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RULES FOR IMPLEMENTATION OF THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PREVENTION AND CONTROL OF WATER POLLUTION

[Note]=(Approved by the State Council on July 12, 1989, promulgated by Decree No.1 of the State Bureau of the Environment Protection on July 12, 1989)

Chapter I General Provisions

Article 1 These Rules are formulated according to provisions of Article 45 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution.

Article 2 Competent departments under the State Council and local people's governments at various levels shall incorporate water environment protection into their national economic and social development plans.

Economic and construction departments of people's governments at various levels shall, in the light of the requirements for water environment protection set forth by the people's government at the corresponding level, incorporate water environment protection into their production and construction plans.

Article 3 Funds, materials and equipment needed for the prevention and control of water pollution in a construction project shall be arranged together with the principal part of the project.

Article 4 Local supplementary water environment quality standards and local pollutant discharge standards involving two or more provinces, autonomous regions or municipalities directly under the central government shall be established through consultation by relevant provinces, autonomous regions or municipalities directly under the central government, and be submitted to the environmental protection department under the State Council for record.

Article 5 Units and individuals having made remarkable contributions to the prevention and control of water pollution shall be awarded by people's governments.

Chapter II Supervision and Management of the Prevention and Control of Water Pollution

Article 6 When projecting the minimum discharge of a dam of large or medium-sized reservoirs, competent departments under the State Council and competent departments under local people's governments at various levels shall take into consideration the sustainment of the natural purification capacity of water bodies in the lower reaches, and solicit opinions from environmental protection departments of the people's governments at county level or above at the places concerned.

Article 7 With regard to the planning and adjustment of various water body reserves, environmental protection departments at county level or above shall, in conjunction with other relevant departments, put forward a plan and submit it to the people's government at the

corresponding level for approval; if two or more provincial- or county-level administrative regions are involved, the plan shall be submitted to their higher-level people's government for approval.

Article 8 With regard to construction projects using imported technologies or equipment and with a need to discharge pollutants into water bodies, facilities for the prevention and control of water pollution shall be provided, so as to ensure the pollutant discharge by the project shall not be in excess of the national or local pollutant discharge standards.

Article 9 Enterprises and institutions discharging pollutants into water bodies must submit a Report and Registration Form for Pollutant Discharge to the local environmental protection department. Upon receipt of the Report and Registration Form for Pollutant Discharge, the environmental protection department shall, after investigation and verification, issue pollutant discharge licenses to those whose pollutant discharges are not in excess of the national or local pollutant discharge standards or the overall pollutant discharge indexes set for enterprises and institutions by the state.

Those discharging pollutants in excess of the national or local pollutant discharge standards or the overall pollutant discharge indexes set for enterprises and institutions by the state shall be ordered to make elimination or control of pollution within a specified period, and a temporary pollutant discharge license shall be issued to them for said period.

Overall pollutant discharge indexes for newly constructed, reconstructed or extended enterprises and institutions shall be determined according to the environmental impact statements.

Overall pollutant discharge indexes for the existing enterprises and institutions shall be determined according to the environment quality standards, the local situation of pollutant discharge and the economic and technical conditions.

Measures for the administration of pollutant discharge license shall be formulated separately by the environmental protection department under the State Council.

Article 10 With submission of a Reporting and Registration Form for Pollutant Discharge, enterprises and institutions discharging pollutants in excess of the national or local pollutant discharge standards shall give reasons for the excess as well as their measures for eliminating or controlling the pollution within a time limit.

Article 11 When any pollutant treatment facilities are to be dismantled or left idle, a report shall be submitted in advance to the local environmental protection department with the reasons given. After receiving the report, the environmental protection department shall give answer within one month; failure to give answer within one month shall be deemed as approval.

Article 12 Units who are ordered to make elimination or controlling of pollution within a time limit shall report regularly the progress of the elimination or control to the environmental protection department.

Environmental protection department shall inspect the elimination or controlling situation, check and accept the completed project for elimination or controlling, and report the checking and accepting results to the people's government at the corresponding level.

Article 13 For making on-site inspections on the pollutant discharging units under their jurisdiction, the environmental protection departments or relevant supervisory and administrative departments of people's governments at various levels must hold an inspection certificate issued by the environmental protection department of the people's government at the province-governed city level or above.

Article 14 When making on-site inspections, the environmental protection departments or relevant supervisory and administrative departments of people's governments at various levels may, according

to the actual needs, require the units being inspected to provide the following information and materials:

- (1) the situation of pollutant discharge;
- (2) the situation of functioning, operation and management of the pollutant treatment facilities;
- (3) models of the monitoring instruments and equipment and the results of calibration;
- (4) monitoring and analysis methods adopted and monitoring records;
- (5) the situation of the elimination or control ordered to be completed within a time limit;
- (6) information about accidents and relevant records;
- (7) information about the adoption and use of productive technologies and raw or processed materials related to pollution; and
- (8) other information and materials related to the prevention and control of water pollution.

Article 15 If a water pollution accident is caused by an enterprise or institution, the enterprise or institution shall, within 48 hours after the occurrence of the accident, submit a preliminary report to the local environmental protection department on the time, location and the type of the accident, the pollutant discharge volume, the economic losses and the situation of victims, etc. and, upon completing the investigation of the accident, make a written report to the local environmental protection department on the cause, course and the harmfulness of the accident, the measures adopted, the settlement results, the potential or indirect harmfulness, social effects and legacies of the accident and the future precaution measures, etc., with relevant certifications attached.

Upon receipt of the preliminary report on the water pollution accident, the environmental protection department shall, in conjunction with other relevant departments, promptly adopt measures to reduce or eliminate the pollution, and conduct monitoring on the water bodies that the accident may have endangered. The accident shall be investigated and dealt with by the environmental protection department or other relevant department authorized by it.

Chapter III Prevention of Surface Water Pollution

Article 16 When any sewage outfall needs to be relocated, the pollutant discharging unit shall make a motion on the basis of technical demonstration, and submit it to the environmental protection department of the people's government at county level or above for approval.

Article 17 If any sewage outfall is to be located near a water body reserve, approvals must be obtained in advance from the environmental protection department of the people's government at county level or above and the competent department for the water body reserve.

Article 18 When industrial waste water or urban sewage is used for irrigation, the agricultural department of the people's government at county level or above shall conduct regular monitoring on the quality of the waste water or sewage, the soil and the agricultural products, and adopt appropriate measures to protect the soil, groundwater or agricultural products from pollution.

Article 19 Ships navigating inland rivers shall be equipped with pollution-prevention equipment which conforms to the ship's pollution-prevention structure and equipment standards stipulated by the state, and must hold a certificate of quality issued by ship inspection authorities.

Ships without pollution-prevention equipment or with the equipment that fails to conform to the ship's pollution-prevention structure and equipment standards stipulated by the state shall be ordered to come up to the specified standards within a time limit.

Article 20 Ships navigating inland rivers must hold pollution-prevention documents or record documents stipulated by the navigation administration. Tankers of 150 total tonnage or more and non-tankers of 400 total tonnage or more must hold oil record books.

Article 21 Harbors and wharves shall be equipped with receiving and treatment facilities for oil-bearing waste water, night soil and refuse.

Waste oil, residual oil or refuse of ships shall not be discharged into water bodies but the receiving facilities.

Article 22 Ships in harbor to conduct the following operations must submit an application to the navigation administration in advance and, after approval, conduct the operations within the designated areas in accordance with relevant provisions:

- (1) washing decks or holds of ships carrying poisonous goods or dusty goods in bulk;
- (2) discharging ballasting water, hold washing water, waste water from engine room or other residual substances; or
- (3) making use of anti-oil chemicals.

Article 23 When loading or unloading a ship in harbor or wharf with oil goods or other poisonous, corrosive or radioactive goods, the ship or the operating unit must adopt measures for guarding against water pollution.

Article 24 If an accident occurs to a ship resulting in causing or likely causing pollution to water bodies, the navigation administration shall arrange compulsory salvage and elimination or compulsory tug. The expenses arising therefrom shall be borne by the ship responsible for the accident.

Article 25 Units engaging in shipbuilding or ship repairing, disassembling or salvage must have pollution-prevention equipment. When taking operations, they shall adopt measures to protect water bodies from pollution by oil, oil mixtures or other refuses.

Chapter IV Prevention of Groundwater Pollution

Article 26 In exploiting groundwater from multiple aquifers, layered exploitation shall be resorted to and no combined exploitation shall be permitted with regard to the following aquifers:

- (1) aquifers with salt water, semi-salt water or brine water;
- (2) polluted aquifers;
- (3) aquifers with poisonous or harmful elements in excess of the domestic and drinking water hygiene standards; and
- (4) aquifers with underground hot water, hot spring or mineral water which is of medical value or special economic value.

Article 27 When any exploration project needs to expose or run through aquifers, the work of stopping water and sealing holes aquifer by aquifer shall be done well in accordance with relevant regulations.

Article 28 If any grotto or civil air defenses is to be used for other purposes, seepage prevention measures must be adopted.

Article 29 If a mine shaft or pit discharges poisonous or harmful waste water, water-collection installations must be constructed around the deposit, and measures must be adopted for guarding against underground water pollution.

Article 30 Water used for artificial recharge of groundwater shall basically conform to the quality standards for domestic and drinking water sources, and an approval shall be obtained in advance from the public health department of the people's government at county level or above.

Chapter V Legal Liability

Article 31 Fines under Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution shall be implemented in accordance with the following provisions:

(1) those who commit the act listed in Item (1), Paragraph 1, Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution, refusing to report or submitting a false report on items for which registration is required for the discharge of pollutants, may be given a fine between 300 and 3,000 yuan;

(2) those who commit the act listed in Item (2), Paragraph 1, Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution, putting into operation a construction project whose water pollution control facilities have not been completed, may be given a fine between 10,000 and 50,000 yuan; those putting into operation a construction project whose water pollution control facilities fail to meet the requirements specified in state provisions for environmental protection management for construction projects may be given a fine between 5,000 and 20,000 yuan;

(3) those committing the act listed in Item (3), Paragraph 1, Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution may be given a fine between 300 and 3,000 yuan;

(4) those who commit the act listed in Item (4), Paragraph 1, Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution, storing or piling any pollutant or waste, may be given a fine between 2,000 and 50,000 yuan; those abandoning, dumping or discharging any pollutant may be given a fine between 5,000 and 100,000 yuan; and

(5) those who commit the act listed in Item (5), Paragraph 1, Article 37 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution, failing to pay, as provided for by the state, the fee for pollutant discharge, may be given a fine between 1,000 and 10,000 yuan in addition to demanding the arrears of the fee for pollutant discharge or for excess discharge and the late payment fine.

Article 32 A fine made under Paragraph 1, Article 38 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution shall be between 10,000 and 100,000 yuan.

Article 33 Fines under Article 39 of the Law of the People's Republic of China on the Prevention and Control of Water Pollution shall be implemented in accordance with the following provisions:

(1) enterprises or institutions causing a water pollution accident may be given a fine between 10,000 and 50,000 yuan; and

(2) if heavy economic losses are caused, the fine shall be 30% of the losses, with a maximum of 200,000 yuan.

Article 34 Those, without a pollutant discharge license or a temporary pollutant discharge license, discharging pollutants not in excess of the pollutant discharge standards stipulated by the state shall be given a warning and ordered to obtain a license within a time limit, and may be concurrently given a fine between 300 and 5,000 yuan.

Those discharging pollutants not in accordance with provisions by the formal or temporary pollutant discharge license shall be ordered to make corrections within a time limit and a fine between 5,000 and 100,000 yuan shall be given. If the circumstances are serious, the formal or temporary pollutant discharge license may be revoked.

Article 35 A fine given by the environmental protection department of the people's government at county level may be up to 10,000 yuan. Those exceeding 10,000 yuan shall be submitted to the higher-level environmental protection department for approval.

A fine given by the environmental protection department of the people's government at province-governed city level may be up to 50,000 yuan. Those exceeding 50,000 yuan shall be submitted to the higher-level environmental protection department for approval.

A fine given by the environmental protection department of the people's government of province, autonomous region or municipality directly under the central government may be up to 200,000 yuan.

Article 36 Paying the fee for pollutant discharge or for excess discharge or being given a warning or fine does not mean that the relevant unit or individual may be exempted from the responsibility to eliminate the pollution, remove the dangers or compensate the losses.

Chapter VI Supplementary Provisions

Article 37 In case of any discrepancy between China's law and any international treaty or agreement concluded or acceded to by the People's Republic of China concerning the prevention and control of water pollution of international rivers or lakes or rivers or lakes along international borders, the latter shall prevail, with the exception that China has stated reservation.

Article 38 Relevant departments of the State Council and people's governments of various provinces, autonomous regions or municipalities directly under the central government may formulate their own implementing measures according to the Law of the People's Republic of China on the Prevention and Control of Water Pollution and these Rules and in the light of the actual situation of their own departments or areas.

Article 39 These Rules shall enter into force on September 1, 1989.