

Eskom out of Green Scorpions' grasp, but not for long

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ESKOM is the organ of state with the highest rate of breaking the country's environmental laws – but it cannot be prosecuted because it is a government body.

This emerged from the National Environmental Compliance and Enforcement Report released yesterday by Environment Minister Edna Molewa.

The report, which records work done by the "Green Scorpions", said Environment Af-

fairs had started criminal proceedings against Eskom several times since 2009. The National Prosecuting Authority had declined to prosecute because the environmental legislation absolved organs of state of criminal liability.

Now the department was reviewing the investigations into Eskom and would "pursue criminal proceedings against specific individuals in their private capacities" where they were responsible for contravening the law.

The problems were at the Lethao, Matimba and Camden

power stations.

The section of the legislation which absolved organs of state would be reviewed and amended.

The report also recorded several big companies that had contravened the environmental laws, including ArcelorMittal, BHP Billiton and Silicon Smelters.

In the Western Cape transgressors included the PetroSA Refinery for incorrect management of its waste disposal sites, for disposing of hazardous waste illegally and for "serious groundwater contamination"

at the refinery's tank farm. The Chevron refinery in Table View had disposed of waste unlawfully, had excessive emissions, and spilled hazardous waste on site.

The Sasol refinery in Mpumalanga and Engen's refinery in KwaZulu-Natal had also contravened the environmental legislation.

ArcelorMittal's transgressions included air pollution and unauthorised waste disposal sites at its plants in Vanderbijlpark, in Newcastle and Vereeniging.

BHP Billiton in Gauteng

had contravened the legislation in 2007, 2008 and 2011. It included having illegal waste disposal sites, a "significant number" of pollution incidents and no safety data sheet on hazardous waste.

Molewa said from a pollution perspective, Silicon Smelters had been one of the most significant cases of the 2011/12 financial year. The facility had pleaded guilty to breaking the air quality laws, for which it was fined R2 million, and "unlawfully and intentionally" committing an act which caused significant

pollution. For this it was fined R1m. Half the total fine was suspended for five years.

Molewa said in the last financial year, the Green Scorpions had arrested 1 339 people and 1 080 criminal dockets had been opened.

Some of the most prevalent environmental crimes reported in this time included rhino poaching, unlawful disposal of waste, illegal cutting of wood and driving on beaches without a permit.

In 2011, 448 rhinos were poached and 232 suspected rhino poachers were arrested.