



9/2/15/5-114

CASE DOCKET • SAAKDOSSIER

Station Stasie: TEMBA	CR No. ER No. 386, 12, 2013	Control Register No. Beïroegregister No.
	CASE No. MAS No. 1	Case Register No. Sakeregister No.

Indicate with X: Merk met X:	Case docket Sakdossier <input checked="" type="checkbox"/>	Inquest Docket GDO Dossier <input type="checkbox"/>	Court number Hofnommer <input type="checkbox"/>	Court Case Number Hofsaaknommer ED1/14
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Investigator Ondersoeker: Thapelo Wlahlangu	Tel. No. 071 877 7373	Investigator Ondersoeker	Tel. No.
Investigator Ondersoeker: Dina Boshoff	Tel. No. 083 5326246	Investigator Ondersoeker	Tel. No.
Investigator Ondersoeker	Tel. No.	Investigator Ondersoeker	Tel. No.
Investigator Ondersoeker	Tel. No.	Investigator Ondersoeker	Tel. No.

Day and time of offence/incident:
Datum en tyd van misdryf/voorval:

YY/JJ / MM / DD / HH / MM

and on CP

Day of week: SU MO TU WE TH FR SA
Dag van week: SO MA DI WO DO VR SA

Method used/Entrance gained/Circumstances of death
Metode gebruik/Toegang verkry/Omstandighede van dood:

Type of instrument used **HANDS** Address of offence **BABELEGI**
Tipe instrument gebruik Adres van misdryf

Complainant (initials and surname) **MR. B. MAHATLANI**
Klaer (voorletters en van) Tel. No. (H) Tel. No. (W)

Nature and description of offence Aard en beskrywing van misdryf	Crime code Misdada kode	Nature of property/injuries Aard van eiendom/beserings	Value/Damage Waarde/Skade	Value Waarde
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1. Contravention of Section 24(2) and Section 24F of the National Environmental Management Act 107 of 1998 as amended. Commencing with Activities without environmental authorization as required in terms of Section 24 of NEMA read with GNR 545 dated 18 June 2010 – Activity 5.
2. Commencing with Activities without environmental authorization as required in terms of Section 24 of NEMA read with GNR 544 dated 18 June 2010 – Activity 28.
3. Commencing with Activities without environmental authorization as required in terms of Section 20 and 26(1) of NEMWA Act 59 of 2008 as amended read with GNR 718 dated 3 July 2009, Category A Waste – Activity 15.
4. Failure to comply with a Compliance Notice – Section 31N of NEMA.

FINDING/RESULT OF TRIAL • BEVINDING/UITSLAG VAN VERHOOR

Date of conviction/Finding Datum skuldig bevind/Bevinding: 2014 01 06	COURT DATES HOFDATUMS	REASONS FOR POSTPONEMENTS REDES VIR UITSTEL
OFFENCES CONVICTED OF AND SENTENCE or FINDING OF MAGISTRATE OORTREDINGS WAARAAN SKILDIG BEVIND EN VONNIS of LANDROOS SE BEVINDING GUILTY AS CHARGED.		
Sentence: See attached Plea and sentence agreement.		
6 January 2014 Date/Datum	Polinaudok Prosecutor/Aanklaer	FOR FURTHER REMAND DATES SEE PAGE 6

EXHIBITS • BEWYSSTUKKE

Station/Place
Stasie/Plek

SAPS 13 No. SAPD 13 No. (A) SAPS 43 No. SAPD 43 No.

IR No. OR No. POSITIVE/NEGATIVE Date elimination FP forwarded
POSITIEF/NEGATIEF Datum uitkakeling VA versend

DISPOSAL OF DOCKET and/or Exhibits
BESKIKKING OOR DOSSIER en/of Bewysstukke **FILE**

Remarks
Opmerkings

B/F Dates L/V Datums Initials Paraal B/F Dates L/V Datums Initials Paraal



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Magistrate Moretele Private Bag X1030, TEMBA, 0407.
4347 Temba Main
Road, Next to Temba City Shopping Complex Tel (012)
717 3781 / 3364,

Fax (012) 717 5366
REFERENCE NO:6/4/1
ENQUIRIES:MAKAKABA D.E
TELEPHONE:012 717 2179
FAX NO:086 644 7858

MAGISTRATE
ADMINISTRATIVE HEAD MORETELE
2014 -01- 06
PRIVATE BAG X1030, TEMBA 0407 NORTH WEST PROVINCE, SOUTH AFRICA
MAKAKABA D.E

.....
S A P S
.....

.....
BANKING DETAILS :MAGISTRATE MORETELE

ACCOUNT NAME: DEPT OF JUSTICE MORETELE

BANK NAME: STANDARD

BRANCH NAME: CENTRAL CITY

BRANCH CODE: 052-947

ACCOUNT NUMBER: 330087347

TYPE OF ACCOUNT : CHEQUE

.....
1 - *Communis C D E MALACARAS*
.....
MAGISTRATE MORETELE

Please quote the case number

CHARGE SHEET - KLAGSTAAT

* Make an X in the appropriate block.
Maak 'n X in die toepaslike blokkie.

Case Saak No. RTE 01/14	Date Datum	
Review Case Hersieningsaak No.	Date Datum	
Police station/Polisielokantoor TEMBA	CAS/CR/MAS/MR No. 386/12/2013	Investigation officer/Ondersoekbeampte T. MAHLANGU/D. BOSHOFF
District/Division-Distrik/Afdeling MORETELE	Place of trial/Plek van verhoor TEMBA	Date of first appearance/Datum van eerste verskyning 6/01/2014

Particulars of court officials must be furnished on the minutes of proceedings.
Besonderhede van hofbeamptes moet op die notule van verrigtinge verstrekkend word.

THE STATE versus/DIE STAAT teen

Particulars of accused/Besonderhede van beskuldigde(s):

Name Naam UNICA IRON AND STEEL (PTY) LTD REP. by MOHAMMED ASIF QOSIM			
Address Adres 57 9th STREET BABELLEL, HAMMANSKRAAL			
Male Manlik <input type="checkbox"/>	Female Vroulik <input type="checkbox"/>	Nationality Nasionaliteit SOUTH AFRICAN COMPANY	Age Ouderdom
*In custody In hegtenis <input type="checkbox"/>	On bail Op borgtog <input type="checkbox"/>	Warned Gewaarsku <input checked="" type="checkbox"/>	Date of arrest Datum van arres 06/01/2014
Name Naam			
Address Adres			
Male Manlik <input type="checkbox"/>	Female Vroulik <input type="checkbox"/>	Nationality Nasionaliteit	Age Ouderdom
*In custody In hegtenis <input type="checkbox"/>	On bail Op borgtog <input type="checkbox"/>	Warned Gewaarsku <input type="checkbox"/>	Date of arrest Datum van arres

(hereinafter called the accused) charged with the offence(s) as set out in Annexure(s) I to as attached.
(hierna die beskuldigde genoem) beskuldig van die misdryf(we) soos in Aanhangsel(s) I tot hierby aangeheg, uiteengesit.

Plea Pleit 6/1/14	Guilty Court 1-5
(Date/Datum)	
Judgement Uitspraak	Guilty As Charged on
(Date/Datum)	
Court 1-5	
Sentence on Vonnis op	See Pages 16-19.
6/1/14	1/1/14
Date Datum	Date of appointment to the rank of Magistrate Datum van aanstelling na die rang van Landdros

Director with regard to revision of sentence Aanwysing met betrekking tot hersiening van vonnis
Director with regard to filing of case record Aanwysing met betrekking tot besiening van saakrekord

Case number: E 01/14.....

**PROCEEDINGS IN TERMS OF SECTION 105A OF THE CRIMINAL PROCEDURE ACT
51 OF 1977**

PLEA AND SENTENCE AGREEMENT MATTER

**(HELD AT TEMBA REGIONAL COURT, IN THE REGIONAL DIVISION OF TEMBA IN
THE NORTH WEST PROVINCE)**

In the matter between:

THE STATE

Versus

UNICA IRON & STEEL (PTY) LTD

(hereinafter referred to as "the accused")

Duly represented by Mohammed Asif Qasim, a 42 year old Indian male, South African citizen, residing at 13 Rupee Place, Eldoglen, Eldoraigh.

(hereinafter referred to as "the Director")

RECORD OF PROCEEDINGS

APPEARANCES:

Presiding Officer: Mr. EC BONIGELO

Prosecutor: Advocate M.G. NDIRIMANDE

Defence: Advocate DWP Nel

Interpreter:

Plea and Sentence Agreement

1. The prosecutor informs the court that an agreement as contemplated in section 105A (1) of the CPA has been entered into.
2. The Court is satisfied that the Plea and Sentence Agreement complies with the requirements as contemplated in section 105A of the CPA.
3. The Court convicts the accused on Counts 1 to 5 as contained in the charge sheet and sentences the accused in accordance with the provisions of section 105A of the CPA as contained in Pages 14 -16 of the Plea and Sentence Agreement.

Regional Court Magistrate

Regional Court, Temba

Date

IN THE REGIONAL DIVISION OF THE NORTH WEST PROVINCE

(HELD AT TEMBA)

Case number:

In the matter between:

THE STATE

Versus

UNICA IRON & STEEL (PTY) LTD

(hereinafter referred to as "the accused")

Duly represented by Mohammed Asif Qasim, a 42 year old Indian male, South African citizen, residing at 13 Rupee Place, Eldoglen, Eldoraigh.

(hereinafter referred to as "the Director")

**FLEA AND SENTENCE AGREEMENT IN ACCORDANCE WITH SECTION 105 A OF
THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED**

The Plea and Sentence Agreement

1. **WHEREAS** the accused is charged with the offences set out in the charge sheet and Summary of Substantial Facts.
2. The parties to the above agreement are:

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Page 3 of 19

- 2.1 The State is duly represented by the National Prosecuting Authority in the person of Advocate HR Molefe, Senior Deputy Director of Public Prosecutions, North West Province;
- 2.2 Mohammed Asif Qasim, duly authorised to represent the accused in his capacity as Managing Director, as described in the charge sheet.
- 2.3 Advocate DWP Nel, counsel for the accused, as instructed by Rudi Janse van Rensburg, KMG Attorneys & Associates Incorporated.

3. Authority

- 3.1 Advocate HR Molefe, a Deputy Director of Public Prosecutions, Office of the Director of Public Prosecutions, North West Division, who represents the State, has been authorised by the National Director of Public Prosecutions to enter into this Plea and Sentence Agreement.
- 3.2 Mohammed Asif Qasim, in his capacity as the Managing Director and company representative.
- 3.3 Advocate DWP Nel, counsel for the accused.

4. Legal Obligations of Prosecutor

- 4.1 The prosecutor confirms that before entering into the said Agreement:
 - i. He consulted with Mr. Lourens Badenhorst, one of the investigating officer's and a Director in the Department of Agriculture and Rural Development of the Republic of South Africa, Gauteng Province, which the investigating officer and the Department are the complainants;
 - ii. The Plea and Sentence Agreement has their support; and

4.2 He made the Agreement with the necessary cognisance of the nature and circumstances relating to the offence, the personal circumstances of the accused and the interests of the community.

5. Legal Rights of the Accused

5.1 The accused admits that he, before entering into the Agreement, was informed that he has the right:

- i. to be presumed innocent until proved guilty beyond reasonable doubt;
- ii. to remain silent and not to testify during the proceedings; and
- iii. not to be compelled to give self-incriminating evidence.

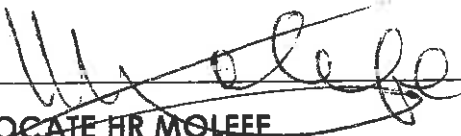
6. Undertaking by the Parties

6.1 All the parties confirm that this document contains all the terms and conditions of their Agreement, all the relevant facts pertaining to this matter and admissions made by the accused.

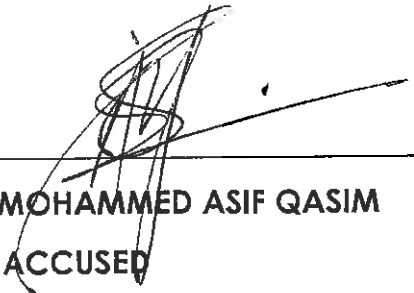
6.2 All the parties confirm the correctness of all the facts stated in the annexure titled "**Terms of Plea and Sentence Agreement**".

6.3 The State and the accused agree that this Agreement constitutes the final settlement of this matter and the State undertakes not to institute or proceed with any further acts against the accused for the offences in respect of which the accused has pleaded guilty and has been convicted in terms of this Agreement.

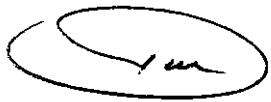
SIGNED AT MMABATHO ON THIS 31ST DAY OF DECEMBER 2013



ADVOCATE HR MOLEFE 31/12/13
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
NORTH WEST PROVINCE



MR MOHAMMED ASIF QASIM
THE ACCUSED



ADVOCATE DWP NEL
COUNSEL FOR THE ACCUSED

IN THE REGIONAL DIVISION OF THE NORTH WEST PROVINCE

HELD AT TEMBA

Case number:

In the matter between:

THE STATE

Versus

UNICA IRON & STEEL (PTY) LTD

(hereinafter referred to as "the accused")

Duly represented by Mohammed Asif Qasim, a 42 year old Indian male, South African citizen, residing at 13 Rupee Place, Eldoglen, Eldoraigh.

(hereinafter referred to as "the Director")

TERMS OF PLEA AND SENTENCE AGREEMENT IN ACCORDANCE WITH SECTION 105 A OF THE CRIMINAL PROCEDURE ACT 51 OF 1977, AS AMENDED

NOW THEREFORE the accused, duly represented by the Director and the State, represented by the Prosecutor, hereby agree as follows:

This agreement constitutes an agreement contemplated in Section 105(A) of the Criminal Procedure Act 51 of 1977 as amended (hereinafter referred to as "the CPA").

WHEREAS the accused is charged in the Regional Division of the North West Province, held in Temba Regional Division with contravening the following statutory provisions:

1. Contravening of section 24F (1) (a) of the National Environmental Management Act 107 of 1998 (NEMA), read with Regulation 8 of the Regulations relating to Environmental Management Inspectors (Government Notice R494 dated 2 June 2006), issued in terms of NEMA, and also read with section 332 (1) of the Criminal Procedure Act 51 of 1977 (CPA), the activities as listed and contemplated in Government Notice R386 and R387 of NEMA:

In that the accused was in non-compliance with the provisions of GNR 386 Activity 25, through the expansion of existing facilities for any process or activity which requires and amendment of existing permit or licence or a new permit or licence in terms of the release of emissions pollution, effluent.

2. Contravening of section 24F (1) (a) of the National Environmental Management Act 107 of 1998 (NEMA), read with Regulation 8 of the Regulations relating to Environmental Management Inspectors (Government Notice R494 dated 2 June 2006), issued in terms of NEMA, and also read with section 332 (1) of the Criminal Procedure Act 51 of 1977 (CPA), the activities as listed and contemplated in Government Notice R386 and R387 of NEMA:

In that the accused was in non-compliance with the provisions of GNR 387 Activity (1) (e) by the construction of facilities or infrastructure including associated structures or infrastructure for any process or activity which requires a permit or licence in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in GNR 386 of 2006.

3. Contravening of section 24F (1) (a) of the National Environmental Management Act 107 of 1998 (NEMA), read with Regulation 8 of the

Regulations relating to Environmental Management Inspectors (Government Notice R494 dated 2 June 2006), issued in terms of NEMA, and also read with section 332 (1) of the Criminal Procedure Act 51 of 1977 (CPA), the activities as listed and contemplated in Government Notice R386 and R387 of NEMA:

In that the accused was in non-compliance with the provisions of GNR 387 - Activity 1 (f) by the construction of facilities or infrastructure including associated structures or infrastructure for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 50 tons or more daily average measured over a period of 30 days.

4. Contravening of section 20 of the National Environmental Management Waste Act 59 of 2008 (NEM:WA), read with Government Notice R718 dated 3 July 2009), issued in terms of NEM:WA, and also read with section 332 (1) of the Criminal Procedure Act 51 of 1977 (CPA).
5. Contravening of section 26 (1) of the National Environmental Management Waste Act 59 of 2008 (NEM:WA), read with Government Notice R718 dated 3 July 2009), issued in terms of NEM:WA, and also read with section 332 (1) of the Criminal Procedure Act 51 of 1977 (CPA).

AND WHEREAS the state, as represented by Advocate HR Molefe and the accused, represented by Adv. DWP Nel on the instruction of Mr Rudi Janse van Rensburg, KMG Attorneys & Associates Incorporated, reached an agreement in respect of a plea of guilty as well as a just sentence to be imposed.

AND WHEREAS Advocate HR Molefe is a Senior Deputy Director of Public Prosecutions duly authorised to negotiate and enter into plea and sentence agreements in terms of section 105A (1) (a) of the CPA.

AND WHEREAS the accused has been informed, in terms of section 105A (2) of the CPA that he has the right, before entering into the Agreement:

- i. to be presumed innocent until proved guilty beyond reasonable doubt;
- ii. to remain silent and not to testify during the proceedings;
- iii. not to be compelled to give self-incriminating evidence; and
- iv. that he is not compelled to agree to this Agreement, but if he agreed, the contents of this Agreement will be made known to the court and the court may convict and sentence him in terms of this Agreement or may refuse to accept this Agreement with the result that this Agreement shall be *null and void* and cannot be used as evidence in another trial.

AND WHEREAS the State as represented by Advocate HR Molefe, adhered to the provisions as contemplated in section 105A (2) of the CPA, by consulting the Director of the Gauteng Department of Agriculture and Rural Development of the Republic of South Africa, Gauteng Province and the investigating officer, Dirk Boshoff, which Inspector and the Department are the complainants with regards to this Agreement:

- i. the nature and the circumstances relating to the offence;
- ii. the personal circumstances of the accused;
- iii. previous convictions of the accused; and
- iv. interests of the community.



AND WHEREAS, the accused is willing to plead guilty on counts 1 to 5 and to make the admissions as set out *infra*.

AND WHEREAS the State, is prepared to accept the plea as tendered.

NOW THEREFORE the Director of Public Prosecutions represented by Advocate HR Molefe and the accused, negotiated and agreed to this Agreement, as set out below with regard to the plea of guilty and the just sentence to be imposed by the court.

A. AGREEMENT WITH REGARD TO PLEA OF GUILTY AND ADMISSIONS

1. The accused pleads guilty to the five counts detailed in the charge sheet, pursuant on the legislative provisions identified in the five counts.
2. The accused pleads guilty freely and voluntarily without any undue influence.
3. The accused admits that it:
 - 3.1 committed the offences within the jurisdiction of the Regional Division of the North West Province during the period 2007 to 2013.
 - 3.2 is a registered company duly incorporated and registered in terms of the company laws of the Republic of South Africa with its principal place of business at Erf 87, 9th Street, Babelegi, Hammanskraal, with registration number 2005/019815/01.

- 3.3 duly authorised Mohammed Asif Qasim to represent the accused in these proceedings through a resolution of its Board dated 23rd of December 2013 to plead guilty and to conclude into this Plea and Sentence Agreement with the State.
4. The accused admits that it acted wrongfully and negligently in each of the counts and that it can be punished for such conduct.

NOW THEREFORE the accused admits that he is guilty of contravening the statutory provisions as contained in count 1 to 5 of the charge sheet.

B. MATERIAL FACTS OF THE CASE

1. The accused, on the 29th of May 2013, received a notice of intent to issue a compliance notice from the Gauteng Department of Agriculture and Rural Development of the Republic of South Africa, Gauteng Province.
2. The notice of intent to issue a compliance notice informed the accused that it was engaging in activities which required environmental authorisations.
3. The accused immediately engaged with the Environmental Inspector with the intent to object to such notice. The accused however, had shortly thereafter, abandoned its intention to object.
4. The accused, on the 18th of June 2013, received a compliance notice from the Gauteng Department of Agriculture and Rural Development of the Republic of South Africa, Gauteng Province.



5. The accused shortly thereafter filed applications in terms of the legislation to have the compliance notice varied.
6. The activities as set out in the charge sheet commenced during 2007.
7. During the period identified in the charge sheet, the accused continued with its operations. As detailed in the charge sheet, it expanded facilities without the required permits and/or licence, constructed facilities and/or infrastructure without the required permits and/or licence, undertook a waste management activity of solid steel waste without the required licence and dispose of waste without the required permit.

C. ADMISSIONS BY THE ACCUSED

1. The accused admits that it acted wrongfully and negligently in contravening the statutory provisions as contained in counts 1 to 5 of the charge sheet and that it should accordingly be convicted as such.

D. MITIGATING FACTORS

1. The accused pleads guilty.
2. The accused and the State entered into extensive negotiations to finalise a Plea and Sentence Agreement before first appearance of the accused.
3. A lengthy and protracted trial was avoided through the plea of guilty. Multiple witnesses would have been needed to testify in the matter. Scarce State resources can now be dedicated to other law enforcement matters.

4. The accused placed its operations on maintenance and care and took every step to regulate its affairs.
5. It is in the interest of the Republic of South Africa, the economy, the workforce of the accused and the shareholders of the accused that operations and activities commence as soon as practical possible so that the accused can participate in its constitutional entitlement to be economically active in the Republic.
6. The accused fully co-operated with the National Prosecuting Authority in finalising the charges against it and to conclude this Plea and Sentence Agreement.
7. The accused filed administrative applications in terms of section 24G of NEMA to regulate its administrative non-compliance and will receive a fine which is incorporated in this Plea and Sentence Agreement for correcting such non-compliance. It is envisaged that the administrative application will be finalised by 28 February 2014 after proof of payment of R ~~500 000.00~~ has been verified.


R300 000.00 (Three hundred thousand rands)
8. The accused continues to contribute to the economy and social development of the North West Province and Gauteng in general.
9. UNICA has taken a loan from the IDC for R45 000 000.00 (forty five million rand) and had entered into several contracts, which needs to be met before the end of December 2013. Since 23rd November 2013, UNICA has been closed and therefore is on the verge of been in non-compliance with these contractual obligations and could consequently be in breach of their financial obligations on the repayment agreement to the IDC.

E. AGGRAVATING FACTORS

1. It is trite law and common cause that everyone in the Republic of South Africa has:
 - 1.1 a constitutional right as contemplated in section 24 of the Constitution Act 108 of 1996, to an environment that is not harmful to their health and well-being;
 - 1.2 to have the environment protected, for the benefit of present and future generations through reasonable legislative and other measures that prevent pollution and ecological degradation;
 - 1.3 The offences have taken place over a long period of time i.e. since 2007;
 - 1.4 The offences committed by the accused are of a very serious nature.
2. The charges are of an environmental nature which is, in that respect of a serious nature.
3. The offences are of a serious nature which is reflected from the legislature's punitive prescription of fines.
4. Compliance with environmental authorisations is of crucial importance in order to secure the future of the next generation and the environment through regulated and sustainable development and socio economic rights.

F. THE AGREED SENTENCE

NOW THEREFORE the parties agreed that if the accused is found guilty in terms of this Agreement as set out above, that it is sentence as follows:

1. That counts 1 to 5 are taken together for the purpose of sentence and the accused is sentenced to a fine of R 5 000 000.00 (five million rand) of which half (i.e. R2 500 000.00) is suspended for a period of five (5) years on condition that the accused is not convicted of contravening section 24F of the National Environment Management Act 107 of 1998 and section 20 and 26 (1) of the National Environmental Management Waste Act 59 of 2008. The R2 500 000.00 is to be paid within a period of eight months, with the first instalment of R312 500.00, to be paid on or before the 31st of January 2014. The balance to be paid with instalments on or before the last court date of each of the following months (i.e. February, March, April, May, June, July and August 2014).

2. That in terms of section 34(3) (b) of the National Environment Management Act 107 of 1998, as amended the accused is ordered to pay as a remedial measure an amount of R 3 000 000.00 (three million rand) in ten (10) monthly instalments into the bank account of the Department of Agriculture and Rural Development of the Republic of South Africa, Gauteng Province, for the purpose of the proper execution of the compliance and enforcement duties, environmental rehabilitation, compliance and enforcement training and the compliance and enforcement systems including the spatial mapping project and which entity must keep proper records on the utilisation of the said funds and that it be audited in terms of the Public Finance Management Act 1 of 1999.

2.1 The first instalment of R 300 000.00 (three hundred thousand rand) must be paid on or before the 28th of February 2014.

R 2 700 000.00

3. The remaining balance of R ~~2 500 000.00~~ shall be payable as follows:

i. With instalments on or before the last court date of each of the following months (i.e. March, April, May, June, July, August, September, October and November 2014).

4. The account details are:

Account Holder:	GPG DACEL Cost Recovery
Bank:	First National Bank
Account Number:	62299351446
Branch code:	255005
Reference number:	SAPS Temba CAS: 386/12/2013

5. FURTHER CONDITIONS:

5.1 A concrete slab must be installed for the storage of waste by the 28th February 2014.




5.2 A plastic sheeting must be used to cover the bear ground where any waste is stored until the concrete slab is installed and the waste must be kept on the top of wooden pallets for the duration of this period.

5.3 An Atmospheric Emission Licence application must be submitted to City of Tshwane Municipality and proof of such submission must be submitted to GDARD by the 10th of February 2014.

Plea and Sentence Agreement

- 5.4 The accused must submit an Interim Waste Management Plan by the 31st of January 2014.
- 5.5 The accused must ensure all employees wear the necessary personal and protective clothing at all times during the operation of the plant.
- 5.6 The waste rubble from decommissioned furnaces must be removed by accused by the 1st of April 2014.
- 5.7 A certificate must be submitted to GDARD which certifies that the bunded area around the oil tanks has a total capacity greater than the capacity size of the tanks.
- 5.8 The accused must ensure that all filings (mill scale) are removed from the bear ground and stored in a lined surface;
- 5.9 The accused must submit the results of the water samples taken to GDARD every quarter until the S24G authorisation is granted.

SIGNED AT ON THIS THE 31ST DAY OF DECEMBER 2013



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~~ADVOCATE HOSEA RAPULA MOLEFE~~

31/12/13

SENIOR DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
NORTH WEST PROVINCE (MMABATHO)


MR MOHAMMED ASIF QASIM
THE ACCUSED


ADVOCATE DWP NEL
COUNSEL FOR THE ACCUSED