

# Company guilty of dumping waste

A local company was found guilty in the Boksburg Magistrate's Court for contravening the National Environment Management: Waste Act no 59 of 2008.

The company, Galvspin Galvanizers cc (Accused 1), through its two directors, Frederick Roelof Oosthuizen (Accused 2) and Paul Henry Oosthuizen (Accused 3), entered into a guilty plea with the state and was fined R50 000 as a result.

The company, which faced two counts, was forced to stop all operations immediately and has stopped full operation since the end of 2016.

It was operating a hot-dip galvanizing plant from a leased premises situated at 20 Hamba Kahle Street in Anderbolt.

On count one, the court found that on January 25, last year, at or near 20 Hamba Kahle Street in Anderbolt, the company contravened section 16 (1) (c) of the National Environment Management: Waste Act no 59 of 2008.

The accused unlawfully and intentionally failed to treat the waste and disposed of it in an environmentally unsound manner.

The type of waste ranged from personal protective clothing to at least seven flow bins and six 220l drums containing sludge, ash and dross.

In addition to these larger items, motor oil containers were discovered, as well as a number of paint tins.

Regarding count two, the company contravened section 16 (1) (d) National

Environment Management: Waste Act no 59 of 2008.

The court found that on January 25 at the same address the company or its representatives unlawfully and intentionally failed to manage the waste in such a manner that it did not endanger health or the environment or cause a nuisance through noise, odour or visual impact - as heavy fumes were noted within the building.

During the dipping of metal in molten zinc, a large volume of fumes was also observed leaving through the side of the building.

The company and the state entered into negotia-

tions with regard to a plea and sentence agreement in terms of the provisions of section 105A of the Criminal Procedure Act, 51 of 1977 on both counts, having considered for the facts as agreed between the parties and conditional upon all charges being withdrawn against accused two and three, the state having agreed not to prosecute the members of accused one.

Boksburg Magistrate's Court senior prosecutor Adv Henk Strydom was duly authorised in writing by the National Director of Public Prosecutions to negotiate and enter into a plea and sentence agreement with the

accused as required by section 105A (1) (a) of the Act.

Following the agreement, the state consulted with the investigating officer and the complainant, Yolanda Messenheimer, about the terms of the agreement with regard to the facts and surrounding circumstances, the interest of the community and the admissions made by accused one, among other things.

The investigating officer and the complainant have consented to the plea and the sentence.

The company was fined R25 000 on count one and another R25 000 on count 2 on February 17.