

Shongweni stench concerns addressed

Deshni Ramkissoo-Pillay

DESPITE being questioned by a handful of residents about their progress to eliminate the stench in Hillcrest, the Upper Highway Air NPC is determined to continue its fight.

Armed with the mission to regain the once fresh air enjoyed in the Upper Highway region, the Upper Highway Air NPO followed procedural guidelines and took the necessary steps informing all authorities about the situation they were faced with following numerous complaints of the noxious odour.

Lauren Johnson, founder of the Upper Highway Air NPC, said together with the websites and app log of complaints and affidavits submitted, the Department of Environmental Affairs took note of the case and the Green Scorpions were tasked to investigate the matter.

Upper Highway Air NPO is represented by an affected resident, Charmane Nel, from Macgregor Erasmus Attorneys.

Why has the air pollution in the area not yet been resolved?

"EnviroServ has admitted to contributing to the malodour experienced in the region, but have always contended they are not the sole source. An investigation done by the Health Department in late 2016 cleared other possible contributors in the area; the sewage works in Shongweni Road, as well as the Transnet pipeline.

"We have also been in contact with the South African Human Rights Commission on the subject as well as various other organisations. From the very beginning we sought the guidance of Desmond D'sa of SDCEA and

Bobby Peak of groundWork, who have on several occasions dealt with similar instances of what we have been experiencing in the Upper Highway areas. We have gained a lot of momentum and at this point are not relying solely on Government authorities to resolve the problem. We are working with our own independent air quality consultants and experts from their relevant fields," said Johnson.

What has been found in the air so far?

The UHA NPC's SANAS accredited testing has shown Hydrogen sulfide (H₂S) and Hydrocarbons (VOC's) present in the air.

Why does it still smell after the UHA's interim relief had been granted?

Johnson said the smell that has swept through homes in the Upper Highway and surrounding areas is landfill gas which is always at the landfill. "Gas will take the path of least resistance to leave the landfill. While acceptance, treatment and disposal has ceased, this does not address the issue of the gas. The gas will be there until a successful engineered active gas extraction and destruction system is implemented at the site," she added.

Is EnviroServ trading now that the Minister conditionally lifted the suspension?

"No, UHA's interim relief still stands halting them from trading. This will stand until the hearing takes place and only if the order is discharged, can they trade. We are gathering evidence for our papers to show that the smell is still present and has not ceased as EnviroServ have contended under oath" said Johnson.



Upper Highway residents march against the toxic stench in Hillcrest on 2 February last year. *PHOTO: Thobele Nzama*

Why do you need to report the smell?

The UHA NPC has received more than 150 000 odour complaints in 2017, which according to them, is priceless ammunition in court.

Complaints logged via the website and apps are sent directly to EnviroServ, eThekweni Municipality Health Department and Air Pollution divisions, the Department of Environmental Affairs and to the Upper Highway Air committee.

This is to keep track of all the complaints logged and to make sure that all the relevant

parties receive the communities submissions. December 2017 alone saw 10,352 complaints.

"Logging a complaint is vital, if you do not complain, it is deemed that you do not have a problem, and therefore nothing will be done to rectify it. Complaints data from the website and apps are also analysed and collated with the findings gathered by our independent experts," said Johnson.

You can download the 'Upper Highway Air' App for Apple or Android, or visit our website to submit an odour complaint.

Gathering formal IAP's for the purpose of litigation

Charmane Nel from Macgregor Erasmus Attorneys urged those interested and affected members of the community who are prepared to formally record in the litigation to be instituted by Upper Highway Air against, among others, EnviroServ and the DEA etc, that they are litigating in protection of their human rights and in their interests, to formally e-mail admin@upperhighwayair.co.za with subject IAP – full name (example: IAP – Jane Doe) with their full names, address, identity number and a short description of their nuisance, odour and/or health impacts suffered, the period over which it has been suffered, and confirmation that they are prepared to be named as interested and affected parties in a schedule to be attached to the court papers.

"You will not, in fact be cited as a party to the litigation but will be named in a schedule as parties who support the litigation instituted by the NPC in protection of your interests and human rights," said Nel.

If you would like to complete a form visit the website (www.upperhighwayair.co.za) to download a form, and e-mail it to admin@upperhighwayair.co.za

EnviroServ responds

EnviroServ spokesman Thabiso Taaka said: "EnviroServ completed all remedial work at the Shongweni Landfill in September 2017 and continues to do air and water quality monitoring. The lifting of the suspension of the site's waste management licence by the Minister of Environmental Affairs was a positive step in the right direction. We are confident that the work we have done, together with the outcome of our independent scientific testing, will see the law reach a fair conclusion so we can continue in the business of safely managing and disposing waste. The next court date is Wednesday, 7 February for the criminal matter."