

REPORT OF THE PORTFOLIO COMMITTEE ON WATER AND SANITATION ON OVERSIGHT VISIT TO THE FREE STATE PROVINCE 29-31 MARCH, DATED 06 June 2023

1. INTRODUCTION

The Constitution of the Republic of South Africa, 1996, states that Parliament has the power to conduct oversight of all organs of state, including those at the provincial and local government level. This report provides an account of the oversight visit conducted by the Portfolio Committee on Water and Sanitation (hereinafter the Committee) to the Free State Province from 29-31 March 2023.

The oversight visit sought to assess the implementation of the Bucket Eradication Programme (BEP) in the Free State Province to ascertain the extent of eradication and to confirm and/or verify the achievement of targets communicated to the Committee.

The Committee assessed the bucket toilets eradication projects at Reitz, Petrus Steyn and Arlington on 29 March 2023, which fall under Nketoane Local Municipality, while bucket toilets eradication projects in Ficksburg, Senekal and Clocolan under Setsoto Local Municipality were assessed from the 30-31 March 2023.

Delegation:

Members of Parliament:

Hon. R Mashego (ANC) (Chairperson), Hon. G Tseke (ANC), Hon. M Matuba (ANC), Hon. G Hendricks (Al Jama-ah), Hon. N Sihlwayi (ANC), Hon. M Pieterse (ANC) and Hon. R Mohlala (EFF)

Parliamentary Support Staff:

Ms N Bavuma (Committee Secretary), Mr T Manungufala (Committee Researcher) and Mr T Sibisi (Committee Assistant)

Department of Water and Sanitation:

Mr A Van der Walt-Chief Director, Mr T Ntuli-Provincial Head, Mr J Mabela- Chief Engineer and Ms J Mapupa- Director, Office of the Director General

Thabo Mofutsanyane District Municipality:

Ms C Msibi- Executive Mayor

Nketoane Local Municipality:

Ms M Mokoena- Executive Mayor, Ms B Makoba- Speaker and Mr S Mofokeng-Project Management Unit Manager

Setsoto Local Municipality

Ms S Mbiwe-Executive Mayor, Mr P Mavaleliso- Speaker, Ms N Malatjie- Municipal Manager, Mr S Kunene- Project Management Unit Manager, Mr T Mokhethoa- Manager: Water Services, Mr L Moletsane- Chief Financial Officer and Mr T Makae – Member of the Mayoral Committee: Corporate Services

2. OPENING REMARKS BY THE CHAIRPERSON OF THE COMMITTEE

The Chairperson reiterated the objective of the oversight visit, which involved assessing the implementation of the Bucket Eradication Programme (BEP) in the Free State Province to ascertain the extent of eradication and to confirm and or verify the achievement of targets., The Committee planned this oversight visit to coincide with the handover of the project's estimated completion date, which was March 2023. Unfortunately, none of the projects managed to meet the estimated completion date.

3. REMARKS BY DISTRICT AND LOCAL MUNICIPALITIES MAYORS AND SPEAKERS

The mayors and the speaker raised a concern about the demands from the business forums for work which threatens the smooth implementation of the projects. They also raised an issue with the

conduct of a site manager reporting to work drunk and delayed payments to workers by contractors. These are some of the challenges that have led to poor performance and delays across all projects. Contractors (especially G5 Group) are mainly to blame for the majority of delays as they fail to pay their workers, resulting in protests. There is no consequence for poor performance as these delays date back to the inception of these projects. The delays and effects of poor planning result in costly variation orders, which in other cases double the original budget way above the 15% threshold for variation orders.

The District municipalities do not have powers and functions like in other provinces, as these were taken away in 2003. These functions include fire, disaster management, and water services, which now reside with local municipalities. However, the transfer of functions did not include the transfer of employees, now paid through grants meant for other services.

Lack of technical skills in municipalities further compound poor performance and cost escalations of most projects. For instance, positions are tailored for individuals who are unqualified and failed to do the job. This is a serious problem across all municipalities.

Budget allocations by the Department of Water and Sanitation to local municipalities are not shared with district municipalities, which makes it difficult for the district to conduct oversight of local municipalities. Therefore, it is recommended that the Department be transparent regarding budget allocations to the local municipalities.

4. PRESENTATION BY THE DEPARTMENT ON BUCKET ERADICATION PROGRAMME IN THE FREE STATE

To deliver dignified sanitation systems, the Department has drafted a National Sanitation Framework (NSF), which is ready for submission to the Cabinet for final approval. The NSF provides for revised national norms and standards for sanitation and equitable sanitation provision across all settlement types; Strengthening the monitoring and compliance to standards, and setting measures to improve service delivery, such as support in various forms to address service delivery challenges. For instance, the rapid rural-urban migration leads to the establishment of new informal settlements across all major towns. The current legislation does not allow municipal investment in infrastructure development in informal settlements. Therefore, municipalities provide informal settlements with buckets or chemical toilets as temporary solutions for sanitation. In other instances, households in informal settlements build makeshift pit latrines, which are slightly more dignified than bucket toilets. In short, the NSF seeks to enable municipalities to provide dignified sanitation solutions to informal settlements, among many other issues.

The Bucket Eradication Programme is established to eradicate buckets toilets in formal areas. It is worth noting that the bucket toilets in formal areas keep increasing due to informal settlements' formalisation. In this case, the Department will work with municipalities to provide sanitation so that the minimum norms for sanitation are adhered to in informal settlements.

The Department of Human Settlements commissioned an audit on the state of sanitation in South Africa in 2012, which found that the use of bucket toilets as a form of sanitation was prevalent in the Eastern Cape (7 237); Free State (32 042); North Cape (14 797) and North West (3 503). This means the total number of bucket toilets in formal areas was 57 579 post-1994 in its close-out report. With the establishment of the Department of Water and Sanitation in 2014, the Sanitation programme was transferred from the Department of Human Settlements. This included the critical Bucket Eradication Programme, which was already under implementation. The severity and urgency to eradicate bucket toilets brought together DHS, then DWAF and Department of Cooperative Governance and Traditional Affairs to constitute what is popularly known as Troika. The Troika of Ministries established an integrated working environment that pooled together financial and technical resources to expedite the incremental realisation of the constitutional right to water, dignity and a safe environment. In this regard, the State-owned entities and institutions were appointed as BEP implementing agents, in particular, the Water Boards providing bulk water services in the various provinces and institutions such as the Bloem Water (Free State), Magalies Water (North West), Municipal Infrastructure Support Agency and Sedibeng Water (Northern Cape), and National Urban Reconstruction and Housing Agency (Eastern Cape).

The communities' preferences influenced the choice of sanitation technology to replace the bucket toilet. The government sought to use a mix of sanitation solutions, including waterborne and ventilated improved pit (VIP) toilets, but communities rejected the latter.

The Select Committee on Appropriations recommended to the Minister not to use Public Entities in the implementation of the Indirect Grant (6B), which the Department of Water and Sanitation complied with by allowing Water Boards to complete the work that was in progress while those that had not started were handed over to the Department for implementation. The BEP is funded through an indirect schedule 6B grant. The majority of the projects that were handed over had the top structure of the toilets completed while lacking bulk services, which are reported to have yet to be part of the scope of works. The constructed toilets that were not flushing and required connection to bulk services stood at 12 221, as shown in Table 1.

Table 1. Bucket Toilets Backlog as at March 2023 in Free State and Northern Cape Provinces						
Province	Town	Number of Buckets	Completed Top Structure of Toilets	Completed Flushing Toilets	Old Completion Date	Revised Completion Date
Free State	Ficksburg	1 469	218	-	March 2023	Sep-23
	Senekal	2 435	2 435	-	March 2023	Oct-23
	Clocolan	3 379	3 379	-	March 2023	Jul-23
	Arlington	1 192	1 192	-	March 2023	Sep-23
	Petrus Steyn	960	960	-	March 2023	Jul-23
	Reitz	739	739	-	March 2023	Aug-23
	Dealesville	1 279	1 279	-	March 2023	Jul-23
Free State Total		11 453	10 202			
Northern Cape	Griekwastad	475	387	387	NA	NA
	Campbell	596	596	-	NA	NA
	Maranteng	392	134	134	NA	NA
	Postdene	219	149	149	NA	NA
	Motswedimosa	656	656	654	NA	NA
	Fraser Moleketi	458	97	97	NA	NA
Northern Cape Total		2 796	2 019	1 421		
Grand Total		14 249	12 221	1 421		

The Department of Water and Sanitation appointed its Construction Unit to complete the bulk services in 6 of 11 towns. The DWS was concerned with the slow pace of implementation and decided to increase the pace of implementation by appointing an NPO, the Gift of the Givers, to undertake this component of its work. However, the appointment of Gift of the Givers was later declared irregular. Further to this, the then Minister Sisulu gave a directive to transfer the BEP to the Department of Human Settlements and the Housing Development Agency (HDA) to manage, and implement the project. The initiative failed as three out of the six HDA contracts were found to be irregular. Nevertheless, the new Minister Mchunu, directed the transfer of the BEP back to the DWS in August 2021. This process was successfully finalised, and contractors were appointed for all projects except for a single project in the Northern Cape province.

Bucket Eradication Projects Progress Report

The estimated completion date for all BEP projects in the Free State province was March 2023, which all projects failed to meet, as shown in Table 2. The actual progress on site stood at 35% on average, with Ficksburg reporting the highest progress at 45%, while Clocolan reported the least progress at 19%.

Reasons for Poor Performance

The procurement of goods and services for the Construction Unit of the DWS contributed to some delays when the Construction Unit commenced work at Senekal, but this has since been resolved with the introduction of the Infrastructure Procurement Policy and Strategy in 2022.

Demand for work by Local Business Forums has disrupted work at Clocolan and Ficksburg projects for more than 80 days, while Reitz and Petrus Steyn also suffered some delays due to demands by these

forums. There is an allegation that these demands may have resulted in the shooting of a site agent in November 2022, who was reported to be on medical leave during the oversight visit. Nonpayment of workers by contractors resulted in labour disputes which contributed to delays mainly at Clocolan and Ficksburg. Some of these delays affected production for almost four months. The majority of the scope of work involves earthworks for constructing pump stations, raising mains and installing bulk pipelines. Senekal recorded up to 80mm of rain per week and a total of 240mm for 3 weeks, while Arlington recorded 195mm of rain for February 2023. The high water table exacerbated the effects of the heavy rains exacerbated at some of the project areas, as the majority of pump stations are located in low-lying areas. In this case, heavy rains significantly disrupted progress on sites with deep excavations, which are filled with water. This results in draining the water through pumping to allow work areas to dry and continue with work. These issues affected almost all projects and resulted in delays of 3-4 months. In addition, poor soil conditions in Dealesville and Arlington necessitated changes to the existing designs mid-construction due to the re-positioning of two pump stations and their outfall sewers to and from the new position of the pump stations. The invert levels (the depth of the sewer lines and the inlet works to the Wastewater Treatment Works) require deeper excavations for the sump to tie in with the network. This situation resulted in very deep excavations (up to 8 metres deep) at some of the pump stations; however, due to the depth and the safety concerns, the excavations had to be opened wider to create safe working environments, which is time-consuming and delays progress. Malfunctioning of wastewater treatment works and lack of capacity at some of these plants are contributing to delays at a majority of projects in Clocolan and Ficksburg. Most wastewater treatment plants are not functional, except for the oxidation ponds at Arlington. Sewage spills are severe, and the use of the toilets that are not yet connected to the bulk sewer lines and disposal of foreign objects into the sewer system worsens the sewage spills through the overflowing manholes. In addition, the theft and vandalism of wastewater treatment plants have completely rendered them dysfunctional. Muggings of operators and other workers at these wastewater treatment plants are also rife. Other challenges include an incomplete or poorly drafted Bill of Quantities, which needed to include some of the essential items and services for the successful implementation of the project, such as the appointment of Community Liaison Officers (CLO). This led to the creation of variation orders, which resulted in an escalation of costs and delays. For example, variation orders were sought for the procurement of dewatering of excavations, purchase of 315mm Class 12 Pipe and appointment of

Items	Projects									Total
	Clocolan	Ficksburg	Senekal	Senekal	Petrus Steyn	Reitz	Arlington	Dealesville		
			G5							
Project Budget	R61 433 919	R88 301 290	R28 778 750	R79 369 770	R53 769 323	R54 173 982	R96 109 009	R39 089 815		R501 025 858
Expenditure	R25 467 937	R32 597 937	R5 270 482	R14 678 530	R7 904 604	R6 083 046	R8 010 794	R3 797 178		R103 810 507
Balance	R35 965 983	R55 703 354	R23 508 268	R64 691 240	R45 864 718	R48 090 936	R88 098 215	R35 292 636		R397 215 351
Invoices on Hand	R0,00	R2 282 491	R0,00	R1 079 157	R0,00	R0,00	R0,00	R0,00		R3 361 648
Expenditure (%)	41	36	NA	19	15	11	8	10		20
Actual Progress Onsite (%)	19	45	NA	43	40	43	24	31		35
Estimated Completion Date	Jul-23	Sep-23	NA	Oct-23	Jul-23	Aug-23	11-Sep	27-Jul		

CLOs.

Mitigation Measures to Address Causes of Poor Performance

The Department has undertaken to accelerate all technical and strategic decisions pertaining to the implementation of the BEP in the Free State Province. This would involve reviewing all engineering designs and scope of works and accelerating all pending designs for BEP for all the areas. In addition, all contractors have been instructed to develop project acceleration plans. Mandatory bi-monthly meetings with all contractors will be convened to ensure compliance and adherence to project milestones.

Table 3 provides the detailed interventions for rehabilitating the wastewater treatment plants. For example, the need for a proper waterborne system in Arlington will be resolved by developing a grey water package plant that will provide water for flushing toilets.

Table 3. Rehabilitation of the Wastewater Treatment Works

WWTP	Type of WWTP	Remedial work	Status of implementation
Ficksburg	Biofilter and Oxidation Ponds 12ML/d – operating at 9ML/d	Conditional Assessment underway to reinstate WWTW, Feasibility of study to relocate WWTW will be undertaken by DWS; alternatively, improved security measures at the existing location will be explored.	<ul style="list-style-type: none"> Phase 1: Conditional Assessment in April, Feasibility Study (4 months) Implementation – 13 months
Senekal	Biofilter and Oxidation Ponds	Municipality appointed as Implementing Agent – Tender advertised for the reinstatement of the WWTW.	Setsoto LM will be the Implementing Agent. Tender closed on 20 March 2023
Clocolan	Activated Sludge and Oxidation Ponds - 3 ML/d +4.5ML/d	WWTW functional.	None
Arlington	Oxidation Ponds together with a proposed new greywater package plant	Ponds are functional; however, some ponds require maintenance of the liners. .	Functional but will require refurbishment in future.
Petrus Steyn	Biofilter and Oxidation Ponds	Conditional Assessment is underway by DWS to improve functionality.	<ul style="list-style-type: none"> Phase 1: Start on 1 April (Conditional Assessment duration of 1 month),
Reitz	Oxidation Ponds	Conditional Assessment underway by DWS to improve functionality	<ul style="list-style-type: none"> Municipality received MIG Funding for the refurbishment of the WWTW
Dealesville	Oxidation Ponds	Ponds will be reinstated for immediate use, and future upgrades will be determined pending a feasibility study.	<ul style="list-style-type: none"> Contractor to attend to reinstatement Feasibility study for 2023/24

5. OVERSIGHT VISIT – SITE REPORTS

The Committee conducted onsite assessments of BEP projects at Arlington, Petrus Steyn, Reitz, Ficksburg, Senekal and, Clocolan.

5.1. Arlington Site Report

The Committee assessed the Sewer Pump Station currently under construction. The contractor for this project is Tefla. The project has been affected by a high water table and unstable soil conditions. The informal settlements infringe on the sewer pipelines' servitude line, which required resurveying and redirection of the pipeline. Livestock farming also interferes with the project as kraals are located very close to the pump station. The Department indicated that the application for laying the pipelines across the main road had been approved by the Department of Transport but with the condition that the pipeline should be drilled under the road to avoid damage to the road. This would escalate costs and delay the project. This project is delayed, and the estimated completion date is September 2023.

5.2. Petrus Steyn Site Report

The Contractor for this project is Seedi. The Committee assessed the construction works for a new pump station and outflow sewer line. The Department indicated that the construction work was partly delayed by the discovery of electrical cables in the ground, which needed to be shown on the survey maps but were not. The lack of maps that show the existing services on the ground is a cause for concern, leading to delays and escalation of costs as designs have to be amended to accommodate existing services on the ground. This project is also delayed and will be completed in July 2023.

5.3. Reitz Site Report

The Committee inspected the construction of the raising mains for bulk services, severely affected by the flooding and high water table. Seedi, as the contractor, also implements this project. The graveyard is also extending onto the project site delaying the progress. This project is also delayed and estimated to be completed by August 2023.

5.4. Ficksburg Wastewater Treatment Plan and BEP Site Report

The contractor for this project is G5 Group. The Committee assessed the WWTW that will receive the sewage from the Ficksburg BEP when it is completed and the excavations for the bulk sewer lines. Unfortunately, the wastewater treatment plant has been entirely dysfunctional since 2019 due to vandalism and theft. The plant has been stripped of all copper and related metals. The insurance for this plant was cancelled in 2018 due to severe theft and vandalism incidents. Several armed robberies were reported that robbed operators and other workers of their possessions. All these incidents have been reported to the police. There needs to be security to guard the place. The state of this plant means that all the sewage is passing through into the Caledon River untreated. The Department indicated that it had issued several directives to the municipality to address raw sewage discharge into the river.

5.5. Senekal Site Report

This project is implemented by the Construction Unit of the Department while materials are procured through G5 Group. The Committee assessed pump stations 1 and 2. The pump station will collect sewage from all households and pump it to the wastewater treatment plant. The high water table and hard bedrock delayed progress on the project.

The Department reported that the Environmental Impact Assessment and the associated specialist studies, such as the geotechnical studies, were only done after the commencement of the project. If this assessment was undertaken prior to the project, some of the environmental challenges would have been identified and dealt with before the commencement of the project. The estimated completion date is October 2023.

5.6. Clocolan Site Report

This is the biggest BEP project which is set to eradicate 3 379 bucket toilet systems. The G5 Group implements it. This project has five pump stations at this project. The Committee assessed pump station 4 and the Clocolan wastewater treatment plant. The pump station will cater for 400 households, but has a design capacity to serve population growth for the next 20 years. Bedrock and high water table, including heavy rains, negatively affected progress onsite. However, councillors reported that the contractor does not work regularly, in fact, work only resumed in anticipation of the Committee's site visit. However, the G5 group disputed this and stated that they were working at other sites and are on course to complete the project in July 2023. There appears to be a lack of communication between the contractor and the councillors. Nevertheless, the contractor undertook to improve stakeholder relations with the communities and the councillors.

The Clocolan wastewater treatment plant combines an activated sludge treatment system and oxidation ponds. It was upgraded in 2018 from 2.1 to 4.5 mega litres to accommodate the effluent from the BEP. The upgrade was funded through the MIG to the tune of R18 million. Contrary to the presentation by the Department, this plant needed to be fixed during the oversight visit. The reason for the dysfunction is the broken motor due to electricity load shedding. The plant needs to be better maintained as the sedimentation tank was covered by green algae, which is a sign of non-functioning of a sedimentation tank that has been sitting idle for an extended period. There was no security at this plant, exposing it to the risk of theft and vandalism.

6. REMARKS AND OBSERVATIONS BY THE COMMITTEE

- 6.1. The Committee was unanimous on displeasure with the slow pace of the implementation of the BEP in the Free State. The forever moving completion dates were less of a concern than the completion date, which has been moving since 2019. Nevertheless, the Committee accepts the new completion dates, which fall within the 3rd quarter of the 2023/24 financial year. It is worth noting that this date is in line with the recently tabled Annual Performance Plan of the Department of Water and Sanitation 2023/24 -2025/26, which shows that the bucket toilets will be eradicated as follows: Q1 (500), Q2 (3628) and Q3 (6670).
- 6.2. The Committee was concerned with the magnitude of poor planning for the entire BEP, resulting in unnecessary delays and cost escalations. For instance, the discovery of electrical cables in the ground at the Petrus Steyn project, hard bedrock and high water table at the majority of projects sites, and encroachment of graveyard and informal settlements onto the project areas are some of the issues that demonstrate that no planning was done. If proper planning was done, the Environmental Impact Assessment, which would have included specialist studies such as geotechnical, heritage and social, among others these issues would have been identified and planned for before the commencement of the project. Another striking example is the installation of complete flush toilets without a connection to the bulk sewer system. The toilets installation should have been the last after the completion of the bulk services. In addition, the too many and costly variation orders are also examples of poor planning and project management.
- 6.3. The Committee noticed the highest level of negligence from the Department and municipalities relating to critical infrastructure, which was left unsecured and not maintained. This has resulted in the complete breakdown of wastewater treatment plants such as those in the Ficksburg and Clocolan regions, where poor operation and maintenance threaten the already scarce freshwater resources. Theft and vandalism are rife because there is no security and wastewater treatment plants are left unattended for extended periods. Apart from the pollution of water resources, lack of security and poor infrastructure maintenance also contribute to wasting financial resources that are supposed to serve other communities across the country.
- 6.4. The transfer of BEP to the Housing Development Agency (HDA) contributed to delays as HDA did not do anything except appointing contractors, some of which were found to have been irregularly appointed.
- 6.5. The Committee noted that the Department and municipalities needed to take advantage of the District Development Model, which could have resolved some of the challenges faced by the BEP, such as laying bulk pipelines across main roads and providing electricity to wastewater treatment plants.
- 6.6. The Committee noted that it costs R96 000 to replace a bucket toilet system which appears to be very expensive for a single flushing toilet. However, bucket toilets violate human rights, and should be eradicated with speed.
- 6.7. The Committee noted the threats and anarchist behavior from the “so-called” construction mafia that are masquerading as business forums demanding work from legitimate contractors.
- 6.8. The Committee noted the shooting incident that resulted in a site agent's hospitalisation. The Committee wishes him a speedy recovery.

7. RESOLUTIONS

Following the oversight visit briefings, observations and remarks, the Committee makes the following resolutions:

7.1. Monthly Projects Progress Report

The Department should provide written monthly project progress reports to Parliament starting June 2023. The Committee will host monthly virtual meetings on BEP from September 2023 to assess

progress towards completion dates as presented during the oversight and agreed to by all stakeholders.

7.2. Infrastructure Security Report

The Department, working with the relevant municipalities, should secure all wastewater treatment plants and related infrastructure. In this regard, the Department should provide a security report to Parliament by June 2023 detailing security provisions at these projects.

7.3. Business Forums

The Department should engage with the South African Police Service and other security agencies through DDM and other intergovernmental relations processes to address the threats and risks associated with the *construction mafia* or business forum and provide a report to Parliament by July 2023.

7.4. Sewage Pollution Directives

The Department should enforce the directives it has issued to all municipalities discharging untreated sewage into rivers, such as Setsoto Local Municipality. It should provide a report on the enforcement of these directives, including but not limited to interventions by polluting municipalities and consequences for continuous pollution of rivers and other water resources by July 2023.

7.5. Nonpayment of workers by Contractors

The Department should intervene where contractors are not paying the workers on time and work with the municipalities to find a way to get the workers paid and ensure that there are consequences for contractors that fail to pay their workers on time.

7.6. Transfer of assets to municipalities

The transfer of assets to municipalities after completion should be done in a way that considers the capacity to operate and maintain within the municipality. Where there is a need for more capacity, the Department should delay handover while assisting the municipality in developing internal capacity by either training existing staff or appointing people with requisite technical skills.

7.7. Technical and Skills Support to Municipalities

The Department should find ways to improve technical and skills capacity in municipalities in order to improve water services delivery. The Department should provide a report on skill development support by August 2023.

7.8. Consequences for the poor performance of the HDA

The Department should provide a report on the consequences to HDA for failing to implement the BEP and irregular appointment of Contractors by August 2023.

7.9. Site Agent

The Contractors should appoint a stand in site manager to avoid project implementation delays while the injured site agent is recuperating.

7.10. Ficksburg Wastewater Treatment Plant

The abandoned old wastewater treatment plant should be revamped to augment the existing plant to accommodate increased sewage volumes. The Department should submit a report on the repairs on this plant which should indicate the timeframes and budget allocations and any other related matters by November 2023.

Report to be considered.