidence of contraventions were found, what enforcement action, if any, has the DWA taken or resolved to take?
4. What is the status of that enforcement action, and against what entities will action be taken?

We would appreciate your urgent response to this query in the public interest.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per: Melissa Fourie  
Executive Director

8A Sussex Road, Observatory, Cape Town 7925  
Tel 021 447 1647 Fax 088 730 5098  
Email info@cer.org.za Web www.cer.org.za

Centre for Environmental Rights NPC is a non-profit company with registration number 2009/020736/08, NPO Ref 075-883, FSO No. 936034226 and a Law Clinic registered with the Law Society of the Cape of Good Hope

Directors: Carolyn Elizabeth Ah-Sbane, Joanna Amy Espartero, Melissa Fourie, Stephen Mark Law, Thomas Tshepo Ratshoko, Louis Johannes Smith, Terry Jane Winstanley (Chair)



MINISTRY  
WATER AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

Private Bag X813, Pretoria, 0001. Tel: (012) 336 8733, Fax: (012) 326 7817  
Private Bag X9052, Cape Town, 8000, Tel: (021) 464 1600, Fax: (021) 465 3362

**Fax No: 086 730 9098**

Ms Nikola Botha  
Secretary  
Office of Ms Melissa Fourie  
Executive Director  
Centre for Environmental Rights  
8A Sussex Road  
Observatory  
CAPE TOWN  
7925

Dear Ms Botha

**DISPOSAL OF RUBBLE FROM DEMOLITION OF ATHLONE TOWERS, CAPE TOWN**

On behalf of the Minister of Water and Environmental Affairs, Mrs B E E Molewa, MP, I acknowledge with thanks receipt of your Principal's correspondence dated 21 September 2011, in the above regard.

The content of the correspondence has been noted and will be brought to the attention of the Minister.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ms Buchule Mbuli'.

**Ms Buchule Mbuli**  
Ministry of Water and Environmental Affairs  
Date: 22/09/2011



TRANSMISSION VERIFICATION REPORT

TIME : 22/09/2011 10:48  
NAME :  
FAX :  
TEL :  
SER.# : A9J378106

DATE, TIME	22/09 10:48
FAX NO./NAME	0867309098
DURATION	00:00:18
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM





**water affairs**

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

Tracking no

M3462

ENQUIRIES: Central Point Helpdesk

TELEPHONE: 012-336-8819

DG DDG: CS DDG: NWRI DDG: P&R DDG: IR  
COO DDG: R CFO CD: IA LEGAL SERVICES

PERSONAL ASSISTANT TO THE DIRECTOR-GENERAL

PERSONAL ASSISTANT TO THE MINISTER

**DOCUMENT MANAGEMENT: CORRESPONDENCE FROM THE OFFICE OF THE DG**

Your immediate attention to the enclosed document will be appreciated. Please contact central point if you have any queries.

Compile a Submission and draft reply for Minister/Deputy Minister's signature on or before: 7/10/2011

Comments/Briefing notes to be submitted to the Minister/Deputy Minister in the form of a submission via the DG on or before: .....

Compile a Submission and draft reply for DG's signature on or before: .....

Reply on behalf of the DG and copy of response to DG's office on or before: .....

Reply on behalf of the Minister and copy of response to DG's office on or before: .....

Speech to be drafted and submitted to DG/Deputy Minister/Minister with submission on or before: .....

Briefing notes in preparation for Minister/Deputy Minister/DG's meeting on or before: .....

Nominate suitable official to attend meeting/workshop/conference on behalf of the DG, inform the organisers accordingly and copy DG's office on or before: .....

DG requests meeting – liaise with her office/PA to arrange date

Circulate to Chief Directors/Directors/your staff for information/comments

Please attend to this matter on behalf of the Minister/Deputy Minister/DG

For information only and then arrange for filing on correct Head Office file

Invitation

Acknowledge receipt

DG to give further directive

INSTRUCTIONS FROM DG: .....  
.....  
.....

C. M. Mabe  
For DIRECTOR: EXECUTIVE SUPPORT  
IN THE OFFICE OF THE DIRECTOR-GENERAL

DATE: 26/9/2011

ALL RESPONSES TO BE RETURNED TO:  
**CENTRAL POINT, ROOM 1049, SEDIBENG  
BUILDING, SCHOEMAN STREET, PRETORIA**  
Please replicate the above Tracking no. on your response