



INVESTIGATIVE REPORT

RECREATIONAL WATER QUALITY, WASTEWATER INFRASTRUCTURE FAILURES, AND THE IMPACT ON HUMAN RIGHTS IN SELECTED AREAS OF THE EASTERN CAPE PROVINCE



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

JULY 2026

1. EXECUTIVE SUMMARY

1.1. This investigative report concerns wastewater infrastructure failures, sewage-related contamination and the impact of polluted rivers, estuaries and coastal waters on constitutional rights in selected areas of the Eastern Cape Province. The investigation focused on areas falling within the jurisdictions of Kouga Local Municipality, Nelson Mandela Bay Metropolitan Municipality and Buffalo City Metropolitan Municipality.

1.2. The investigation was initiated by the South African Human Rights Commission (“SAHRC” or “Commission”) following complaints, stakeholder representations, public reports and media coverage concerning recurring sewage spillages, inadequate wastewater treatment, effluent contamination, elevated microbial levels, affected beaches and degraded riverine, estuarine and coastal environments.

1.3. The Commission investigated whether the relevant municipalities and responsible organs of state had taken reasonable, lawful and effective measures to prevent wastewater-related pollution, maintain wastewater infrastructure, monitor water quality, protect receiving environments and safeguard the rights of affected communities and users of public water resources.

1.4. To obtain independent scientific evidence, the Commission appointed an accredited laboratory to conduct once-off sampling on 14 October 2025 at selected wastewater-related, riverine, estuarine and coastal sites. The testing did not assess potable-water compliance. It assessed conditions relevant to environmental quality, recreational use, ecological functioning and public-health risk.

1.5. The testing provides a snapshot of conditions prevailing at the selected sites on the date of sampling. Water quality may vary due to rainfall, tides, flow conditions, dilution, infrastructure failures and operational incidents. The results must therefore be read together with municipal data, complaint history, oversight findings, reported sewage incidents and infrastructure concerns. The once-off nature of the testing does not diminish the significance of severe results recorded at particular wastewater-related sites.

1.6. The West Bank Wastewater Treatment Facility, within Buffalo City Metropolitan Municipality, produced the most severe results in the investigation. The sample recorded E. coli of 616 000 per 100 millilitres, faecal coliforms greater than 100 000 CFU/100 mL and total coliforms of 712 000 per 100 millilitres. It also recorded dissolved oxygen of only 0.14 mg/L, chemical oxygen demand of 467 mg/L, ammonia as nitrogen of 22.8 mg/L, orthophosphate of 2.760 mg/L and turbidity of 55.70 NTU.

1.7. For contextual purposes, the West Bank E. coli concentration was approximately 1 232 times the minimum acceptable coastal recreational-water benchmark of 500 per 100 millilitres. Subject to confirmation that the general wastewater-discharge limits apply to the relevant discharge pathway, the faecal-coliform result was more than 100 times the general limit of 1 000 per 100 millilitres, chemical oxygen demand was approximately 522.7% above the general limit of 75 mg/L, and ammonia as nitrogen was 280% above the general limit of 6 mg/L. Read cumulatively, the results reflect severe microbiological contamination, substantial organic and nutrient loading and near-total oxygen depletion consistent with raw or inadequately treated wastewater.

1.8. Buffalo City Metropolitan Municipality did not furnish the laboratory reports, sampling records, incident reports and corrective-action records requested by the Commission on 19 March 2026¹ and again on 22 April 2026². A courtesy email regarding the report was sent on 11 June 2026, again serving as a reminder that they had not provided a response³. This created a material information and accountability gap and prevented the Commission from determining whether the severe West Bank conditions had been investigated, contained, corrected and subjected to adequate follow-up monitoring. The Commission finds that the failure to furnish information reasonably required for the performance of its mandate was inconsistent with the duty imposed on organs of state by section 181(3) of the Constitution, read with section 4(2) of the SAHRC Act.

¹ Via an email to Mxolisi Yawa, the City Manager (mxolisiy@buffalocity.gov.za) and Siphatho Handi, the Acting Head of Legal at the time (siphathoh@buffalocity.gov.za)

² Via an email to Mxolisi Yawa and Siphatho Handi, and copying the Executive Mayor, Princess Faku (princessf@buffalocity.gov.za)

³ Via an email to Mlamli Zenzile, Head of Legal Services (mlamliz@buffalocity.gov.za), Mawonga Molose (mawongamo@buffalocity.gov.za) and Ernest Madyaka (ernestm@buffalocity.gov.za) who are believed to be employed in the legal department

1.9. In respect of Kouga Local Municipality, the Commission considered its independent testing, the Municipality's March 2026 monitoring data and the Public Protector's findings concerning the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works. The Jeffreys Bay clarifier outlet recorded *E. coli* and faecal coliforms greater than 2 420 per 100 millilitres, demonstrating a substantial microbiological load entering the final polishing stage. The clarifier outlet is an intermediate treatment point and is not the legally determinative final-discharge point.

1.10. After the polishing-pond stage, the Jeffreys Bay pond outflow recorded *E. coli* of 133 per 100 millilitres, faecal coliforms of 461 per 100 millilitres and total coliforms greater than 2 420 per 100 millilitres. The applicable final-effluent limit requires *E. coli* to remain below 1 per 100 millilitres. The final pond-outflow result therefore remained above the legally operative limit notwithstanding the reduction achieved through the polishing stage.

1.11. The KwaNomzamo Wastewater Treatment Works final effluent recorded *E. coli* and faecal coliforms greater than 2 420 per 100 millilitres. The applicable water-use licence prescribes limits of no more than 1 000 *E. coli* and 1 000 faecal coliforms per 100 millilitres. The recorded results therefore exceeded the licensed limits by at least 142%. Because the results exceeded the laboratory's upper reporting threshold, the actual concentrations and extent of the exceedances may have been materially higher.

1.12. The Commission acknowledges that Kouga Local Municipality undertook capital rehabilitation, refurbishment, monitoring improvements, technical investigations and measures aimed at implementing the Public Protector's remedial action. The Municipality also clarified that certain blank or "No data" entries arose from plant shutdowns, bypass arrangements, report-format limitations and difficulties experienced with a former laboratory service provider. These clarifications and remedial efforts are accepted and demonstrate institutional responsiveness. They do not, however, alter the central finding that sustained compliant final-effluent performance had not yet been achieved.

1.13. Nelson Mandela Bay Metropolitan Municipality furnished coastal beach-monitoring results for samples collected on 2 March and 16 March 2026. The results demonstrate substantial variability over a short period. On 16 March 2026, New

Brighton Beach recorded E. coli of 4 360 per 100 millilitres, 772% above the coastal recreational benchmark of 500 per 100 millilitres, and enterococci of 388 per 100 millilitres, approximately 109.7% above the applicable benchmark of 185 per 100 millilitres. Hobie Beach recorded E. coli of 1 401 per 100 millilitres, approximately 180.2% above the benchmark.

1.14. These coastal results do not, without further investigation, establish the precise source of contamination or amount to a permanent classification of the affected beaches. They nevertheless constitute material public-health risk signals requiring repeat and event-responsive monitoring, source investigation, appropriate warnings or access restrictions where warranted, and timely public communication. The Commission's independent results at the Baakens and Chatty sites further reflected organic enrichment, nutrient-related stress, faecal contamination indicators and, at Chatty, measurable lead requiring targeted investigation.

1.15. The Commission finds that the cumulative evidence establishes serious wastewater-related governance failures in the selected areas. These include non-compliant or inadequately demonstrated treatment performance, severe contamination at particular wastewater-related sites, incomplete or unreconciled monitoring records, vulnerability to episodic pollution, inadequate public-risk management and, in the case of Buffalo City, failure to furnish information reasonably required by the Commission.

1.16. The evidence does not establish that every river, estuary or beach is permanently unsafe, nor that every elevated coastal result arose from a specific wastewater source. Comparatively favourable results were recorded at several coastal sites at the time of sampling. Those results do not negate the need for continued monitoring where wastewater systems remain vulnerable, because water quality may deteriorate rapidly following sewage spills, pump-station failures, infrastructure breakdowns or significant rainfall events.

1.17. The Commission finds that the identified failures implicate the rights to dignity and to an environment that is not harmful to health or well-being. They also engage duties under the National Water Act, the National Environmental Management Act, the Water Services Act, coastal-management legislation and the constitutional and

statutory framework governing local government, public administration and environmental protection.

1.18. The Commission concludes that the existence of infrastructure, refurbishment projects, monitoring programmes or future plans does not by itself establish compliance. The decisive question is whether wastewater systems consistently produce lawful final effluent, prevent sewage from escaping into receiving environments, monitor risks reliably, communicate danger promptly and implement effective corrective measures. In material respects, that standard had not been met.

1.19. The recommendations are differentiated according to the evidence relating to each municipality. Kouga Local Municipality is required to continue and strengthen its remedial measures, demonstrate compliance against the applicable licences, reconcile its monitoring records and complete the Public Protector's remedial action. Nelson Mandela Bay Metropolitan Municipality is required to investigate contamination pathways, undertake targeted repeat monitoring and strengthen precautionary coastal-risk management. Buffalo City Metropolitan Municipality is required to submit an emergency intervention plan for the West Bank facility within 14 days, undertake weekly monitoring until stable compliance is demonstrated for three consecutive months, furnish the outstanding records and institute consequence-management processes where non-performance is established.

1.20. The Department of Water and Sanitation, the competent environmental authorities and the Eastern Cape provincial executive are also required to exercise their regulatory, enforcement and oversight responsibilities. All respondents must provide measurable implementation reports supported by monitoring results, responsible officials, budgets, timelines and proof of action. General assurances, unsupported statements of intention and descriptions of future work will not constitute compliance.

2. INTRODUCTION

2.1. Section 24 of the Constitution guarantees everyone the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures. Wastewater treatment failures, sewage spillages and the

contamination of rivers, estuaries and coastal waters directly negate this constitutional protection.

2.2. Municipalities bear direct responsibilities in relation to sanitation services, wastewater treatment infrastructure, sewer networks, pump stations and the prevention of pollution arising from municipal wastewater systems. These responsibilities are not merely operational but are constitutional and statutory obligations linked to dignity, health, environmental protection and accountable local governance.

2.3. Over a period of time, the Commission received complaints and noted public reports concerning failures at wastewater treatment works, sewage spillages, inadequate effluent management and contamination of rivers and coastal waters in selected areas of the Eastern Cape. These concerns affected watercourses and coastal spaces used for recreation, ecological functioning, tourism, subsistence activity and ordinary community life.

2.4. The Commission accordingly initiated an investigation to assess whether the relevant municipalities and responsible authorities had taken reasonable measures to prevent pollution, maintain wastewater systems, monitor water quality, respond to contamination and protect affected communities and receiving environments.

2.5. This report sets out the background to the investigation, the evidence considered, the applicable legal and regulatory framework, the Commission's assessment, and the findings and recommendations arising from the investigation.

3. MANDATE AND POWERS OF THE COMMISSION

3.1. Constitutional mandate

3.1.1. The Commission is an independent constitutional institution established in terms of Chapter 9 of the Constitution to strengthen constitutional democracy.

3.1.2. Section 184 (1) of the Constitution provides that the Commission must promote respect for human rights and a culture of human rights, promote the protection, development and attainment of human rights, and monitor and assess the observance of human rights in the Republic.

3.1.3. Section 184 (2) empowers the Commission, as regulated by national legislation, to investigate and report on the observance of human rights, take steps to secure appropriate redress where human rights have been violated, carry out research and educate.

3.2. Statutory mandate

3.2.1. The South African Human Rights Commission Act 40 of 2013 (SAHRC Act) further empowers the Commission to investigate alleged human rights violations, obtain information from organs of state, make findings and issue recommendations aimed at securing the observance of human rights.

3.2.2. In terms of section 13 of the SAHRC Act, the Commission may make recommendations to organs of state at all levels of government where it considers such action advisable for the adoption of progressive measures for the promotion and further observance of human rights. The Commission may also undertake studies and request information from organs of state concerning legislative or executive measures relating to human rights.

3.2.3. Section 13 (3) of the SAHRC Act further authorises the Commission to investigate alleged human-rights violations on its own initiative or following receipt of a complaint and, where appropriate, to assist affected persons to secure redress. Section 18 (3) permits the Commission to make known its findings, points of view and recommendations in respect of matters investigated.

3.2.4. This investigation falls within the Commission's mandate because wastewater treatment failures, sewage-related pollution and degraded water environments implicate rights relating to dignity, health, environmental protection, together with constitutional and statutory obligations concerning basic services, public administration and accountable local governance.

4. BACKGROUND AND CONTEXT

4.1. Rivers, estuaries and coastal water systems

4.1.1. Rivers, estuaries and coastal water systems are public environmental resources of ecological, social and economic significance. They support biodiversity, ecological

functioning, recreational use, subsistence activity, tourism, livelihoods and community well-being.

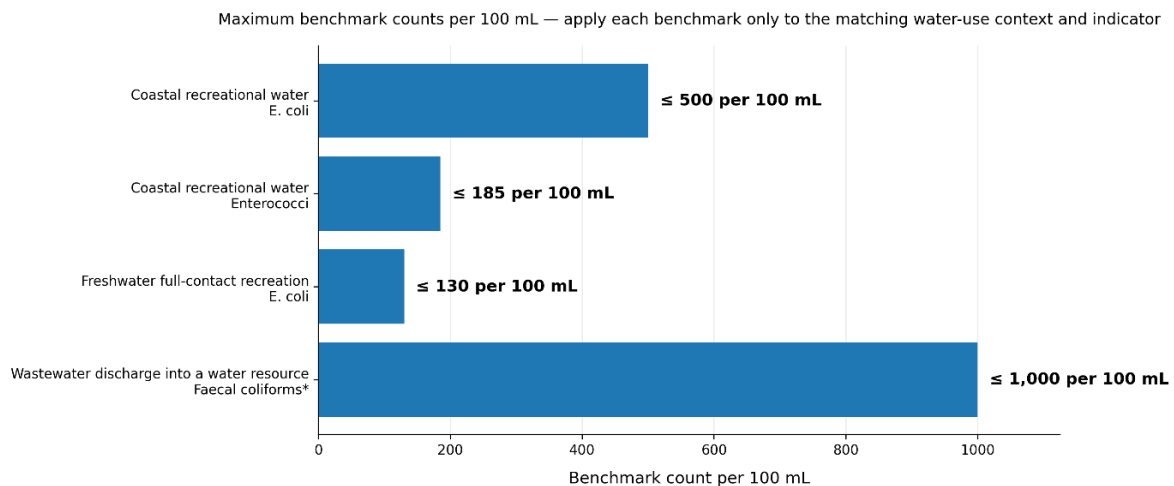
4.1.2. These systems are also vulnerable to wastewater-related pollution. Sewage discharges, nutrient loading, faecal contamination and oxygen depletion can impair aquatic ecosystems, create public-health risks, affect recreational and subsistence use, diminish tourism potential and undermine the enjoyment of public water spaces.

4.1.3. The effects of contaminated recreational water may be considered under three broad categories, namely human health, human safety and amenity. Human-health risks include gastrointestinal illness and other infections associated with microbial contamination. Human-safety risks may arise where suspended solids, organic debris, dense algal blooms or excessive aquatic plant growth reduce visibility or create hazardous conditions for water users. Amenity impacts include offensive odours, discolouration, staining and objectionable floating material, including refuse or faecal matter. These conditions may deter lawful recreational use and may also signal pollution requiring investigation and remedial action.

4.1.4. The constitutional significance of these systems lies not only in their ecological value but also in their connection to human dignity, health, safety, recreation, livelihoods and the broader public interest. Where wastewater failures degrade these systems, the resulting harm is both environmental and human-rights related.

4.1.5. The microbiological results throughout this report must be interpreted against the benchmark applicable to the nature and use of the sampling site. For ocean beaches and coastal waters used for swimming and bathing, the relevant minimum acceptable benchmarks are no more than 500 *E. coli* per 100 millilitres and no more than 185 enterococci per 100 millilitres. Wastewater discharged from a treatment facility into a water resource must be assessed separately. Where the applicable general authorisation governs the discharge, the general faecal-coliform limit should be no more than 1 000 per 100 millilitres.

Reference Microbiological Water-Quality Benchmarks



* Wastewater-discharge value shown: general faecal-coliform limit where the applicable general authorisation applies.

Coastal recreational-water benchmarks must not be treated as wastewater-treatment discharge limits. Facility-specific licences, permits or authorisations must still be confirmed.

Suggested source note: DFFE coastal recreational-water guidance; DWS freshwater recreational-use guidance; National Water Act general authorisation for wastewater discharge.

4.2. The underlying complaint relating to Kouga Local Municipality

4.2.1. The Commission received a complaint alleging ongoing failures at wastewater treatment works in the Humansdorp and Jeffreys Bay areas. The complaint alleged that untreated or inadequately treated sewage was being discharged into the Swart River, Seekoei River and associated watercourses, with contaminated water flowing into lagoons and ultimately into the ocean near Aston Bay.

4.2.2. The complaint further alleged that members of the public continued to use affected watercourses and coastal areas for recreational purposes, including swimming, without adequate warning when contamination occurred, despite Kouga Local Municipality being aware of the risk.

4.2.3. Following receipt of the complaint, the Commission engaged Kouga Local Municipality through formal correspondence requesting information on the operational status of the relevant wastewater treatment works, effluent quality and measures implemented to mitigate environmental and public-health risks.

4.2.4. The Commission issued further follow-up correspondence after an inspection raised concerns regarding the apparent quality of treated effluent and the condition of wastewater ponds.

4.2.5. Kouga Local Municipality provided information relating to refurbishment projects, regulatory engagements with the Department of Water and Sanitation and monitoring arrangements. However, community concerns and public reports concerning effluent contamination and elevated microbial levels persisted.

4.2.6. On 9 April 2026, Kouga Local Municipality furnished the Commission with its March 2026 laboratory and regulatory data. These results confirmed high levels of faecal contamination at critical waste-water treatment points and are considered in the findings below.

4.3. Public Protector findings relating to Kouga Local Municipality

4.3.1. The Commission considered the Public Protector's report issued on 30 September 2025 concerning effluent management and wastewater infrastructure at Kouga Local Municipality.

4.3.2. The Public Protector investigated allegations that functionaries of Kouga Local Municipality failed to ensure that the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works were properly maintained. The complaint before the Public Protector concerned continued sewage spillages and environmental pollution affecting Jeffreys Bay, Humansdorp, KwaNomzamo, nearby rivers, beaches and the ocean.

4.3.3. The Public Protector found that the allegation was substantiated. It found that Kouga Local Municipality did not have adequate measures in place for the maintenance and upgrading of wastewater infrastructure, that the relevant plants were non-compliant with key legal prescripts and that effluent discharges exceeded permissible limits.

4.3.4. In respect of the Jeffreys Bay Wastewater Treatment Works, the Public Protector recorded deficiencies including an unmonitored inlet, inadequate maintenance, inadequate chlorine dosing and the absence of backup power during outages and load shedding.

4.3.5. In respect of the KwaNomzamo Wastewater Treatment Works, the Public Protector recorded that the plant had not been properly maintained, had not operated

at full capacity for an extended period and was associated with untreated or partially treated flows and security vulnerabilities.

4.3.6. The Public Protector further found that the deficiencies in wastewater services infringed constitutional rights, including dignity, a safe environment and access to basic services. It also found that the municipal response lacked urgency and was characterised by weak oversight, insufficient monitoring and inadequate enforcement.

4.3.7. The Public Protector directed remedial action aimed at restoring compliance, strengthening maintenance and monitoring and ensuring accountability. These included quarterly reporting, environmental monitoring, disclosure of effluent quality testing, close-out certification for the KwaNomzamo refurbishment project and implementation or reporting on security measures.

4.3.8. The Commission notes that Kouga Local Municipality's April 2026 response and March 2026 test data demonstrate that material compliance problems persisted after the Public Protector's findings and remedial action. This supports the conclusion that remedial action had not yet achieved sustained wastewater compliance.

4.4. Nelson Mandela Bay Metropolitan Municipality Contamination Concerns

4.4.1. In the Nelson Mandela Bay Metropolitan Municipality, the Commission noted repeated reports and stakeholder concerns relating to contamination of rivers including the Swartkops, Chatty, Baakens and Papenkuils rivers.

4.4.2. Concerns included untreated or partially treated sewage linked to ageing or failing wastewater infrastructure, pump station failures, inadequate maintenance, high levels of faecal contamination, dead aquatic life, foul odours and degraded river conditions.

4.4.3. The Commission's independent testing, which was finalised on 7 November 2025, included sites within Nelson Mandela Bay. The results at the Baakens and Chatty sites reflected pollution pressure, including organic enrichment, nutrient-related stress and faecal contamination indicators. These findings require further investigation, active monitoring and remedial action by the Municipality and relevant regulatory authorities.

4.4.4. Further, on 13 April 2026, Nelson Mandela Bay Metropolitan Municipality furnished the Commission with two coastal beach-monitoring certificates relating to seawater samples collected on 2 March 2026 and 16 March 2026. The samples were taken at Kings Beach, Humewood Beach, Hobie Beach, Pollock Beach, Blue Water Beach, Wells Estate Beach and New Brighton Beach.

4.4.5. The 2 March 2026 results reflected comparatively lower microbiological levels overall. *E. coli* was recorded at less than 10 MPN/100 mL at Kings Beach and Blue Water Beach, 20 MPN/100 mL at Humewood Beach and Wells Estate Beach, 97 MPN/100 mL at Hobie Beach, 155 MPN/100 mL at Pollock Beach and 10 MPN/100 mL at New Brighton Beach. Enterococci were reported below 10 MPN/100 mL at all seven sites.

4.4.6. The 16 March 2026 results reflected a materially different profile at several sites. New Brighton Beach recorded *E. coli* of 4 360 MPN/100 mL and enterococci of 388 MPN/100 mL. Hobie Beach recorded *E. coli* of 1 401 MPN/100 mL, Kings Beach recorded 369 MPN/100 mL and Humewood Beach recorded 203 MPN/100 mL. Pollock Beach, Blue Water Beach and Wells Estate Beach each recorded *E. coli* of 10 MPN/100 mL, while enterococci remained below 10 MPN/100 mL at the sites other than New Brighton Beach.

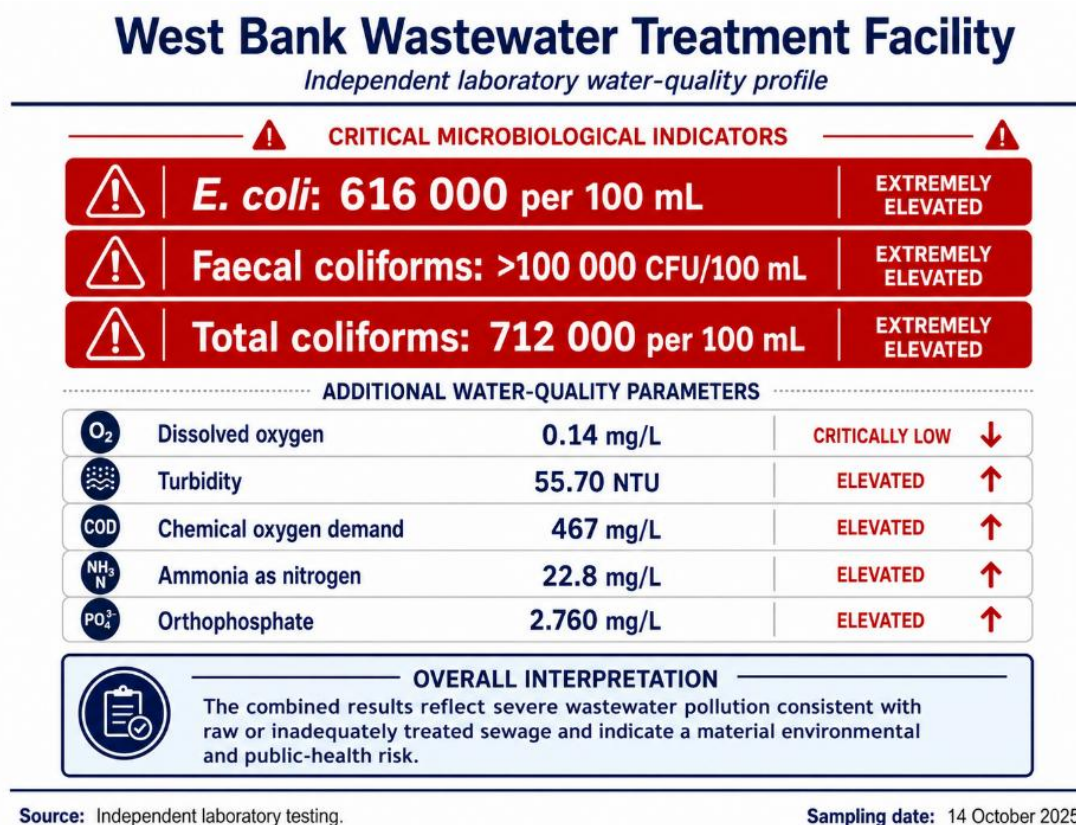
4.4.7. The results demonstrate that coastal-water quality may vary materially over a short period. They do not, without further investigation, identify the precise source of the elevated contamination. They nevertheless require repeat monitoring, contamination source investigation and appropriate public-risk communication where unsafe or potentially unsafe conditions arise.

4.5. Buffalo City Metropolitan Municipality Contamination Concerns

4.5.1. Within Buffalo City Metropolitan Municipality, the Commission noted concerns relating to sewage spills and contamination affecting the Nahoon, Inhlanza and Gonubie rivers and adjacent coastal areas.

4.5.2. Public reports and stakeholder concerns referred to malfunctioning pump stations, wastewater infrastructure failures, elevated *E. coli* levels and questions regarding the safety of popular bathing areas.

4.5.3. The Commission's independent testing, finalised on 7 November 2025, indicated comparatively lower microbiological contamination at certain Buffalo City coastal sites at the time of sampling. However, the West Bank Wastewater Treatment Facility produced severe contamination results. These results require a focused institutional response from the Municipality and relevant oversight authorities.



4.5.4. In order to ensure accuracy and fairness, and to understand the Municipality's current monitoring and remedial position, the Commission addressed written correspondence to Buffalo City Metropolitan Municipality on 19 March 2026 requesting water and wastewater-related test results for the Inhlanza River, Nahoon River, Gonubie River, the treatment-facility outlet located at the Bats Cave coastal area and the treatment-facility outlet located at the West Bank coastal area. Emails dated 22 April and 11 June 2026 were dispatched to the municipality, both serving as reminders that they had yet to provide a response.

4.5.5. The Commission requested copies of the full laboratory reports or test certificates, including the parameters tested and results obtained; the dates and times when the samples were taken; the sampling-point locations; confirmation of who

conducted the sampling and which laboratory tested the samples; and any internal incident reports, corrective actions or remediation steps taken during the preceding month in relation to sewer spills, overflows, pump-station failures or treatment-plant issues which may have affected the identified areas.

4.5.6. At the time of drafting this report, the Buffalo City Metropolitan Municipality had not furnished the requested information. The absence of a response does not in itself establish the condition of each site at the date of preparation of this report. It does, however, create a material information gap. In particular, the Commission has not been provided with the Municipality's own recent monitoring results, incident records or corrective-action records capable of explaining the severe independent results recorded at the West Bank Wastewater Treatment Facility or demonstrating the Municipality's current compliance position.

4.6. Historical media reports and public record of recurring incidents

4.6.1. The Commission also considered media reports and public statements concerning alleged sewage spillages, wastewater infrastructure failures, beach closures, elevated microbial levels and contamination of rivers, estuaries and coastal waters within the affected municipal jurisdictions.

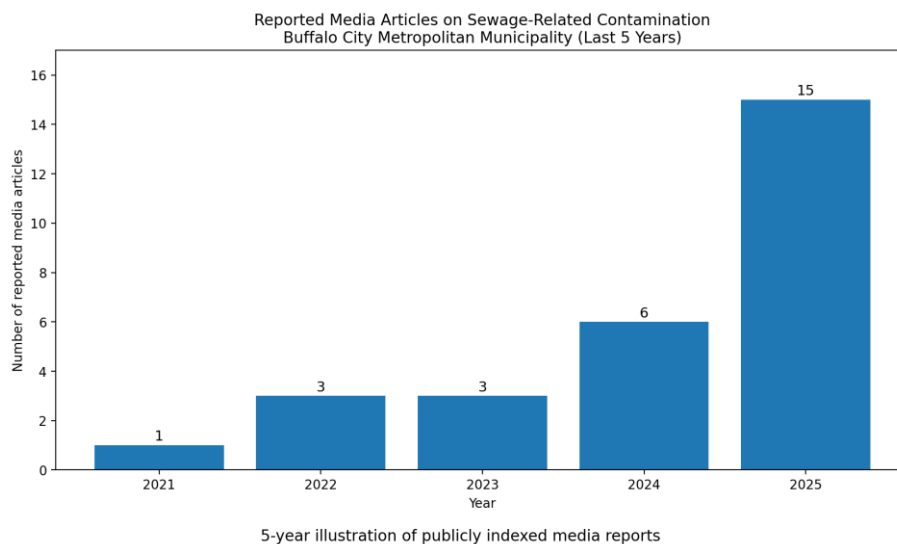
4.6.2. The Commission does not treat media reports as conclusive technical proof of non-compliance. Their relevance lies in the fact that they demonstrate a public record of recurring concerns over time. They are therefore relevant to the Commission's assessment of whether the reported wastewater failures were isolated, recent or unforeseeable, or whether they formed part of a sustained pattern of public concern reasonably within the knowledge of the affected municipalities.

4.6.3. In respect of Buffalo City Metropolitan Municipality, media reports from January 2023 recorded concerns that rolling blackouts, vandalism and sewer pump station failures were allegedly contributing to sewage spillages affecting East London beaches and rivers. Further reports in January 2023 recorded complaints by residents in Nahoon and Gonubie concerning odours, overflowing sewer pump stations and pollution of rivers and beaches. In November 2024, further reporting indicated that Eastern Beach, Orient Beach and Nahoon Beach remained of concern for swimmers due to poor water quality allegedly linked to sewage spills and elevated E. coli

readings. Reporting in September 2025 further referred to repeated sewage spillages affecting Nahoon Beach and the Inhlanza River, including alleged infrastructure failures, inadequate upgrades, vandalism, cable theft, blockages and the absence of backup systems.



Included for contextual purposes only

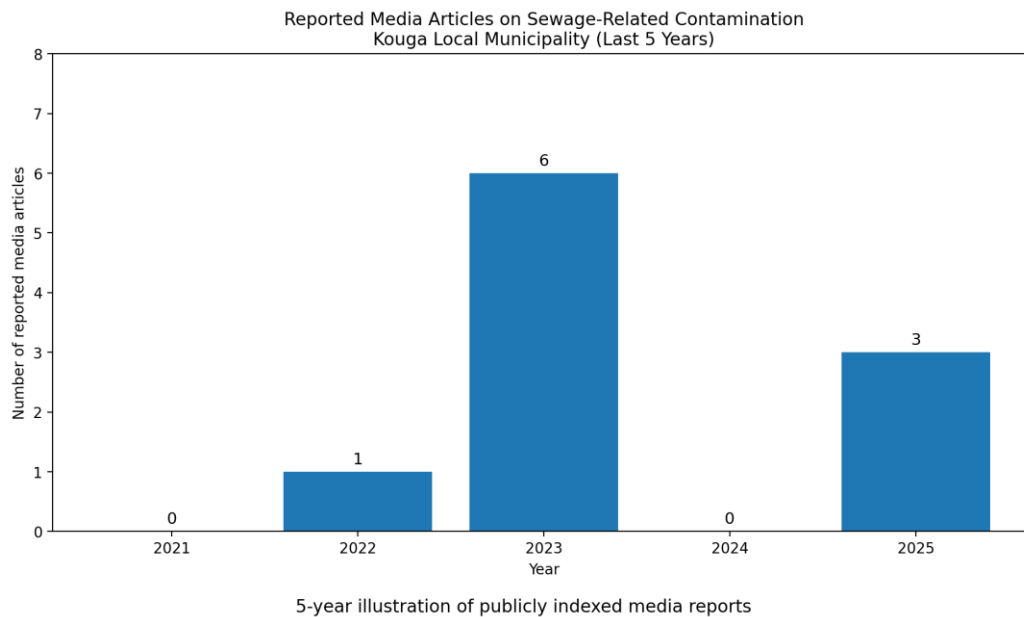


4.6.4. In respect of Kouga Local Municipality, media reports from October 2022 recorded allegations that untreated wastewater from the Jeffreys Bay Wastewater Treatment Plant had travelled through the Swart River to the Seekoei Estuary and into Aston Bay Beach. In February 2023, Kouga Municipality reportedly denied that it was

deliberately dumping raw sewage into the Seekoei Estuary, while the report nevertheless reflected public allegations concerning high E. coli levels and sewage contamination. Further reporting in March and April 2023 referred to fish deaths and odour concerns in the Seekoei Estuary and recorded competing explanations, including residents' allegations of wastewater-related contamination and other possible environmental causes. In August 2023, reporting indicated that Kouga Municipality had admitted to high E. coli levels in parts of the Seekoei Estuary after earlier denying allegations of sewage entering the estuary. A municipal statement issued later in August 2023 further recorded that the Municipality had secured a generator for the Jeffreys Bay Wastewater Treatment Works and had identified areas where raw sewage was overflowing from private properties into the estuary. Public Protector reporting in 2025 further recorded allegations concerning sewage spillages, environmental pollution and the maintenance of the Jeffreys Bay and KwaNomzamo wastewater treatment plants.



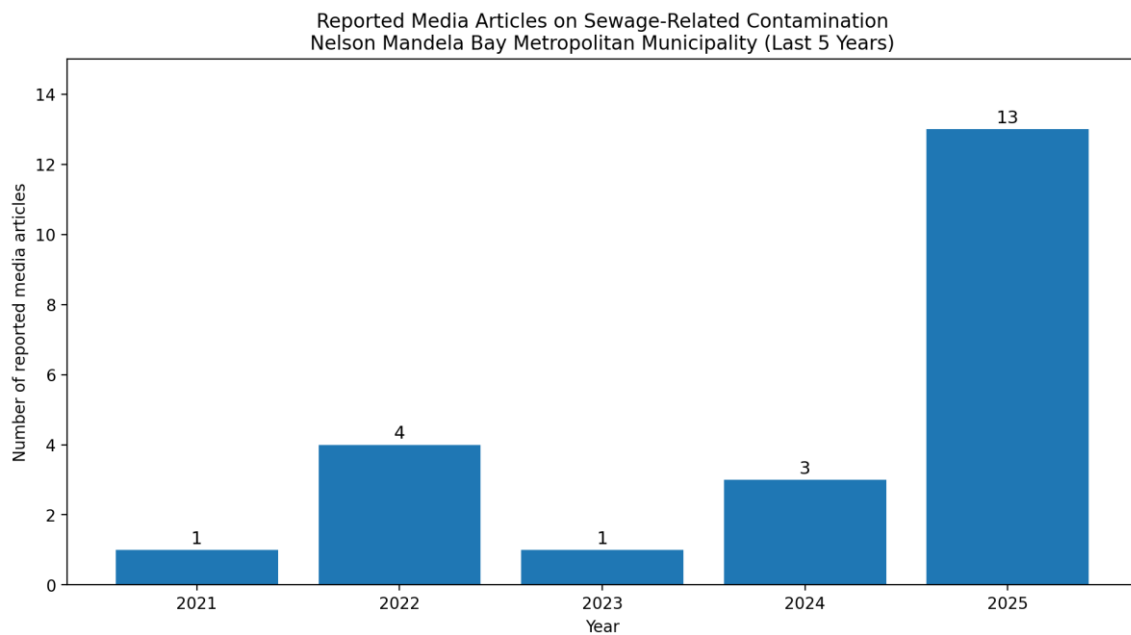
Included for contextual purposes only



4.6.5. In respect of Nelson Mandela Bay Metropolitan Municipality, media reports in 2025 recorded recurring sewage-related concerns affecting beaches and waterways in Gqeberha. Reports in June 2025 indicated that Brighton Beach was likely to remain closed due to sewage pollution and vandalism affecting municipal infrastructure. In July 2025, Kings Beach was reportedly closed following a sewage spill caused by a sewer pipe failure in the South End area, with sewage contamination entering the stormwater system and discharging into the beach area. Further reporting during July 2025 recorded that Kings Beach reopened after sewer blockages were cleared, but that sewage leaks and infrastructure failures continued to affect beaches and waterways in Nelson Mandela Bay. Later reports in July and September 2025 referred to further closures of Kings Beach due to sewage spills, collapsing pipelines and threats to the tourism status of the beach. Reports in October and November 2025 further recorded that, while water quality at Kings Beach had improved at that stage, sewage spills continued to pose a broader risk to Nelson Mandela Bay, and that Brighton Beach had reportedly been closed for an extended period following a sewage spill from the Fishwater Flats area.



Included for contextual purposes only



5-year illustration of publicly indexed media reports

4.6.6. Considered cumulatively, these reports support the conclusion that concerns regarding sewage spillages, wastewater infrastructure failures, beach closures, elevated microbial levels, odour complaints, fish die-offs and contamination of public water environments were repeatedly raised in the public domain over several years. These reports do not replace laboratory evidence, municipal data, regulatory findings

or oversight records. However, they provide important historical context and demonstrate that the issues investigated by the Commission were not isolated, unknown or unforeseeable.

4.6.7. The public record is therefore relevant to the Commission's assessment of municipal knowledge, institutional responsiveness and the adequacy of remedial measures. Where municipalities were repeatedly placed on notice through complaints, media reporting, public concern and oversight processes, the persistence of sewage-related contamination and wastewater failures weighs heavily in assessing whether reasonable and effective measures were taken to prevent pollution and protect affected communities.

5. BASIS FOR COMMISSIONING WATER QUALITY TESTING

5.1. In light of the complaints, public concern, reported sewage incidents, wastewater infrastructure concerns and the possible impact on constitutional rights, the Commission determined that independent scientific testing was required.

5.2. The purpose of the testing was to:

5.2.1. assess microbiological, chemical and nutrient contamination in selected rivers, estuaries, coastal waters and wastewater-related sites;

5.2.2. evaluate risks to public health and aquatic ecosystems;

5.2.3. determine whether the results were consistent with sewage-related pollution or wastewater treatment failures; and

5.2.4. inform the Commission's findings regarding possible violations of constitutional and statutory obligations.

5.3. The Commission accordingly appointed an accredited laboratory to conduct water quality sampling and analysis at selected sites within the three municipal jurisdictions.

6. OVERVIEW OF WATER QUALITY TESTING

6.1. The Commission's appointed laboratory conducted once-off sampling on 14 October 2025 at several selected wastewater-related, riverine, estuarine and coastal sites within Kouga Local Municipality, Nelson Mandela Bay Metropolitan Municipality and Buffalo City Metropolitan Municipality. The relevant findings arising from the analytical testing and accompanying narrative assessment are summarised in this report.

6.2. The laboratory testing provides a snapshot of the conditions prevailing at the selected sites at the time of sampling. The results must therefore be read together with the complaint history, municipal data, reported incidents, oversight findings and infrastructure concerns considered in this report. The once-off nature of the sampling does not diminish the significance of severe results recorded at particular wastewater-related sites.

6.3. The testing focused on parameters commonly associated with sewage contamination, wastewater discharge impact and environmental degradation. These included microbiological indicators, dissolved oxygen, chemical oxygen demand, biological oxygen demand, nutrients, conductivity and related parameters.

6.4. The purpose of the testing was not to assess potable water quality. It was to assess the condition of surface waters and coastal environments used for recreation, ecological functioning and downstream human use.

6.5. The Commission recognises that water quality in rivers, estuaries and coastal environments may vary due to rainfall, tidal influence, flow conditions, dilution, infrastructure performance, operational incidents and timing of sampling.

6.6. However, that variability does not diminish the significance of the results obtained. When the Commission's independent test results are read together with complaint history, reported sewage incidents, municipal data, Public Protector findings and infrastructure concerns, they establish credible evidence of wastewater-related contamination and inadequate wastewater governance in the affected areas.

6.7. The evidentiary record differs across the three municipal jurisdictions. Kouga Local Municipality and Nelson Mandela Bay Metropolitan Municipality furnished municipal water-quality monitoring results which could be considered alongside the Commission's independent testing. Buffalo City Metropolitan Municipality was requested, on 19 March 2026 and again on 22 April 2026, to furnish its own recent laboratory reports, sampling records and incident or corrective-action records relating to the identified Buffalo City sites. As at the date of preparation of this report, those records had not been provided.

7. APPLICABLE LEGAL, POLICY AND REGULATORY FRAMEWORK

7.1. International and regional human rights framework

7.1.1. The Commission also considered relevant international and regional human rights instruments. These instruments reinforce the position that wastewater pollution, where it threatens health, dignity, recreational use, ecological systems or ordinary community life, is not merely a technical service-delivery concern but a human-rights concern.

7.1.2. General Comment No. 15 of the United Nations Committee on Economic, Social and Cultural Rights⁴ recognises the right to water as including sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Although the present investigation does not concern drinking-water compliance, the General Comment is relevant because it emphasises the State's obligation to protect water resources from contamination where pollution threatens health, dignity and daily life.

7.1.3. The World Health Organization's Guidelines on Recreational Water Quality: Volume 1 – Coastal and Fresh Waters⁵ provide health-based guidance for the management of recreational waters. The Guidelines adopt a preventive and risk-based

⁴ UN Economic and Social Council, *General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)*, E/C.12/2002/11, UN Committee on Economic, Social and Cultural Rights (CESCR), 20 January 2003, <https://www.refworld.org/legal/general/cescr/2003/39347>

⁵ World Health Organization, 2021. *Guidelines on recreational water quality. Vol. 1: Coastal and fresh waters*. Geneva: World Health Organization. Available at: [World Health Organization](https://www.who.int/publications-detail/9789241565038)

approach to public-health protection and recommend the use of sanitary inspection together with microbial monitoring to identify and manage pollution risks.

7.1.4. The World Health Organization Guidelines identify intestinal enterococci as the faecal indicator organism for both marine and fresh recreational waters and refer to a guideline value of 200 enterococci per 100 millilitres. That value is not a standalone single-sample rule. The Guidelines require a preventive and risk-based approach that combines sanitary inspection, microbial monitoring, classification and timely public communication where elevated risks are identified.

7.1.5. At a regional level, Article 16 of the African Charter on Human and Peoples' Rights⁶ protects the right to the best attainable state of physical and mental health, while Article 24 protects the right to a general satisfactory environment favourable to development. These provisions are relevant where polluted rivers, estuaries and coastal environments impair health, well-being, ecological integrity or the use and enjoyment of public water spaces.

7.2. Constitutional framework

7.2.1. Section 7(2) of the Constitution⁷ requires the State to respect, protect, promote and fulfil the rights in the Bill of Rights. This duty applies to municipalities and other organs of state exercising public power in relation to sanitation services, wastewater treatment, water-resource protection and environmental governance.

7.2.2. Section 10 guarantees the right to human dignity. Dignity is implicated where people are exposed to sewage spills, persistent foul odours, visibly polluted watercourses, unsafe recreational waters and degraded public environments caused or worsened by failing wastewater systems.

7.2.3. Section 24 guarantees everyone the right to an environment that is not harmful to health or well-being and to have the environment protected through reasonable

⁶ Organization of African Unity (OAU). (1981). *African charter on human and peoples' rights* (Adopted 27 June 1981, entered into force 21 October 1986).

⁷ The Constitution of the Republic of South Africa, 1996

legislative and other measures. Wastewater treatment failures, sewage contamination, nutrient pollution and oxygen depletion directly implicate this right.

7.2.4. Sections 152 and 153 of the Constitution require municipalities to provide services in a sustainable manner, promote a safe and healthy environment and structure their administration, budgeting and planning processes to give priority to the basic needs of communities. Wastewater treatment works, sewer networks and pump stations fall squarely within these responsibilities.

7.3. National Water Act 36 of 1998

7.3.1. The National Water Act establishes the framework for the protection, use, development, conservation, management and control of water resources.

7.3.2. Section 19 requires an owner of land, a person in control of land or a person who occupies or uses land on which an activity, process or situation exists that causes, has caused or is likely to cause pollution of a water resource to take all reasonable measures to prevent such pollution from occurring, continuing or recurring.

7.3.3. This duty applies to municipalities operating wastewater systems and to any person or authority whose land, infrastructure or activities contribute to the pollution of a water resource.

7.3.4. The reasonable measures contemplated under the Act include controlling or ceasing the polluting activity, containing pollutants, eliminating the source of pollution and remedying the effects of pollution.

7.3.5. The recurring presence of sewage-related indicators in water resources directly engages these duties.

7.4. Water Services Act 108 of 1997

7.4.1. The Water Services Act regulates the provision of water supply and sanitation services. Wastewater treatment and sanitation infrastructure are part of the statutory responsibilities of water services institutions.

7.4.2. Municipalities responsible for sanitation services are required to provide and manage such services in a manner that protects communities and the receiving environment. Failure to maintain wastewater treatment works, sewer networks or pump stations may amount to a failure to discharge statutory water-services obligations.

7.5. National Environmental Management Act 107 of 1998

7.5.1. The National Environmental Management Act (NEMA) establishes the general duty of care in respect of pollution and environmental degradation.

7.5.2. Section 28 requires every person who causes, has caused or may cause significant pollution or degradation of the environment to take reasonable measures to prevent such pollution or degradation from occurring, continuing, recurring or, where prevention is not reasonably possible, to minimise and rectify it.

7.5.3. This duty is directly applicable where wastewater infrastructure failures, sewage spillages, inadequately treated effluent or pump station failures cause or contribute to pollution of rivers, estuaries or coastal receiving environments.

7.5.4. NEMA also requires a risk-averse and cautious approach. This is particularly important where sewage-related contamination may expose the public to health risks or degrade sensitive ecosystems.

7.6. National Environmental Management: Integrated Coastal Management Act of 2008

7.6.1. The National Environmental Management: Integrated Coastal Management Act is relevant where land-based effluent discharges, sewage spills or polluted river inflows affect estuaries, river mouths or coastal bathing environments.

7.6.2. The Act requires coastal and estuarine environments to be managed in a manner that promotes ecological sustainability, responsible use and protection of coastal public property and public interests.

7.7. Local Government: Municipal Systems Act 32 of 2000

7.7.1. The Municipal Systems Act reinforces the obligation of municipalities to plan, budget, administer and provide services in a manner that responds to community needs and supports sustainable local development.

7.7.2. Repeated wastewater infrastructure failures, inadequate maintenance and poor public communication reflect shortcomings not only in technical operations but also in municipal governance, planning and accountability.

7.8. Policy and regulatory framework

7.8.1. The Green Drop Certification Programme is a principal incentive-based regulatory programme used by the Department of Water and Sanitation to assess wastewater-management performance and risk. It evaluates the wastewater-management chain, including conveyance, treatment performance, effluent quality, monitoring, institutional capacity and governance controls.

7.8.2. The Green Drop framework confirms that wastewater performance is measured not by the physical existence of treatment infrastructure but by whether the system produces compliant effluent, is properly monitored, is adequately maintained and is managed in a manner that protects receiving environments and public health.

7.8.3. The South African Water Quality Guidelines for recreational use, aquatic ecosystems, coastal marine environments and effluent discharge provide benchmarks for assessing the impact of contamination on human use and ecological functioning.

7.8.4. The National Sanitation Policy is also relevant. It recognises that sanitation strategies must reach disadvantaged persons and communities and remove discriminatory practices. This is important where wastewater failures affect communities that rely on public water environments for recreation, subsistence, livelihoods or ordinary community use, and where poorer or vulnerable communities may have fewer alternatives when local environments become unsafe or degraded.

7.8.5. The Strategic Framework for Water Services is further relevant in that it captures the sector principle that “water is life, sanitation is dignity”. This principle is directly

implicated where wastewater failures, sewage spills and unsafe sanitation infrastructure result in polluted rivers, estuaries and coastal environments.

7.9. Relevant case law

7.9.1. In *Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others*⁸, the Constitutional Court confirmed that environmental protection and socio-economic development must be integrated through sustainable development.

7.9.2. In *Mazibuko and Others v City of Johannesburg and Others*⁹, the Constitutional Court recognised the constitutional significance of water-related services and their relationship to dignity and basic living conditions. The case is also relevant to the reasonableness enquiry because the existence of policies, plans or infrastructure is insufficient where implementation does not secure effective access to constitutionally compliant services in practice.

7.9.3. In *Government of the Republic of South Africa and Others v Grootboom and Others*¹⁰, the Constitutional Court held that State measures aimed at realising socio-economic rights must be reasonable in both design and implementation. This principle is relevant because a municipality cannot rely only on plans, commitments or future interventions where wastewater failures continue to expose communities and receiving environments to harm.

7.9.4. In *Kgetlengrivier Concerned Residents and Another v Kgetlengrivier Local Municipality and Others*¹¹, the High Court granted relief where municipal wastewater failures resulted in raw sewage contaminating rivers. The case confirms that municipal sewage pollution engages environmental obligations, public-health concerns, dignity and accountable local governance.

⁸ [2007] ZACC 13; 2007 (10) BCLR 1059 (CC); 2007 (6) SA 4 (CC)

⁹ (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC) ; 2010 (4) SA 1 (CC) (8 October 2009)

¹⁰ (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46 (CC); 2000 (11) BCLR 1169 (CC) (4 October 2000)

¹¹ (CIV APP FB 04/22; UM69/2021; UM79/2021) [2023] ZANWHC 29; [2023] 2 All SA 452 (NWM) (17 March 2023)

7.9.5. These authorities support the conclusion that persistent sewage pollution and wastewater governance failures are legally serious and may require corrective intervention where ordinary municipal measures have failed.

7.10. SAHRC's Vaal River Inquiry and Inquiry into the Sewerage Pollution of the City of Tshwane's Rivers and the Roodeplaat Dam

7.10.1. The Commission's Vaal River Inquiry provides important contextual guidance for the present investigation. The Vaal matter similarly concerned significant water systems compromised by failing and inadequately maintained wastewater infrastructure, resulting in untreated or inadequately treated sewage entering rivers and related environments.

7.10.2. The Vaal Inquiry recognised that wastewater pollution does not only degrade water quality. It may also harm aquatic ecosystems, threaten biodiversity, affect livestock and downstream users, undermine local economies and expose communities to raw sewage in a manner that directly implicates the rights to dignity and to an environment that is not harmful to health or well-being.

7.10.3. The Inquiry into sewerage pollution in the City of Tshwane's rivers and the Roodeplaat Dam found that the pollution was primarily caused by malfunctioning and poorly maintained waste water treatment works. The SAHRC found that the failure of maintaining waste water plants resulted in extreme levels of E.coli and faecal coliforms in local freshwater sources, and therefore violated several rights, including that of the right to an environment that is not harmful to health or well-being.

7.10.4. The present investigation raises comparable concerns. Persistent wastewater failures and effluent contamination may have cumulative consequences for ecosystem integrity, public health, municipal accountability, livelihoods, tourism, recreation and the quality of life of affected communities.

7.11. South African water quality guidelines

7.11.1. In assessing the water quality results, the Commission was guided by established South African water quality guidelines applicable to surface waters, aquatic ecosystems and coastal environments. These instruments are not drinking-

water standards. They assist in determining whether rivers, estuaries and coastal waters are suitable for recreational use, capable of sustaining aquatic ecosystems and adequately protected from wastewater-related pollution.

7.11.2. The water-quality results must be assessed against the benchmark appropriate to the nature of the sampling point and the purpose of the assessment. Three related but distinct contexts arise in this investigation. The first concerns coastal and freshwater recreational waters used by members of the public for swimming and other direct-contact activities. The second concerns the quality of wastewater discharged from treatment facilities into receiving environments. The third concerns the ecological condition of rivers, estuaries and coastal waters affected by pollution. These contexts overlap but must not be conflated.

7.11.3. For coastal recreational waters, including ocean beaches used for swimming and bathing, the minimum acceptable microbiological benchmark is no more than 500 *E. coli* per 100 millilitres and no more than 185 enterococci per 100 millilitres. Enterococci are particularly relevant in marine and coastal environments because they are recognised indicators of faecal contamination and associated public-health risk.

7.11.4. For freshwater rivers, streams and channels used for full-contact recreation, the South African Water Quality Guidelines identify a target range of no more than 130 *E. coli* per 100 millilitres. Concentrations above this level indicate an increased risk of gastrointestinal illness and other health effects associated with contact with faecal contaminated water.

7.11.5. Wastewater-treatment-facility results must be assessed separately from recreational-water results. Where the applicable general authorisation governs a discharge into a water resource, the general faecal-coliform limit is 1 000 per 100 millilitres. The general authorisation further provides reference limits of 75 mg/L for chemical oxygen demand, 6 mg/L for ammonia as nitrogen and 10 mg/L for orthophosphate as phosphorus. The legally operative limit must nevertheless be confirmed in each instance by reference to the applicable water-use licence, general authorisation, coastal-discharge permit or other relevant authorisation.

7.11.6. A single elevated recreational-water result should not be treated as a permanent classification of a beach, river or other public water area. It is nevertheless

a material public-health risk signal. Where a sample exceeds the applicable numerical benchmark, the responsible authority must investigate the source, conduct repeat sampling, assess whether public warnings or access restrictions are required and communicate risk promptly to affected users.

7.11.7. Certain laboratory results are reported using notation such as “greater than” or “less than” a stated value. A result recorded as greater than 2 420 per 100 millilitres does not mean that the concentration was exactly 2 420 per 100 millilitres. It means that the concentration exceeded the upper reporting limit and may have been materially higher. Any calculated exceedance must therefore be described as a minimum exceedance.

7.11.8. The South African Water Quality Guidelines for Coastal Marine Waters: Recreational Use identify intestinal enterococci as the preferred indicator organism for marine recreational waters. Elevated enterococci levels indicate increased health risk and support precautionary management measures, including warnings or access restrictions where appropriate.

7.11.9. The South African Water Quality Guidelines for Freshwater Aquatic Ecosystems¹² emphasise the protection of aquatic ecosystem structure and functioning. Dissolved oxygen is a key ecological indicator and sustained low dissolved oxygen conditions indicate ecological stress and possible impairment of aquatic life.

7.11.10. The South African Water Quality Guidelines for Coastal Marine Waters: Natural Environment¹³ recognise that sewage-derived nutrients and organic matter may alter oxygen dynamics, stimulate abnormal biological growth and compromise marine biodiversity.

¹² Department of Water Affairs and Forestry (DWAf). (1996). *South African water quality guidelines. Volume 7: Aquatic ecosystems* (1st ed.). Pretoria: Department of Water Affairs and Forestry

¹³ Department of Forestry, Fisheries and the Environment (DFFE). (2024). *Draft South African Water Quality Guidelines for Coastal Marine Waters – Volume 1: Natural Environment and Mariculture Use*. Department of Forestry, Fisheries and the Environment, Republic of South Africa. *Government Gazette No. 50311*, Notice 4527, 22 March 2024.

7.11.11. The National Guideline for the Discharge of Effluent from Land-Based Sources into the Coastal Environment¹⁴ further reinforces the need for pollution prevention, precautionary management, monitoring, contingency planning and adaptive management where wastewater discharges may affect coastal receiving environments.

7.11.12. These guidelines are relevant because the Commission's test results included elevated faecal indicators, nutrient loading, organic pollution and critically low dissolved oxygen at certain sites. These parameters are directly connected to wastewater treatment performance, public-health risk and ecological integrity.

8. WATER QUALITY PARAMETERS TESTED AND THEIR SIGNIFICANCE

8.1. The Commission tested parameters commonly associated with wastewater pollution, sewage contamination and ecological stress. The most relevant parameters are summarised below. The detailed site-specific results and their implications are addressed separately in section 9 of this report.

8.2. E. coli

8.2.1. E. coli is a faecal indicator organism associated with contamination from humans and warm-blooded animals. Elevated E. coli levels indicate faecal contamination and possible public-health risk, particularly where members of the public may swim, bathe or otherwise come into direct contact with affected water.

8.3. Faecal coliforms

8.3.1. Faecal coliforms are indicators of faecal contamination and may point to sewage pollution, inadequate wastewater treatment or sanitation-system failure.

8.4. Enterococci

¹⁴ Department of Environmental Affairs. (2014). National Guideline for the Discharge of Effluent from Landbased Sources into the Coastal Environment. Pretoria, South Africa. RP101/2014.

8.4.1. Enterococci are recognised indicators of faecal contamination in marine and coastal waters and are associated with an increased risk of gastrointestinal illness following recreational exposure.

8.4.2. Elevated enterococci levels at inland, estuarine or coastal sites indicate faecal contamination and warrant precautionary public-health management, further investigation and appropriate risk communication where members of the public may be exposed.

8.5. Dissolved oxygen

8.5.1. Dissolved oxygen is a key indicator of aquatic-ecosystem health. Low dissolved-oxygen levels are commonly associated with organic pollution, sewage-related impacts and ecological stress. Critically low levels may impair aquatic life and indicate severe degradation of the receiving environment.

8.6. Chemical oxygen demand and biological oxygen demand

8.6.1. Chemical oxygen demand and biological oxygen demand are indicators of organic loading. Elevated values indicate the presence of organic pollution and may contribute to oxygen depletion and ecological degradation in receiving environments.

8.7. Nutrients

8.7.1. Ammonia, nitrate and phosphate are commonly associated with sewage effluent and other pollution sources. Elevated nutrient levels may contribute to eutrophication, excessive algal growth, toxicity, oxygen depletion and broader ecosystem degradation.

9. SITE-SPECIFIC WATER QUALITY FINDINGS

Despite written requests addressed to the Buffalo City Metropolitan Municipality on 19 March 2026 and 22 April 2026, the Commission had not, as at the date of drafting this report, received the Municipality's own recent laboratory reports, sampling records, incident reports or corrective-action records relating to the affected areas.

9.1. Inhlanza River / Coastal Area

9.1.1. This site falls within the Buffalo City Metropolitan Municipality area.

9.1.2. The results recorded a pH level of 9.22, electrical conductivity of 745.00 mS/m, chloride of 2 646.27 mg/L and total dissolved solids of 4 470 mg/L. These results indicate a materially elevated salinity-related profile. The laboratory's technical assessment identified Inhlanza as a brackish coastal or river-mouth environment and noted that salinity in a coastal receiving environment may be influenced naturally by seawater and does not, on its own, establish pollution.

The laboratory further identified a commonly accepted pH range of 6 to 9 for aquatic ecosystems. The recorded pH level of 9.22 exceeded the upper ecological reference value of 9 by 0.22 pH units. As the pH scale is logarithmic, the result is most accurately described as 0.22 pH units above the upper reference value. The elevated pH remains relevant because alkaline conditions may increase ammonia-toxicity risk where ammonia is present.

Dissolved oxygen remained comparatively adequate at 7.22 mg/L, while chemical oxygen demand and biological oxygen demand were recorded at 1.00 mg/L and 0.24 mg/L respectively. The microbiological results did not indicate significant faecal contamination at the time of sampling: *E. coli* was not detected, faecal coliforms were below 1 CFU/100 mL, enterococci were recorded at 26 CFU/100 mL and total coliforms at 8 counts/100 mL. The enterococci result remained below the coastal recreational-water benchmark of no more than 185 per 100 millilitres.

9.2. Nahoon River / Coastal Area

9.2.1. This site is a public recreational coastal area within Buffalo City Metropolitan Municipality.

9.2.2. The sample recorded a pH level of 8.02, electrical conductivity of 5 750 mS/m, turbidity of 2.07 NTU, chloride of 20 211.88 mg/L and total dissolved solids of 31 625 mg/L. The electrical conductivity, chloride and total dissolved solids results indicate a strongly saline profile consistent with the coastal and marine-influenced nature of the sampling point.

9.2.3. Dissolved oxygen was recorded at 7.93 mg/L, indicating comparatively adequate oxygenation at the time of sampling. Biological oxygen demand was recorded at 1.52 mg/L. Chemical oxygen demand was recorded at 2 024 mg/L. The chemical oxygen demand result must be interpreted cautiously because the sample was strongly saline and chloride-rich. In coastal or marine-influenced samples, elevated chloride concentrations may affect the interpretation of chemical oxygen demand results. The result therefore warrants continued monitoring and contextual assessment rather than an isolated finding of organic pollution based solely on the chemical oxygen demand value.

9.2.4. The microbiological profile was comparatively favourable at the time of sampling. *E. coli* was not detected, faecal coliforms were recorded below 1 CFU/100 mL, enterococci were recorded at 4 CFU/100 mL and total coliforms were recorded below 1 count/100 mL. Ammonia as nitrogen was recorded at 0.5 mg/L, nitrate as nitrogen at 1.7 mg/L and orthophosphate at 0.100 mg/L. The results did not indicate material sewage-related microbiological contamination at this sampling point at the time when the sample was collected.

9.2.5. The site nevertheless remains sensitive because pump-station failures, sewage spills, sewer overflows or stormwater contamination may rapidly alter water quality and expose recreational users to public-health risks. Buffalo City Metropolitan Municipality must maintain effective monitoring, incident-response measures and timely public-risk communication for this site.

9.3. Gonubie River / Coastal Area

9.3.1. This site is another public recreational coastal area within Buffalo City Metropolitan Municipality.

9.3.2. The sample recorded a pH level of 7.95, electrical conductivity of 5 750 mS/m, turbidity of 2.10 NTU, chloride of 20 211.88 mg/L and total dissolved solids of 34 500 mg/L. The electrical conductivity, chloride and total dissolved solids results reflect a strongly saline profile consistent with the coastal and marine-influenced nature of the sampling point.

9.3.3. Dissolved oxygen was recorded at 8.18 mg/L, indicating comparatively adequate oxygenation at the time of sampling. Biological oxygen demand was recorded at 1.42 mg/L. Chemical oxygen demand was recorded at 2 169 mg/L. As with the Nahoon River / Coastal Area sample, the chemical oxygen demand result must be interpreted cautiously because the sample was strongly saline and chloride-rich. The result should be considered together with the broader parameter profile and through continued monitoring rather than treated in isolation as conclusive evidence of sewage-related organic pollution.

9.3.4. The microbiological profile was comparatively favourable at the time of sampling. *E. coli* was not detected, faecal coliforms were recorded below 1 CFU/100 mL, enterococci were recorded at 1 CFU/100 mL and total coliforms were recorded at 23 counts/100 mL. Ammonia as nitrogen was recorded at 0.4 mg/L, nitrate as nitrogen at 1.3 mg/L and orthophosphate at 0.110 mg/L. The results did not indicate material sewage-related microbiological contamination at this sampling point at the time when the sample was collected.

9.3.5. The comparatively favourable results do not eliminate the need for precautionary monitoring. The site remains vulnerable to upstream wastewater-infrastructure failures, sewage spillages, sewer overflows and episodic contamination. Buffalo City Metropolitan Municipality must maintain appropriate monitoring and public-risk communication measures, particularly following reported infrastructure failures, heavy rainfall events or visible deterioration in water quality.

9.4. West Bank Wastewater Treatment Facility

9.4.1. The West Bank Wastewater Treatment Facility, falling within the Buffalo City Metropolitan Municipality's jurisdiction, produced some of the most serious results in the investigation.

9.4.2. The laboratory recorded severe organic and nutrient pollution and significant microbiological contamination. The principal concerns included critically poor dissolved oxygen conditions of 0.14 mg/L, turbidity of 55.70 NTU, chemical oxygen demand of 467 mg/L, ammonia as nitrogen of 22.8 mg/L, orthophosphate of 2.760 mg/L, faecal coliform greater than 100 000 CFU/100 mL, *E. coli* of 616 000 per 100 mL and total coliforms of 712 000 per 100 mL.

9.4.3. The sample reflects severe wastewater pollution. Dissolved oxygen of 0.14 mg/L indicates near-total oxygen depletion capable of causing acute ecological stress. The elevated chemical oxygen demand, ammonia and orthophosphate results demonstrate significant organic and nutrient loading, while the faecal coliform, E. coli and total coliform results demonstrate substantial microbiological contamination. Read cumulatively, the results are consistent with raw or inadequately treated sewage and demonstrate that, at the time of sampling, the treatment process was materially failing to achieve an environmentally acceptable effluent quality. The condition required immediate investigation, containment, corrective action and regulatory oversight.

9.5. Nahoon Wastewater Reclamation Works

9.5.1. The Nahoon Wastewater Reclamation Works, falling within the Buffalo City Metropolitan Municipality's jurisdiction, did not exhibit the same extreme contamination recorded at the West Bank Wastewater Treatment Facility.

9.5.2. The wastewater-related outfall did not exhibit the same acute contamination profile recorded at the West Bank facility. At the time of sampling, dissolved oxygen was 7.92 mg/L, turbidity was 1.01 NTU, biological oxygen demand was 4.12 mg/L, ammonia as nitrogen was 0.4 mg/L and orthophosphate was 0.120 mg/L. The microbiological results were also comparatively lower, with faecal coliforms and enterococci reported below the detection limit, E. coli recorded at 50 per 100 mL and total coliforms recorded at 210 per 100 mL. The laboratory nevertheless recorded a chemical oxygen demand value of 2 047 mg/L. For contextual comparison, the general wastewater-discharge reference value is 75 mg/L where that general authorisation applies. Numerically, 2 047 mg/L is approximately 27.3 times the reference value and approximately 2 629.3% above the reference value.

9.5.3. However, this result must be interpreted cautiously. The same sample recorded a chloride concentration of 17 055.70 mg/L and total dissolved solids of 31 749 mg/L, indicating a strongly saline or marine-influenced profile. Because the sample was strongly saline and chloride-rich, the chemical oxygen demand result must be interpreted cautiously and together with the broader parameter profile. The Municipality must explain the hydraulic pathway associated with the outfall, confirm the interpretation of the elevated chemical oxygen demand result through repeat

sampling or an appropriate validated method and demonstrate whether lawful effluent limits are consistently being met.

9.5.4. However, the results reflected wastewater-associated parameter patterns and elevated salinity. Given the sensitivity of adjacent recreational and coastal environments, continued compliance monitoring remains necessary.

9.6. Jeffreys Bay Coastal Area and Wastewater Treatment Works

9.6.1. The Commission's independent testing at the Jeffreys Bay coastal site, falling within the Kouga Local Municipality's jurisdiction, indicated comparatively low microbiological contamination at the time of sampling.

9.6.2. The comparatively low microbiological result recorded at the Jeffreys Bay coastal or surf site on 14 October 2025 does not displace the separate March 2026 municipal data concerning treatment performance at the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works. The datasets relate to different sampling points and different dates and must be read together rather than treated as contradictory.

9.6.3. Kouga Local Municipality's March 2026 data demonstrates a serious treatment-performance concern at the Jeffreys Bay Wastewater Treatment Works where the clarifier outlet recorded *E. coli* and faecal coliforms greater than 2 420 per 100 millilitres.

9.6.4. After the polishing pond stage, the recorded levels reduced to *E. coli* 133 per 100 millilitres and faecal coliform 461 per 100 millilitres, with total coliform remaining greater than 2420 per 100 millilitres. This is not inherently contradictory. Total coliforms constitute a broader category of indicator organisms than faecal coliforms and *E. coli* and may include bacteria associated with faecal material as well as bacteria occurring in the wider environment. The results therefore indicate that the polishing pond achieved a partial reduction in the more faecally specific indicators but did not eliminate the broader microbiological load.

9.6.5. The maturation or polishing pond achieved a partial reduction in indicator-organism levels. The pond outflow recorded *E. coli* of 133 per 100 millilitres, faecal

coliforms of 461 per 100 millilitres and total coliforms greater than 2 420 per 100 millilitres. The applicable Jeffreys Bay final-effluent limit requires *E. coli* to remain below 1 per 100 millilitres. The final pond-outflow *E. coli* result therefore remained above the legally operative limit notwithstanding the reduction achieved through the polishing stage.

9.6.6. On the available evidence, the Municipality has not demonstrated sustained compliant treatment performance at the Jeffreys Bay Wastewater Treatment Works.

9.7. Bluewater Bay Coastal Area

9.7.1. The Bluewater Bay coastal site falls within Nelson Mandela Bay Metropolitan Municipality and forms part of a coastal receiving environment potentially affected by upstream wastewater, stormwater and catchment-related pollution inputs.

9.7.2. The sample recorded a pH level of 8.13, electrical conductivity of 5 760 mS/m, turbidity of 1.52 NTU, chloride of 21 539.42 mg/L and total dissolved solids of 33 408 mg/L. The electrical conductivity, chloride and total dissolved solids results reflect a strongly saline profile consistent with the coastal and marine-influenced nature of the sampling point.

9.7.3. Dissolved oxygen was recorded at 8.25 mg/L, indicating comparatively adequate oxygenation at the time of sampling. Biological oxygen demand was recorded at 1.68 mg/L, while chemical oxygen demand was recorded at 1 987 mg/L. The chemical oxygen demand result must be interpreted cautiously because the sample was strongly saline and chloride-rich. In coastal or marine-influenced samples, elevated chloride concentrations may affect the interpretation of chemical oxygen demand results.

9.7.4. The microbiological results reflected comparatively low risk at the time of sampling. *E. coli* was not detected, faecal coliforms were recorded below 1 CFU/100 mL, enterococci were recorded at 19 CFU/100 mL and total coliforms at 23 counts/100 mL. The enterococci result remained below the applicable coastal recreational-water benchmark of no more than 185 per 100 millilitres. Ammonia as nitrogen was recorded at 0.4 mg/L, nitrate as nitrogen at 0.6 mg/L and orthophosphate at 0.090 mg/L. The

results did not indicate material sewage-related microbiological contamination at the time of sample collection.

9.8. Baakens River / Estuarine Area

9.8.1. The Baakens site, falling within the Nelson Mandela Bay Metropolitan Municipality's jurisdiction, reflected concerning evidence of pollution pressure.

9.8.2. The principal concerns at Baakens Valley were biological oxygen demand of 13.52 mg/L and orthophosphate of 1.630 mg/L. Biological oxygen demand reflects the amount of oxygen required by microorganisms to break down biodegradable organic matter in water. The recorded result indicates the presence of a material organic load requiring further investigation. Orthophosphate is a nutrient indicator associated with eutrophication, excessive algal growth and oxygen depletion. The combined profile is therefore consistent with organic enrichment and nutrient-related stress.

9.8.3. For contextual ecological comparison, a United States Geological Survey report¹⁵ records that pristine streams typically have biological oxygen demand below 2.0 mg/L, while streams polluted by organic matter may record biological oxygen demand greater than 13 mg/L. The Baakens Valley result of 13.52 mg/L therefore falls within a range associated with organic pollution. This comparison is included as a contextual scientific reference and does not replace any applicable South African resource-quality objective, estuarine-management benchmark or site-specific ecological baseline.

9.9. Chatty River / Estuarine Area

9.9.1. The Chatty site produced concerning results among the non-wastewater-facility sites.

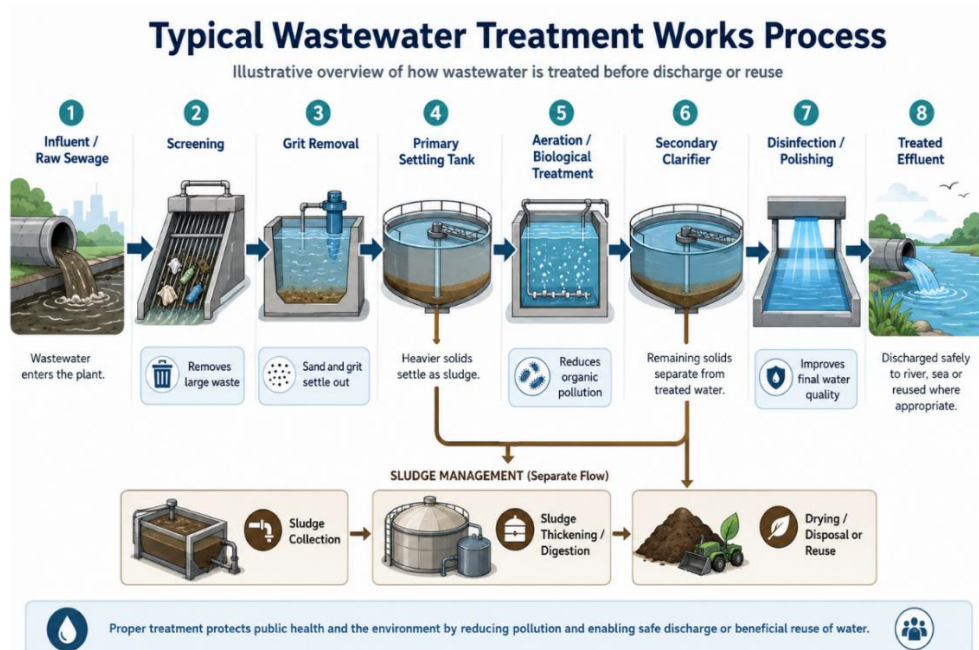
9.9.2. The Chatty sample recorded enterococci greater than 100 CFU/100 mL, total coliforms of 84 000 per 100 mL and lead of 0.017 mg/L. *E. coli* was not detected and faecal coliforms were reported below the detection limit in that sample.

¹⁵ Graham, J.L., Stone, M.L., Rasmussen, T.J., Foster, G.M., Poulton, B.C., Paxson, C.R. and Harris, T.D. (2014). *Effects of Wastewater Effluent Discharge and Treatment Facility Upgrades on Environmental and Biological Conditions of Indian Creek, Johnson County, Kansas, June 2004 through June 2013*. United States Geological Survey Scientific Investigations Report 2014-5187, p. 43 <https://pubs.usgs.gov/sir/2014/5187/pdf/sir2014-5187.pdf>

9.10. New Brighton Beach

9.10.1. Nelson Mandela Bay Metropolitan Municipality's coastal beach-monitoring data recorded E. coli of 4 360 MPN/100 mL and enterococci of 388 MPN/100 mL at New Brighton Beach on 16 March 2026. Measured against the coastal recreational-water numerical benchmarks of no more than 500 E. coli per 100 millilitres and no more than 185 enterococci per 100 millilitres, the recorded values were 772% and approximately 109.7% above the respective benchmarks.

10. WASTEWATER TREATMENT WORKS AND PUMP STATIONS



10.1. Wastewater treatment works are designed to receive sewage and wastewater, reduce pollutant loads and produce final effluent that is safe for discharge or disposal in accordance with applicable authorisations and standards.

10.2. Proper treatment requires functional inlet works, screening, grit removal, settlement, biological treatment, nutrient reduction, clarification, disinfection and sludge management, depending on the design of the plant.

10.3. A wastewater treatment works cannot be regarded as compliant merely because infrastructure exists or because partial treatment occurs. Compliance depends on whether the system consistently produces effluent that meets applicable microbiological, chemical and physical standards.

10.4. Common failure points include broken or blocked inlet works, non-functional screens, overloaded settling tanks, inadequate desludging, aeration failure, clarifier failure, disinfection failure, pump failure, power interruption, cable theft, vandalism, poor maintenance, weak process control and inadequate monitoring.

10.5. The microbiological parameters must be interpreted according to their indicator value. Elevated *E. coli*, faecal coliform and enterococci results indicate faecal contamination. Total coliform results provide additional evidence of microbiological contamination but are less source-specific and must be interpreted alongside the more specific faecal indicators. Elevated nutrients indicate sewage-derived or other nutrient pollution. High organic loading and low dissolved oxygen indicate degraded treatment performance and ecological stress.

10.6. Pump stations and sub-stations form part of the same wastewater system. Where they fail due to mechanical breakdown, electrical failure, blockage, vandalism, cable theft, poor maintenance or delayed operational response, untreated sewage may overflow before reaching the wastewater treatment works.

10.7. Municipalities are therefore required to maintain not only treatment plants but the full wastewater chain, including sewer networks, pump stations, rising mains, backup power systems, monitoring arrangements, security measures and emergency response capacity.

10.8. A municipality cannot reasonably claim that its wastewater system is functioning where sewage repeatedly escapes into the environment at pump stations or where final effluent remains non-compliant.

11. LEGAL ANALYSIS

11.1. The central question is whether the relevant municipalities and responsible authorities discharged their constitutional and statutory obligations to prevent pollution, protect water resources, maintain wastewater infrastructure, monitor contamination and act reasonably in circumstances where environmental harm and public-health risk were known or reasonably foreseeable.

11.2. The evidence before the Commission is not speculative. The independent laboratory results demonstrated severe contamination at certain wastewater-related sites. At the West Bank Wastewater Treatment Facility, faecal coliforms were recorded at greater than 100 000 CFU/100 mL. Subject to confirmation that the general wastewater-discharge limit applies to the relevant discharge pathway, this result was more than 100 times the general limit of 1 000 per 100 millilitres and at least 9 900% above that limit. Chemical oxygen demand of 467 mg/L was approximately 522.7% above the general limit of 75 mg/L, while ammonia as nitrogen of 22.8 mg/L was 280% above the general limit of 6 mg/L. The facility also recorded *E. coli* of 616 000 per 100 millilitres and dissolved oxygen of only 0.14 mg/L, indicating severe faecal contamination and near-total oxygen depletion.

Kouga Local Municipality's own March 2026 data further recorded faecal coliforms greater than 2 420 per 100 millilitres at the Jeffreys Bay Wastewater Treatment Works clarifier outlet and in the KwaNomzamo Wastewater Treatment Works final effluent. At Jeffreys Bay, the clarifier outlet is an intermediate treatment point rather than the legally determinative final-discharge point. The result nevertheless demonstrates a substantial microbiological load entering the final polishing stage. At KwaNomzamo, the final-effluent result exceeded the applicable licensed microbiological limit of 1 000 per 100 millilitres by at least 142%. Because the results were reported as greater than 2 420 per 100 millilitres rather than as exact values, the true concentrations may have been materially higher. The Jeffreys Bay final pond outflow separately recorded *E. coli* of 133 per 100 millilitres against an applicable final-effluent limit of below 1 per 100 millilitres.

11.3. In the case of Kouga Local Municipality, the Public Protector's findings provide important corroboration. The Public Protector found that the relevant wastewater treatment works were not properly maintained, were non-compliant with key legal prescripts, discharged effluent exceeding permissible limits and were subject to weak oversight and insufficient monitoring. The Municipality's later March 2026 data indicates that material compliance failures persisted.

11.4. The environmental right in section 24 of the Constitution is directly implicated. Polluted effluent, faecal contamination, nutrient loading, oxygen depletion and sewage

spillages create conditions that may be harmful to health and well-being and degrade ecosystems that must be protected for present and future generations.

11.5. The right to dignity is also implicated. Communities and public users should not be exposed to sewage contamination, offensive odours, visibly degraded environments, unsafe recreational waters or the loss of ordinary use and enjoyment of public water spaces because of preventable wastewater infrastructure failures.

11.6. The constitutional responsibility resting upon municipalities is not limited to the physical existence of wastewater infrastructure. Sections 152 and 153 of the Constitution require municipalities to provide services sustainably, promote a safe and healthy environment and structure their administration, budgeting and planning processes in a manner that gives priority to community needs.

11.7. Schedule 4 Part B of the Constitution further identifies water and sanitation services, including domestic wastewater and sewage-disposal systems, as a local-government functional area. These obligations require effective operation, maintenance, monitoring, repair and risk management across the full wastewater chain, including treatment works, sewer networks, pump stations, rising mains, overflow-risk points and receiving environments.

11.8. The National Water Act imposes a positive duty to prevent pollution from occurring, continuing or recurring. Where authorities with control over relevant wastewater systems fail, despite knowledge of recurring pollution risks, to take reasonable measures to prevent discharges, leaks or overflows, section 19 is engaged and may be breached.

11.9. NEMA imposes a further duty to prevent, minimise and rectify pollution or environmental degradation. In the present context, this requires investigation, monitoring, containment, repair, improved process control, elimination of pollution sources and remediation where wastewater failures affected receiving environments. NEMA's risk-averse and cautious approach is particularly relevant where river mouths, estuaries and coastal bathing areas are affected because these systems are dynamic, publicly used and ecologically sensitive.

11.10 Two related but distinct legal questions arise from the results. The first is whether the evidence demonstrates pollution or environmental degradation requiring prevention, containment, investigation and remediation. The duties imposed by section 19 of the National Water Act and section 28 of the National Environmental Management Act are engaged where pollution has occurred, is continuing or is likely to recur, irrespective of whether the applicable licence schedule has yet been furnished to the Commission. The second question is whether a specific numeric effluent-discharge condition has been breached. A definitive finding in that regard must be assessed against the applicable water-use licence, general authorisation, coastal-discharge permit or other legally operative condition. The relevant municipalities and regulatory authorities must accordingly provide the applicable instruments and demonstrate compliance against the authorised limits.

11.11. The coastal dimension of the investigation engages the National Environmental Management: Integrated Coastal Management Act. Where sewage spills, inadequately treated effluent, polluted stormwater or contaminated river inflows affect estuaries, river mouths, beaches or coastal waters, the responsible authorities must consider the applicable coastal-management framework, including the regulation of effluent discharged into coastal waters from land-based sources. The evidence does not establish that every elevated coastal result arose from a specific wastewater source. It does, however, require precautionary investigation of possible land-based pollution pathways, appropriate monitoring and timely protective measures where recreational users may be exposed to harm.

11.12. The municipal beach-monitoring data furnished by Nelson Mandela Bay Metropolitan Municipality illustrates why an episodic-risk approach is necessary. At New Brighton Beach, E. coli increased from 10 MPN/100 mL on 2 March 2026 to 4360 MPN/100 mL on 16 March 2026. The latter result was 772% above the minimum acceptable coastal recreational-water benchmark of 500 per 100 millilitres. Enterococci increased from below 10 MPN/100 mL to 388 MPN/100 mL over the same period, approximately 109.7% above the applicable coastal benchmark of 185 per 100 millilitres. Hobie Beach recorded E. coli of 1 401 MPN/100 mL on 16 March 2026, approximately 180.2% above the applicable coastal benchmark. This material variability demonstrates that an isolated lower-risk result cannot reasonably be treated as proof of sustained safety. A municipality remains required to investigate possible

contamination pathways, conduct repeat and event-responsive monitoring and communicate risk promptly where recreational exposure may occur.

11.13. In respect of Buffalo City Metropolitan Municipality, the absence of the laboratory reports, sampling records, incident reports and corrective-action records requested by the Commission on 19 March 2026, 22 April 2026 and 11 June 2026 is legally and institutionally relevant. The absence of those records does not establish the present condition of each site or prove that no remedial action was taken. It does, however, create a material accountability gap and limits the Commission's ability to assess whether the severe West Bank conditions were investigated, contained, corrected and subjected to adequate follow-up monitoring.

11.14. The principles of accountable and transparent public administration are also relevant. Section 195 of the Constitution requires public administration to be accountable and requires transparency to be fostered through the provision of timely, accessible and accurate information. Reliable monitoring data, incident records, public warnings, beach-closure notices, reopening decisions and documented remedial measures are therefore not peripheral administrative matters. They are central to accountable wastewater governance and to the protection of affected communities.

11.15. The applicable case law reinforces this approach. Fuel Retailers confirms the constitutional importance of integrating environmental protection and sustainable development. Grootboom confirms that State measures must be reasonable in both design and implementation. Mazibuko is relevant to the assessment of whether the measures adopted fall within the bounds of reasonableness, while Kgetlengrivier demonstrates the seriousness of persistent municipal wastewater failures where sewage pollution affects rivers and ordinary municipal measures prove ineffective. Read together, these authorities confirm that plans, partial interventions and statements of intent do not discharge constitutional and statutory duties where pollution risks persist and effective implementation has not been demonstrated.

11.16. The international and regional framework supports the same conclusion. General Comment No. 15 emphasises the protection of natural water resources against contamination, including contamination by pathogenic microbes. Articles 16 and 24 of the African Charter reinforce the rights to health and to a satisfactory

environment favourable to development. These standards confirm that wastewater-related pollution must be approached not merely as a technical service-delivery defect but as a matter affecting dignity, health, environmental integrity and accountable governance.

11.17. The Water Services Act and local government framework require municipalities to provide sanitation services and operate wastewater systems in a sustainable and accountable manner. The evidence demonstrates that, in material respects, this standard has not been met.

11.18. The Commission accepts that wastewater systems operate within practical constraints, including ageing infrastructure, funding limitations, vandalism, power instability and technical capacity challenges. However, these factors do not excuse continuing non-compliance, weak monitoring, insufficient maintenance or failure to protect water resources once pollution risks are known.

11.19. The legal issue is not whether municipalities have attempted some remedial steps. The issue is whether those steps have been sufficient, effective and sustained. Where wastewater infrastructure continues to produce non-compliant effluent, where monitoring contains critical data gaps, where receiving environments show sewage-related contamination and where oversight findings remain unresolved, the duty has not been discharged.

11.20. The Department of Water and Sanitation's regulatory and monitoring role is also relevant. Chapter 14 of the National Water Act requires national monitoring and information systems to assess, amongst other things, the quality of water resources, the health of aquatic ecosystems and compliance with applicable objectives and standards. Section 145 further requires water management institutions to make information available where water quality poses risks to health, life, property or the environment. The Department's national reporting and monitoring functions, including chemical, microbial, eutrophication, river, wetland and estuarine monitoring programmes, are relevant in circumstances where microbial contamination and wastewater-related pollution persist. In this context, weak monitoring, delayed enforcement or inadequate disclosure may contribute to the continuation of pollution risk.

11.21. The Commission therefore finds that the evidence establishes failures to prevent pollution, maintain wastewater systems, ensure reliable monitoring and protect the rights of affected communities and users of public water environments.

12. FINDINGS

Site-Based Risk Summary

Indicative concern levels based on reported water-quality findings

Site	Main issue	Indicative concern level
West Bank Wastewater Treatment Facility	Severe wastewater pollution	 Critical
Nahoon Wastewater Reclamation Works	Elevated COD requiring verification	 Moderate
Jeffreys Bay clarifier outlet	Severe faecal contamination	 High
KwaNomzamo final effluent	Severe faecal contamination	 High
New Brighton Beach	<i>E. coli</i> and enterococci deterioration	 High
Hobie Beach	Material <i>E. coli</i> deterioration	 High
Baakens Valley	Organic and nutrient stress	 Moderate
Chatty	Enterococci, total coliforms and lead	 Moderate to high

Illustrative summary of key site-based concerns

12.1. General findings

12.1.1. The Commission finds that the concerns giving rise to this investigation are not isolated incidents. They form part of a broader pattern of sewage spillages, wastewater infrastructure failures, effluent non-compliance, pollution concerns and public complaints affecting rivers, estuaries and coastal environments in the selected areas.

12.1.2. The Commission finds that its independent water quality testing provides credible scientific evidence of wastewater-related pollution at several sampled sites, read with the sample results provided by the Kouga Local Municipality and Nelson Mandela Bay Metropolitan Municipality.

12.1.3. The Commission finds that severe contamination at wastewater-related and riverine sites is consistent with sewage-related pollution and indicates failures in treatment, conveyance, containment, maintenance, process control or monitoring.

12.1.4. The Commission finds that lower contamination levels at certain coastal sites at the time of sampling do not negate the broader pattern of risk. Water quality may vary, but episodic pollution remains legally significant where wastewater infrastructure is known to be vulnerable or non-compliant.

12.1.5. The Commission finds that unexplained, incomplete or unreconciled monitoring records materially undermine wastewater governance. Public authorities cannot reliably manage, verify or report compliance where critical monitoring information is absent or cannot readily be reconciled with the relevant regulatory system.

12.1.6. The Commission finds that the cumulative evidence establishes failures to prevent wastewater-related pollution and to protect affected communities, downstream users and receiving environments.

12.1.7. The Commission further finds that the ability of public authorities to demonstrate compliance depends on the availability and disclosure of credible monitoring data, sampling records, incident reports and corrective-action records. Where such information is not furnished despite a written request, the Commission is unable to verify the current position or assess whether identified risks have been adequately addressed.

12.2. Findings relating to Kouga Local Municipality

12.2.1. The Commission finds that Kouga Local Municipality failed to demonstrate adequate treatment performance at the Jeffreys Bay Wastewater Treatment Works. The March 2026 data recorded *E. coli* and faecal coliforms greater than 2 420 per 100 millilitres at the clarifier outlet. The clarifier outlet is an intermediate treatment point before the maturation or polishing pond stage and should not automatically be treated as the legally determinative final-discharge point. However, where the general faecal-coliform limit of 1 000 per 100 millilitres is used as a reference point, the result was at

least 142% above that limit and demonstrates a substantial microbiological load entering the final treatment stage.

12.2.2. The Commission finds that Kouga Local Municipality failed to demonstrate compliant final-effluent quality at the KwaNomzamo Wastewater Treatment Works. The March 2026 data recorded *E. coli* greater than 2 420 per 100 millilitres and faecal coliforms greater than 2 420 per 100 millilitres in final effluent. The applicable water-use licence prescribes microbiological limits of no more than 1 000 *E. coli* and 1 000 faecal coliforms per 100 millilitres. The recorded results therefore exceeded the licensed limits by at least 142%. Because the results were reported as greater than 2 420 per 100 millilitres rather than as exact values, the actual concentrations and extent of the exceedances may have been materially higher.

12.2.3. The Commission finds that Kouga Local Municipality's reliance on refurbishment, ramp-up and stabilisation does not displace the fact of continuing non-compliance. Remedial steps are relevant, but they do not amount to compliance where final effluent remains materially contaminated.

12.2.4. The blank or "No data" entries created uncertainty regarding monitoring completeness. The information subsequently supplied indicates that some entries arose from report-format limitations, plant shutdowns, bypass arrangements and previous laboratory-service difficulties. The Municipality must nevertheless ensure complete, reconciled and verifiable monitoring records.

12.2.5. The Commission finds that the Public Protector's findings, together with Kouga Local Municipality's own later data, establish that maintenance, monitoring, enforcement and remedial measures had not produced sustained compliance at the relevant plants.

12.2.6. The Commission finds that Kouga Local Municipality failed to take adequate, effective and sustained measures to prevent wastewater-related pollution, protect water resources and safeguard the rights of affected communities and public users.

12.2.7 Notwithstanding the clarifications and remedial efforts acknowledged in section 14, the Municipality's own March 2026 data confirms that final effluent at both plants continued to exceed licensed microbiological limits at the time of reporting.

12.3. Findings relating to Nelson Mandela Bay Metropolitan Municipality

12.3.1. The Commission finds that the Baakens and Chatty sites show evidence of pollution pressure, including faecal contamination indicators, nutrient-related stress, organic enrichment and, in the case of Chatty, measurable lead.

12.3.2. The Commission finds that the comparatively lower readings at certain beaches on 2 March 2026, and those at Pollock Beach, Blue Water Beach and Wells Estate Beach on 16 March 2026, do not negate the elevated results at the affected sites. The variability demonstrates a clear need for regular and responsive monitoring at these sites.

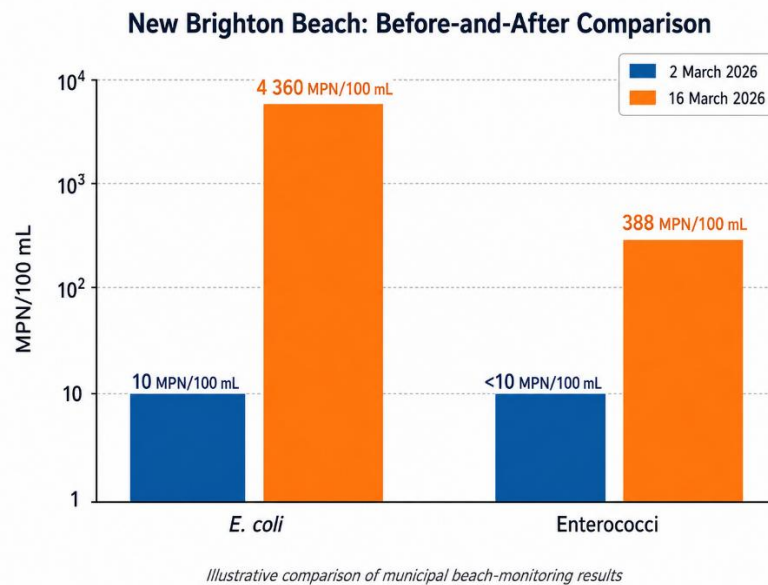
12.3.3. The Commission finds that these results are consistent with pollution inputs associated with urban runoff, sewage intrusion, failing infrastructure or mixed-source contamination.

12.3.4. The Commission finds that the municipal coastal beach-monitoring result recorded at New Brighton Beach on 16 March 2026 is materially concerning. *E. coli* was recorded at 4 360 MPN/100 mL, which was 772% above the minimum acceptable coastal recreational-water benchmark of 500 per 100 millilitres. Enterococci were recorded at 388 MPN/100 mL, approximately 109.7% above the minimum acceptable coastal benchmark of 185 per 100 millilitres. The results represent a significant deterioration when compared with the results recorded at the same site on 2 March 2026, when *E. coli* was recorded at 10 MPN/100 mL and enterococci below 10 MPN/100 mL.

12.3.5. The New Brighton Beach result does not, without further investigation, establish the precise source of the contamination or amount to a permanent classification of the beach. It nevertheless constitutes a material public-health risk signal requiring prompt source investigation, repeat sampling, appropriate public-risk communication and a clear account from Nelson Mandela Bay Metropolitan Municipality of any contemporaneous sewage spills, stormwater incidents, infrastructure failures, warning notices, beach closures or remedial measures.

12.3.6. The Commission further notes that Hobie Beach recorded *E. coli* of 1 401 MPN/100 mL on 16 March 2026, approximately 180.2% above the minimum

acceptable coastal benchmark of 500 per 100 millilitres. Enterococci remained below 10 MPN/100 mL at Hobie Beach on the same date. This mixed profile does not eliminate concern. It requires repeat marine-appropriate sampling and investigation of possible sewage, stormwater, rainfall, tidal and other contamination pathways.



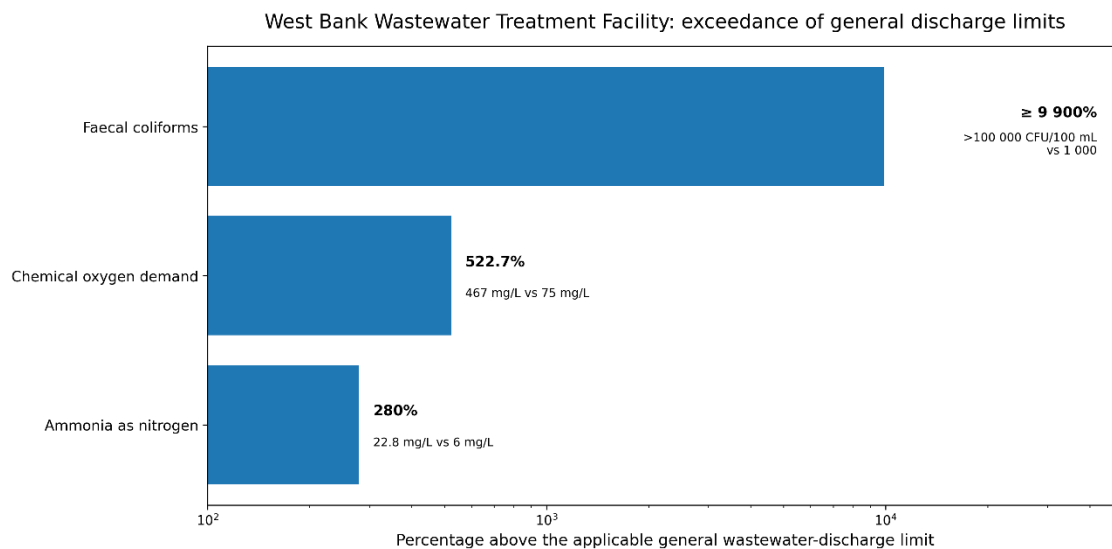
12.3.7. The Municipality must investigate possible sewage, stormwater, wastewater-infrastructure and other contamination pathways and must provide a clear account of any contemporaneous incidents, remedial measures, warning notices, closures and repeat testing to ensure remedial measures are implemented to address contamination risks.

12.3.8. The Commission further finds that public-health risk communication and precautionary monitoring are necessary where public users may be exposed to contaminated water.

12.4. Findings relating to Buffalo City Metropolitan Municipality

12.4.1. The Commission finds that the West Bank Wastewater Treatment Facility reflected severe wastewater-related contamination, including oxygen depletion, elevated organic loading, elevated nutrients and extremely high faecal indicator organisms. The sample recorded *E. coli* of 616 000 per 100 millilitres, faecal coliforms greater than 100 000 CFU/100 mL and total coliforms of 712 000 per 100 millilitres. Subject to confirmation that the general wastewater-discharge limits apply to the

relevant discharge pathway, the faecal-coliform result was more than 100 times the general limit of 1 000 per 100 millilitres and at least 9 900% above that limit. Chemical oxygen demand of 467 mg/L was approximately 522.7% above the general limit of 75 mg/L, while ammonia as nitrogen of 22.8 mg/L was 280% above the general limit of 6 mg/L.



Note: The faecal-coliform result is reported as greater than 100 000 CFU/100 mL; the plotted exceedance is therefore a minimum. Applicability of the general discharge limits remains subject to confirmation for the relevant discharge pathway.

12.4.2. The facility further recorded dissolved oxygen of only 0.14 mg/L, indicating near-total oxygen depletion and acute ecological stress. The applicable coastal ecological guideline states that dissolved oxygen should not fall below 5 mg/L for 99% of the time and should not fall below 6 mg/L for 95% of the time. The recorded concentration was approximately 97.2% below the lower 5 mg/L benchmark. Read cumulatively, the results demonstrate a materially compromised wastewater-treatment function and a substantial risk to receiving environments, including aquatic ecosystems and, where connected coastal environments are affected, marine life.

12.4.3. The Commission finds that Buffalo City Metropolitan Municipality must urgently account for the compliance status, operational condition, monitoring regime and remedial action relating to the West Bank Wastewater Treatment Facility.

12.4.4. Buffalo City Metropolitan Municipality must explain the source, hydraulic pathway and receiving environment associated with the results and must undertake repeat testing and corrective action.

12.4.5. The Commission further finds that although some coastal sites reflected lower microbiological risk at the time of sampling, continued monitoring remains necessary because such sites remain vulnerable to upstream wastewater failures, pump station incidents and episodic contamination.

12.4.6. The Commission finds that Buffalo City Metropolitan Municipality did not furnish the laboratory reports, sampling records, incident reports or corrective-action records requested by the Commission on 19 March 2026, 22 April 2026 and 11 June 2026. This constitutes a material information gap. In the absence of the requested records, the Municipality has not demonstrated that the severe conditions identified at the West Bank Wastewater Treatment Facility were investigated, contained, corrected or subjected to adequate follow-up monitoring.

12.4.7. The Commission finds that Buffalo City Metropolitan Municipality failed to furnish information reasonably required by the Commission for the effective performance of its constitutional and statutory mandate. This failure impeded the Commission's ability to assess the Municipality's monitoring, incident response and remedial action and was inconsistent with the duty imposed on organs of state by section 181(3) of the Constitution, read with section 4(2) of the SAHRC Act, to assist and protect the Commission to ensure its effectiveness.

12.5. Consolidated and human rights findings

12.5.1. The Commission finds that the evidence supports serious and credible concerns of wastewater-related environmental contamination across the municipalities under investigation, with the most severe concerns arising at wastewater-related and certain inland riverine or estuarine sites.

12.5.2. The Commission finds that comparatively better results at some coastal sites do not negate the broader concern regarding wastewater-related risk. Such results may reflect only the conditions prevailing at the time of sampling and do not, without more, rebut the history of complaints, reported incidents, infrastructure concerns, oversight findings or municipal data considered by the Commission.

12.5.3. The Commission finds that the independent results, read together with Kouga Local Municipality's own March 2026 data, Nelson Mandela Bay Metropolitan

Municipality's coastal beach-monitoring data and the unresolved Buffalo City information gap, support serious concern regarding inadequate treatment, maintenance, monitoring, containment and public-risk management within parts of the wastewater-management chain.

12.5.4. The Commission finds that wastewater-related pollution and failures to prevent sewage contamination implicate the right to an environment that is not harmful to health or well-being.

12.5.5. The Commission finds that affected communities and public users are entitled to safe, dignified and environmentally healthy public spaces. Sewage contamination, offensive odours, unsafe recreational waters and degraded rivers and estuaries undermine this entitlement.

12.5.6. The Commission finds that the relevant municipalities have failed, in the respects identified in this report, to discharge their constitutional and statutory duties to prevent pollution, maintain wastewater systems, monitor contamination and protect receiving environments.

12.5.7. The Commission further finds that the affected municipalities remain under a continuing duty to prevent pollution, maintain infrastructure, monitor water quality, communicate public risk and take reasonable remedial measures where wastewater failures affect rivers, estuaries, lagoons, beaches or other public water environments.

12.5.8. The Commission finds that repeated public complaints, media reports, oversight findings, municipal data and independent testing demonstrate that the relevant concerns were not unforeseeable. Where responsible authorities had knowledge, or ought reasonably to have had knowledge, of recurring wastewater failures and contamination risks, a failure to implement effective and sustained corrective measures reflects weaknesses in institutional responsiveness and accountability.

12.5.9. The Commission further finds that inadequate monitoring, incomplete data, delayed public communication and insufficient follow-through on remedial measures are inconsistent with accountable, responsive and transparent public administration.

13. RECOMMENDATIONS

The Commission makes the following recommendations in fulfilment of its constitutional and statutory mandate to investigate, report and secure appropriate redress. Except for the emergency intervention required in respect of the West Bank Wastewater Treatment Facility, all respondents must submit their respective consolidated implementation reports within 60 days of receipt of this report.

The recommendations must be implemented through measurable action and verified evidence. Plans, assurances and statements of intention will not, without proof of implementation, constitute compliance.

13.1. Kouga Local Municipality

13.1.1. The Commission acknowledges that Kouga Local Municipality has undertaken refurbishment, rehabilitation, monitoring improvements and other remedial measures at the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works. The Municipality must continue and strengthen these measures until sustained compliance with all applicable authorisations is demonstrated.

13.1.2. Kouga Local Municipality must secure the compliant and sustainable operation of the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works and the associated sewerage infrastructure, including pump stations, sewer networks, discharge points, backup power, security measures and emergency-response arrangements.

13.1.3. The Municipality must assess and document final-effluent performance at each treatment works against every microbiological, chemical and physical limit contained in the applicable water-use licence or other legally operative authorisation.

13.1.4. The Municipality must ensure that monitoring is undertaken at—

13.1.4.1. the legally determinative final-effluent point at each treatment works;

13.1.4.2. the receiving environment immediately downstream of each authorised discharge point; and

13.1.4.3. the Seekoei River or Estuary mouth and the connected Aston Bay recreational environment where these may be affected by the wastewater-discharge pathway.

13.1.5. Kouga Local Municipality must reconcile its municipal monitoring reports with the Department of Water and Sanitation's Integrated Regulatory Information System and ensure that any blank, omitted or unavailable result is accompanied by a clear explanation of the reason, the operative sampling point and the monitoring undertaken.

13.1.6. Monitoring must include event-responsive testing following sewage spills, treatment failures, pump-station failures, major infrastructure breakdowns and significant rainfall events where these may affect the receiving environment or public recreational waters.

13.1.7. Where testing or an infrastructure incident indicates a possible risk to public health, the Municipality must promptly investigate the source, undertake repeat sampling and issue public warnings or access restrictions where warranted. Any warning must remain in place until repeat testing demonstrates that the risk has passed.

13.1.8. The Municipality must continue to implement the remedial action directed by the Public Protector and provide proof of—

13.1.8.1. environmental and final-effluent monitoring;

13.1.8.2. close-out and operational certification relating to the KwaNomzamo refurbishment;

13.1.8.3. maintenance and security measures implemented at the relevant plants; and

13.1.8.4. progress made in restoring sustained compliant final-effluent performance.

13.1.9. Within 60 days of receipt of this report, the Municipal Manager must submit a consolidated implementation report setting out—

13.1.9.1. the current operational and compliance status of both treatment works;

- 13.1.9.2.** the applicable authorisation and final-effluent limits for each facility;
- 13.1.9.3.** all remedial work completed and outstanding;
- 13.1.9.4.** recent final-effluent and receiving-environment monitoring results;
- 13.1.9.5.** the steps taken to reconcile and improve monitoring records;
- 13.1.9.6.** the responsible officials, approved budgets and completion dates; and
- 13.1.9.7.** proof of implementation of the Public Protector's remedial action and relevant engagements with the Department of Water and Sanitation.

13.2. Nelson Mandela Bay Metropolitan Municipality

13.2.1. Nelson Mandela Bay Metropolitan Municipality must investigate and address the sources of contamination affecting the Baakens and Chatty sites, including possible sewage, stormwater, industrial, urban-runoff and mixed-source pollution pathways.

13.2.2. The Municipality must undertake repeat monitoring at the Baakens and Chatty sites using—

13.2.2.1. upstream and downstream sampling;

13.2.2.2. dry-weather and post-rainfall sampling; and

13.2.2.3. confirmatory sampling where results are anomalous or indicate a possible public-health or ecological risk.

13.2.3. The monitoring programme for the Chatty site must include periodic metals testing, including lead, and must seek to identify any industrial, stormwater or wastewater-related source requiring regulatory intervention.

13.2.4. New Brighton Beach must be treated as a priority coastal-monitoring site. Monitoring must include both *E. coli* and enterococci and must be responsive to—

13.2.4.1. sewage spills and sewer overflows;

13.2.4.2. pump-station and wastewater-treatment failures;

13.2.4.3. major infrastructure breakdowns; and

13.2.4.4. significant rainfall events capable of affecting coastal-water quality.

13.2.5. The Municipality must assess whether enhanced precautionary monitoring is also required at Hobie Beach, Kings Beach and Humewood Beach, having regard to the variability reflected in the March 2026 results.

13.2.6. Where an elevated result or pollution incident is identified, the Municipality must promptly—

13.2.6.1. investigate the source and possible contamination pathway;

13.2.6.2. undertake repeat sampling;

13.2.6.3. assess the need for a warning, closure or access restriction; and

13.2.6.4. communicate the result and protective measures to the public through appropriate municipal channels and physical notices where necessary.

13.2.7. The Municipality must maintain complete records of monitoring results, spills, overflows, pump-station failures, repairs, warnings, closures, reopening decisions and remedial measures.

13.2.8. Where an investigation establishes that an official, contractor or service provider failed to report an incident, respond to an adverse result or implement an assigned corrective measure, the Municipality must take appropriate administrative, disciplinary or contractual action.

13.2.9. Within 60 days of receipt of this report, the Municipal Manager must submit a consolidated implementation report setting out—

13.2.9.1. the contamination pathways investigated and the findings reached;

13.2.9.2. repeat-monitoring results for the Baakens, Chatty and priority coastal sites;

13.2.9.3. relevant sewage spills, sewer overflows, pump-station failures and treatment failures;

13.2.9.4. remedial and preventative measures implemented;

13.2.9.5. the responsible officials, budgets and completion dates; and

13.2.9.6. public warnings, closures, reopening decisions and risk-communication measures implemented.

13.3. Buffalo City Metropolitan Municipality

13.3.1. Buffalo City Metropolitan Municipality must, within 14 days of receipt of this report, submit an emergency intervention plan for the West Bank Wastewater Treatment Facility.

13.3.2. The emergency intervention plan must be approved and signed by the Municipal Manager and must identify—

13.3.2.1. the immediate measures required to contain and prevent further pollution;

13.3.2.2. the operational, infrastructure or process-control failures responsible for the conditions identified;

13.3.2.3. the source, hydraulic pathway and receiving environment associated with the West Bank discharge;

13.3.2.4. the officials and service providers responsible for implementation;

13.3.2.5. the budget and technical resources committed;

13.3.2.6. the timeframes for urgent repairs and restoration of compliant treatment performance;

13.3.2.7. weekly testing of the treatment process, final effluent and linked receiving environment; and

13.3.2.8. immediate public-warning measures wherever human or recreational exposure may occur.

13.3.3. The Municipality must immediately implement all necessary containment, corrective and preventative measures arising from the investigation into the West Bank results.

13.3.4. Weekly testing must continue until the Municipality demonstrates stable compliance with the applicable authorisation for three consecutive months.

13.3.5. The Municipality must assess whether additional sewer connections or development-related loading within the West Bank catchment should be restricted until lawful and operational capacity is independently confirmed. Where no restriction is considered necessary, the emergency intervention plan must contain a signed technical justification.

13.3.6. The Municipality must review the condition and operational reliability of all connected pump stations, sewer lines, rising mains, overflow points, backup-power systems and infrastructure affecting the West Bank facility and receiving environment.

13.3.7. Buffalo City Metropolitan Municipality must investigate whether any official, employee, contractor or service provider—

13.3.7.1. failed to perform an assigned operational, maintenance or monitoring duty;

13.3.7.2. failed to report or respond to an adverse result or pollution incident;

13.3.7.3. failed to implement corrective action; or

13.3.7.4. failed to furnish information lawfully requested by the Commission.

13.3.8. Where misconduct or non-performance is established, appropriate disciplinary, administrative or contractual consequence-management processes must be instituted without delay.

13.3.9. Buffalo City Metropolitan Municipality must furnish all laboratory reports, sampling records, incident reports and corrective-action records previously requested by the Commission.

13.3.10. Within 60 days of receipt of this report, the Municipal Manager must submit a consolidated implementation report setting out—

13.3.10.1. implementation of the emergency intervention plan;

13.3.10.2. all weekly monitoring results obtained;

13.3.10.3. the current operational and compliance status of the facility;

13.3.10.4. repairs, process-control measures and infrastructure interventions completed and outstanding;

13.3.10.5. measures addressing connected pump stations, sewer lines, rising mains and overflow-risk points;

13.3.10.6. the officials, budgets and completion dates assigned to each intervention;

13.3.10.7. public warnings and risk-communication measures implemented;

13.3.10.8. the outcome of the consequence-management investigation; and

13.3.10.9. all records and information previously requested by the Commission but not furnished.

13.4. Reporting standard applicable to the three municipalities

13.4.1. Each municipal implementation report must be signed by the Municipal Manager and must provide verified evidence of implementation.

13.4.2. Each report must identify—

13.4.2.1. the action taken in respect of each recommendation;

13.4.2.2. the accountable official;

13.4.2.3. the approved budget and resources;

13.4.2.4. the completion date or outstanding deadline;

13.4.2.5. monitoring results and supporting records; and

13.4.2.6. any continuing risk and the steps being taken to address it.

13.4.3. General assurances, unsupported statements of intention and descriptions of future work will not constitute compliance.

13.5. Department of Water and Sanitation

13.5.1. The Department of Water and Sanitation must determine the compliance status of every wastewater facility and discharge point identified in this report against the applicable water-use licence, general authorisation or other legally operative discharge condition.

13.5.2. The Department must inspect the West Bank Wastewater Treatment Facility as a matter of urgency and determine whether the conditions identified require a directive, compliance notice, enforcement action or any other intervention under the National Water Act.

13.5.3. The Department must investigate whether the evidence relating to West Bank or any other affected facility discloses a possible offence under section 151 of the National Water Act.

13.5.4. Where the Department identifies evidence of intentional or negligent unlawful pollution, the matter must be referred to the appropriate criminal-investigation and prosecutorial authorities without delay.

13.5.5. The Department must assess whether the affected wastewater systems have been evaluated under the Green Drop framework and must provide their current risk and compliance status where available.

13.5.6. Within 60 days of receipt of this report, the Director-General must submit a consolidated regulatory report setting out:

13.5.6.1. the applicable authorisation, discharge point, parameter and limit for each relevant facility;

13.5.6.2. the Department's assessment of the compliance status of each facility;

13.5.6.3. inspections, directives, compliance notices and enforcement measures undertaken;

13.5.6.4. follow-up monitoring required;

13.5.6.5. the outcome of any investigation into possible offences;

13.5.6.6. the applicable Green Drop status; and

13.5.6.7. written reasons where enforcement action is not considered necessary despite identified pollution, exceedances or continuing risk.

13.6. Provincial and national environmental authorities

13.6.1. The Eastern Cape provincial environmental authority and the responsible national environmental authority must assess whether the pollution and environmental degradation identified in this report require action under NEMA, coastal-management legislation or any applicable environmental authorisation.

13.6.2. The competent environmental authorities must investigate whether any person failed to comply with the duty of care in section 28 of NEMA or committed any offence arising from unlawful and intentional or negligent pollution or environmental degradation.

13.6.3. Where a prima facie offence is identified, the matter must be referred to the appropriate environmental management inspectors, the South African Police Service and the National Prosecuting Authority, as legally appropriate.

13.6.4. Within 60 days of receipt of this report, the responsible authorities must submit a consolidated report setting out:

13.6.4.1. investigations and inspections undertaken;

13.6.4.2. directives, compliance notices or enforcement steps issued;

13.6.4.3. remediation and environmental-monitoring measures required;

13.6.4.4. any referral for criminal investigation; and

13.6.4.5. written reasons where no intervention is considered necessary.

13.7. Provincial cooperative governance and executive oversight

13.7.1. The Eastern Cape MEC responsible for cooperative governance must assess whether the recurring wastewater failures, non-performance of statutory obligations, missing records and apparent absence of consequence management warrant an investigation under section 106 of the Local Government: Municipal Systems Act.

13.7.2. Within 60 days of receipt of this report, the MEC must advise the Commission whether such an investigation will be instituted and, where it will not be instituted, provide written reasons.

13.7.3. If Buffalo City Metropolitan Municipality fails to submit or implement the 14-day emergency intervention plan or fails to demonstrate meaningful corrective action within 60 days, the provincial executive must assess whether the Municipality has failed to fulfil an executive obligation warranting intervention under section 139 of the Constitution.

13.7.4. Any assessment under section 139 must consider the protection of the receiving environment, public health, continuity of wastewater services and the need for effective technical and financial support.

13.7.5. General assurances, unsupported statements of intention and descriptions of future work will not constitute compliance.

13.7.6. The Commission may require further periodic reports, conduct inspections, convene accountability engagements or request additional information where the evidence submitted does not demonstrate effective and sustained compliance.

13.7.7. Failure to comply with these recommendations, provide the required information or demonstrate adequate remedial action may result in the Commission approaching a competent court or taking any further step permitted by its constitutional and statutory mandate.

14. COMMENTS ON THE PROVISIONAL REPORT

14.1. The provisional report was furnished to the affected municipalities for comment before finalisation.

14.2. On 23 July 2026, Kouga Local Municipality submitted written representations together with the applicable water-use licences for the Jeffreys Bay and KwaNomzamo Wastewater Treatment Works, Department of Water and Sanitation collection-system limits, monitoring-completeness information and an extract from the Department's Integrated Regulatory Information System.

14.3. The Municipality clarified that the Jeffreys Bay clarifier outlet is an intermediate treatment point and not the legally determinative final-discharge point. It further provided the applicable final-effluent limits, including an E. coli limit of below 1 per 100 millilitres for the Jeffreys Bay Wastewater Treatment Works and microbiological limits of 1 000 E. coli and 1 000 faecal coliforms per 100 millilitres for the KwaNomzamo Wastewater Treatment Works.

14.4. The Commission accepts these clarifications. It also accepts that certain blank or "No data" entries did not necessarily establish that no monitoring occurred, and that some gaps arose from plant shutdowns, bypass arrangements, report-format limitations and difficulties experienced with a former laboratory service provider. The Municipality's further information also indicates that recent monitoring coverage improved.

14.5. Kouga Local Municipality further advised that it had undertaken capital rehabilitation and refurbishment at the relevant treatment works, improved its monitoring arrangements, instituted technical investigations into possible phenol contamination affecting the KwaNomzamo treatment process, implemented public-risk communication measures and taken steps to comply with the Public Protector's remedial action. The Commission acknowledges these measures as relevant evidence of institutional effort and responsiveness.

14.6. These representations do not alter the central findings. The Municipality's own information confirms that compliant final-effluent performance had not yet been restored. In particular, Kouga Local Municipality expressly stated that the measures taken at KwaNomzamo had not yet restored compliant final effluent and that it did not claim otherwise. It also stated that it did not rely on refurbishment or ramp-up as proof of compliance.

14.7. The further licence information also confirms that the March 2026 results remained materially concerning. At Jeffreys Bay, the pond-outflow E. coli result of 133 per 100 millilitres remained above the applicable final-effluent limit of below 1 per 100 millilitres. At KwaNomzamo, the final-effluent E. coli and faecal-coliform results of greater than 2 420 per 100 millilitres exceeded the applicable licensed microbiological limits of 1 000 per 100 millilitres.

14.8. The Commission therefore accepts the Municipality's clarifications concerning the applicable authorisations, sampling points, monitoring gaps and remedial measures, but remains satisfied that sustained compliant treatment performance had not been demonstrated at the relevant wastewater treatment works.

14.9. The findings and recommendations relating to Kouga Local Municipality accordingly remain unchanged in substance, subject to the clarifications recorded above.

14.10. The Commission also notes that, on 22 July 2026, Nelson Mandela Bay Metropolitan Municipality furnished information in response to separate complaints concerning water-service failures and infrastructure capacity. Although the submission was not made in response to this provisional report, it records material vacancies in wastewater conveyance, wastewater treatment, plant maintenance and scientific services, as well as power-related interruptions affecting multiple pump stations. The information is relevant contextual evidence of operational and institutional pressures within the Municipality's water and wastewater systems, but does not alter the findings in this report concerning the need for targeted investigation, monitoring and remedial action at the identified riverine and coastal sites.

APPEAL

Any department, institution or stakeholder that is the subject of adverse findings or recommendations contained in this report and who wishes to challenge the accuracy, fairness, or completeness of the information presented herein is entitled to lodge an appeal. The appeal must be submitted in writing to the Office of the Chairperson of the South African Human Rights Commission within 45 (forty-five) calendar days from the date of publication of this report. Appeals should be addressed to:

The Chairperson

South African Human Rights Commission
Sentinel House, Sunnyside Office Park
32 Princess of Wales Terrace
Parktown

Johannesburg, 2001

Telephone: 011 877 3600

Email: nkhumalo@sahrc.org.za; odithejane@sahrc.org.za

Signed at East London on this 25 day of July 2026



Dr Eileen Carter
Provincial Manager
South African Human Rights Commission: Eastern Cape



Commissioner Aseza Gungubele
Focal Area Commissioner
South African Human Rights Commission