

## Law of the People's Republic of China on the Prevention and Control of Water Pollution

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The revision of the Law of the People's Republic of China on the Prevention and Control of Water Pollution was adopted at the 32nd session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on February 28th, 2008. We hereby promulgate the revised Law of the People's Republic of China on the Prevention and Control of Water Pollution, which shall come into force as of June 1st, 2008.

President of the People's Republic of China: Hu Jintao  
February 28th, 2008

## Law of the People's Republic of China on the Prevention and Control of Water Pollution

(adopted at the fifth session of the Standing Committee of the sixth National People's Congress on May 11th, 1984, revised according to the Decision on Revising the Law of the People's Republic of China on the Prevention and Control of Water Pollution which was adopted at the 19th session of the Standing Committee of the eighth National People's Congress on May 15th, 1996, and revised at the 32nd session of the Standing Committee of the 10th National People's Congress on February 28th, 2008)

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### Chapter I General Provisions

Article 1 This Law is formulated for the purpose of preventing and controlling water pollution, protecting and improving the environment, safeguarding the drinking water safety and enhancing the comprehensive, harmonious and sustainable development of economy and society.

Article 2 This Law applies to the prevention and control of pollution of rivers, lakes, canals, irrigation channels, reservoirs and other surface waters and ground waters within the territory of the People's Republic of China.

The prevention and control of marine pollution shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 3 In the prevention and control of water pollution, we shall follow the principles of giving priority to prevention, combining prevention with control and preventing and controlling in an all-round way, protect drinking water sources first, rigorously control industrial pollution and urban domestic pollution, prevent and control agricultural non-point pollution, vigorously promote the construction of ecological management projects, and prevent, control and reduce water pollution and ecological damage.

Article 4 The people's governments at or above the county level shall bring the protection of water environment into the national economic and social development planning.

The local people's governments at or above the county level shall take countermeasures and actions to prevent water pollution, and be responsible for the quality of water environment of their respective region of administration.

Article 5 The state practices the objective responsibility system and the evaluation system for the protection of water environment, and takes the accomplishment of the protection objectives of water environment as a content for evaluating and assessing the local people's governments and persons in charge of them.

Article 6 The state encourages and supports the scientific and technological research on the prevention and control of water pollution, the application and promotion of advanced technologies as well as the publicity and education of water environment protection.

Article 7 The state shall, in the mode of financial transfer payment or other, establish a compensation mechanism for the ecological protection of the water environment in drinking water source reserve areas and upper reaches of rivers, lakes and reservoirs.

Article 8 The administrative departments of environmental protection under the people's governments at or above the county level shall exercise unified supervision and administration over the prevention and control of water pollution.

The maritime administrative body under the administrative department of traffic shall exercise supervision and administration over the prevention and control of water pollution from vessels.

The departments in charge of water administration, state land and resources, health, construction, agriculture and fishery under the people's governments at or above the county level as well as institutions in charge of protecting water resources in important rivers and lakes shall, within their respective scope of duties and functions, exercise supervision and administration over the prevention and control of water pollution.

Article 9 Discharge of water pollutants shall be within the state or local standards for the discharge of water pollutants and indicators for the total discharge control of major water pollutants.

Article 10 All entities and individuals have the obligation to protect water environment, and have the right to report to authorities acts polluting or damaging water environment.

The people's governments at or above the county level and the relevant administrative departments thereunder shall honour and reward entities and individuals that have made great contributions to the prevention and control of water pollution.

Chapter II Standards and Planning for the Prevention and Control of Water Pollution

Article 11 The power to formulate the state quality standards of water environment shall remain with the administrative department of environmental protection under the State Council.

The people's government of any province, autonomous region or municipality directly under the Central Government may, for issues not provided in the state quality standards of water environment, work out local standards and file such standards with the administrative department of environmental protection under the State Council for archival purpose.

Article 12 The administrative department of environmental protection under the State Council may, together with the competent department of water administration under the State Council and the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government, in accordance with the use functions of the waters of important rivers and lakes as determined by the state as well as the relevant local conditions on economy and technology, determine the quality standards of water environment applicable to the waters of these important rivers and lakes at provincial boundary areas, and implement such standards after filing them with the State Council and obtaining the approval thereof.

Article 13 The administrative department of environmental protection under the State Council shall formulate the state standards for the discharge of water pollutants in accordance with the state quality standards of water environment and the national economic and technological conditions.

For issues not provided in the state standards for the discharge of water pollutants, the people's government of any province, autonomous region or municipality directly under the Central Government may work out local standards for the discharge of water pollutants; for issues provided in the state standards for the discharge of water pollutants, it may also work out local standards stricter than the state standards. Such local standards must be filed with the administrative department of environmental protection under the State Council for archival purpose.

Discharge of pollutants to waters under the governance of certain local standards for the discharge of water pollutants must strictly abide by the said local standards.

Article 14 The administrative department of environmental protection under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in light of the requirements of water pollution prevention and control as well as the state or local economic and technological conditions, amend the quality standards of water environment and the standards for the discharge of water pollutants at time appropriate.

Article 15 The prevention and control of water pollution must be under unified planning by drainage area or region. The planning for the prevention and control of water pollution of an important river or lake determined by the state must be prepared by the administrative department of environmental protection and departments of macroeconomic control and water administration under the State Council together with the people's government of the related province, autonomous region or municipality directly under the Central Government, and be submitted to the State Council for approval.

The planning for the prevention and control of water pollution of a river or lake across more than one province, autonomous region or municipality directly under the Central Government, other than one prescribed in the preceding paragraph, shall be prepared by the administrative departments of environmental protection under the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government together with the competent departments of water administration at the same level and the related municipal or county people's governments in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation, and be submitted to the State Council for approval after it is examined and approved by the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government.

The planning for the prevention and control of water pollution of a river or lake across more than one county in a province, autonomous region or municipality directly under the Central Government shall be prepared by the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government together with the competent department of water administration at the same level in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation, be submitted to the people's government of the province, autonomous region or municipality directly under the Central Government for approval and be filed with the State Council for archival purpose.

The approved planning for the prevention and control of water pollution is the fundamental basis for the prevention and control of water pollution, and the amendments to such planning must be under the approval of the organ approving the planning.

The local people's government at or above the county level shall organize the preparation of the planning for the prevention and control of water pollution in this administrative region in accordance with the legally approved planning for the prevention and control of water pollution of rivers and lakes.

Article 16 When developing, utilizing, adjusting or transferring water resources, the relevant departments under the State Council and the local people's governments at or above the county level shall make overall plans and take all factors into consideration, maintain the water flow of rivers and the water level of lakes, reservoirs and groundwater at a reasonable place, and protect the ecological functions of waters.

### Chapter III Supervision and Administration of the Prevention and Control of Water Pollution

Article 17 The building, renovation and enlargement of construction projects directly or indirectly discharging pollutants to waters and other water establishments shall be subject to environmental impact assessment.

Before building, renovating or enlarging the outfall to a river or lake, the construction entity shall obtain the consent of the competent department of water administration or the governing authority of the drainage area concerned; where it involves water area for navigation or fishery, the administrative department of environmental protection shall, when examining and approving the environmental impact assessment document, ask for the opinion of the competent department of traffic and that of fishery.

Installations for the prevention and control of water pollution as concerned in a construction project shall be designed, constructed and put into use simultaneously with the principal part of the project. Such installations shall be subject to the acceptance check of the administrative department of environmental protection, and, if they fail to pass the check, the construction project may not be put into production or use.

Article 18 The state practices the system of control over the total discharge of important water pollutants.

The people's government of each province, autonomous region, or municipality directly under the Central Government shall, in accordance with the provisions of the State Council, reduce and control the total discharge of important water pollutants in its administrative region, and have the people's government of each city or county bear corresponding responsibility and task for the reduction and control of the total discharge of important water pollutants. The people's government of each city or county shall, in accordance with the requirements of its task on the reduction and control of the total discharge of important water pollutants, decompose the indicators of its task and assign them to all

entities discharging pollutants. The specific measures and implementation steps shall be formulated by the State Council.

The people's government of a province, autonomous region, or municipality directly under the Central Government may, in light of the water quality of its administrative region and the requirements of the water pollution prevention and control work, determine the important water pollutants whose total discharge is subject to reduction and control.

For areas where the total discharge of important water pollutants is over the prescribed level, the administrative department of environmental protection of the related people's government shall suspend the examination and approval of the environmental impact assessment documents of construction projects which increase the total discharge of important water pollutants.

Article 19 The administrative department of environmental protection under the State Council shall publish the provinces, autonomous regions and municipalities directly under the Central Government that fail to reach their indicators on reduction and control of total discharge of important water pollutants. The administrative department of environmental protection of the people's government of each province, autonomous region, or municipality directly under the Central Government shall publish each city or county that fails to reach its indicators on reduction and control of total discharge of important water pollutants.

The administrative department of environmental protection under the people's government at or above the county level shall publish the enterprises which violate the provisions of this Law and seriously pollute water environment.

Article 20 The state practices the licensing system for pollutant discharge.

Enterprises and public institutions which directly or indirectly discharge industrial waste water or medical sewage to waters or which are required to obtain the pollutant discharge license before discharging waste water and sewage water must obtain the pollutant discharge license; and entities operating facilities and establishments for the concentrated treatment of urban sewage must also obtain the pollutant discharge license. The power to provide for the specific measures and implementation steps for licensing pollutant discharge shall remain with the State Council.

All enterprises and public institutions are prohibited from discharging the above-mentioned waste water and sewage to waters without the pollutant discharge license or in violation of the terms of the pollutant discharge license.

Article 21 Any enterprise, public institution or individual industrial and commercial household which directly or indirectly discharges industrial waste water or medical sewage to waters shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, declare for registration to the administrative department of environmental protection of the local people's government at or above the county level its facilities for discharging and treating water pollutants as well as the category, quantity and concentration of water pollutants discharged under normal operating conditions, and provide the relevant technical data about the prevention and control of water pollution.

Where there is any great change in the category, quantity and concentration of water pollutants discharged by an enterprise, a public institution or an individual industrial and commercial household, the entity shall declare such change for registration in a timely manner, in this case, it shall maintain the normal use of its facilities for treating water pollutants, and, if it intends to demolish such facilities or leave them unused, it shall obtain the approval of the administrative department of environmental protection of the local people's government at or above the county level beforehand.

Article 22 Enterprises, public institutions and individual industrial and commercial households which discharge water pollutants to waters shall set up outfalls in accordance with laws, administrative regulations and the provisions of the administrative department of environmental protection under the State Council; if such outlets are to rivers or lakes, they shall also abide by the provisions of the competent department of water administration under the State Council.

It is prohibited to discharge water pollutants by illegally setting up underground pipes or avoiding supervision and administration in other ways.

Article 23 Major pollutant-discharging entities shall install automatic monitoring equipment for the discharge of water pollutants, have such equipment networked with the monitoring equipment of the administrative department of environmental protection, and guarantee the normal operation of such equipment. Enterprises discharging industrial waste water shall have the industrial waste water discharged by them under monitoring, and keep the original monitoring record. The specific measures shall be worked out by the administrative department of environmental protection under the State Council.

The list of major pollutant-discharging entities required to install automatic monitoring equipment on the discharge of water pollutants shall be determined by the administrative department of environmental protection of the local people's government at the level of municipality divided into districts or above by consulting with the related departments at the same level in light of the environmental capacity of the administrative region, the requirements of the indicators on total discharge control of important water pollutants as well as the category, quantity and concentration of water pollutants discharged by pollutant-discharging entities.

Article 24 Enterprises, public institutions and individual industrial and commercial households that directly discharge pollutants to waters shall pay pollutant discharge fee according to the category and quantity of the discharged water pollutants as well as the charging rates of such fee.

Income from pollutant discharge fee shall be used to prevent and control pollution only.

Article 25 The state shall set up a water environment quality and water pollutant discharge monitoring system. The administrative department of environmental protection under the State Council shall be in charge of working out water environment monitoring norms, releasing information about the state's water environment in a unified way and organize monitoring network with the competent department of water administration under the State Council.

Article 26 The work institutions of protection of water resources of important rivers and lakes determined by the state shall be in charge of monitoring the water environment quality of provincial boundary waters where they are located, report the monitoring results to the administrative department of environmental protection and the competent department of water administration under the State Council; and report the monitoring results to the leading institution of protection of water resources of drainage areas established upon the approval of the State Council, if any.

Article 27 The administrative department of environmental protection and other departments exercising the right of supervision and administration according to this Law have the right to make spot inspection on pollutant discharging entities within their jurisdiction, and the said entities shall truthfully report the relevant information and provide necessary material. The inspecting authority has the obligation to keep the trade secrets of the said entities known in the process of inspection.

Article 28 Any dispute over water pollution which involves more than one administrative region shall be settled upon the negotiations of the related local people's governments, or upon the coordination of their common higher people's government.

Chapter IV Measures for the Prevention and Control of Water Pollution

## Section 1 General Rules

Article 29 It is prohibited to discharge oil, acid, alkaline or highly toxic waste liquids to waters.

It is prohibited to clean in waters the vehicles and containers which have carried or stored oil or pathogenic pollutants.

Article 30 It is prohibited to discharge or dump radioactive solid waste or waste water containing highly and medium radioactive substances to waters.

Waste water containing low radioactive substances may only be discharged to waters in accordance with the state provisions on and standards for the prevention and control of radioactive pollution.

Article 31 For discharging heated waste water to waters, corresponding measures shall be taken to guarantee that the temperature of waters is in line with the water environment quality standards.

Article 32 Waste water containing pathogen may be discharged only after it is sterilized in accordance with the relevant state standards.

Article 33 It is prohibited to discharge or dump industrial solid waste, urban refuse and other castoffs to waters.

It is prohibited to discharge or dump soluble highly toxic waste residues containing mercury, cadmium, arsenic, chromium, lead, cyanide or yellow phosphorus to waters, or directly bury them underground.

For places storing soluble highly toxic waste residues, corresponding waterproof, anti-leakage and anti-loss measures must be taken.

Article 34 It is prohibited to stockpile or store solid wastes and other pollutants at bench land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs.

Article 35 It is prohibited to use any seepage well, sink, fissure or dissolved cavern to discharge or dump waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

Article 36 It is prohibited to use any ditch, pit or pool which has not been dealt with anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

Article 37 For multi-layer ground water, layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. No combined exploitation of phreatic water and confined water already polluted may be permitted.

Article 38 When constructing underground engineering facilities or conducting underground exploitation or mining activities, preventive measures must be taken to prevent groundwater pollution.

Article 39 Artificial recharge for ground water may not deteriorate the quality of groundwater.

## Section 2 Prevention and Control of Industrial Water Pollution

Article 40 The relevant departments under the State Council and the local people's governments at or above the county level shall reasonably plan the distribution of industry, require enterprises causing water pollution to make technical innovation and take comprehensive prevention and control measures

to improve the repeating utilization factor of water and reduce the discharge of waste water and pollutants.

Article 41 The state applies the washing-out system to backward techniques and equipment that seriously pollute water environment.

The department of macro economic control under the State Council shall, together with the relevant departments of the State Council, publish the catalogue of techniques which seriously pollute water environment and are to be eliminated within a certain time limit and the catalogue of equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used.

Producers, sellers, importers or users shall, within the prescribed time limit, stop producing, selling, importing or using any equipment listed into the aforesaid catalogue of equipment to be eliminated. Entities and individuals adopting any technique listed into the aforesaid catalogue of technique to be eliminated shall stop using it within the prescribed time limit.

Equipment to be eliminated pursuant to the preceding two paragraphs of this Article may not be transferred to others to use.

Article 42 The state prohibits the building of small-scale production projects of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies.

Article 43 Enterprises shall adopt clean technique that utilizes raw materials at a higher efficiency and discharges fewer pollutants, and strengthen administration to reduce the generation of water pollutants.

### Section 3 Prevention and Control of Water Pollution in Urban Areas

Article 44 Urban sewage shall be treated in a concentrated way.

The local people's government at or above the county level shall raise funds through fiscal budget and other channels, and make unified planning and overall arrangement for the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network so as to improve the collection rate and treatment rate of urban sewage of the administrative region.

The administrative department of construction under the State Council shall, together with the administrative department of macro economic control and the administrative department of environmental protection under the State Council, in accordance with the urban and rural planning and water pollution prevention and control planning, organize the establishment of the national planning for construction of urban sewage treatment facilities. The local people's government at or above the county level shall organize the departments in charge of construction, macro economic control, environmental protection and water administration to establish the planning for construction of urban sewage treatment facilities of the administrative region. The administrative department of construction under the local people's government at or above the county level shall, in accordance with the planning for construction of urban sewage treatment facilities, organize the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network, and strengthen supervision and administration over the operation of such facilities.

Entities operating such facilities shall provide paid services of sewage treatment for entities discharging pollutants in accordance with the relevant state provisions, charge for sewage treatment and guarantee the normal operation of such facilities. It is not required to pay pollutant discharge fee if the payment for discharging sewage to facilities for the concentrated treatment of urban sewage has been made. Sewage treatment fees collected shall be used for the construction and operation of urban sewage concentrated treatment facilities only.



The specific measures governing the charge for sewage treatment with urban sewage concentrated treatment facilities as well as the administration and use of such facilities shall be determined by the State Council.

Article 45 Discharge of water pollutants to urban sewage concentrated treatment facilities shall be in line with the state or local standards for the discharge of water pollutants.

If the quality of the water discharged from urban sewage concentrated treatment facilities after treatment reaches the state or local standards for the discharge of water pollutants, the pollutant discharge fee may be exempted in accordance with the relevant state provisions.

Entities operating urban sewage concentrated treatment facilities shall be responsible for the quality of the water discharged from such facilities after treatment.

The administrative department of environmental protection shall supervise and inspect the quality and quantity of the water discharged from urban sewage concentrated treatment facilities after treatment.

Article 46 For the construction of domestic waste landfills, anti-leakage measures must be taken to prevent water pollution.

#### Section 4 Prevention and Control of Water Pollution in Agriculture and Rural Areas

Article 47 Use of pesticides must be in line with the state provisions and norms on safe use of pesticides.

Transportation and storage of pesticides as well as disposal of out-of-date pesticides require more efforts in administration to prevent water pollution.

Article 48 The competent department of agriculture and other related departments under the local people's government at or above the county level shall take steps to guide agricultural producers to use fertilizers and pesticides in a scientific and reasonable way and control the overdose of fertilizers and pesticides so as to prevent water pollution.

Article 49 The state supports livestock and poultry breeding plants or communities to construct facilities for the comprehensive utilization or harmless treatment of livestock and poultry stool and waste water.

These plants or communities shall guarantee the normal operation of such facilities and make sure that the discharge of sewage reaches corresponding standards so as to prevent water environment from being polluted.

Article 50 Those engaging in aquaculture are required to protect the ecological environment of waters, scientifically determine the breeding density and reasonably cast baits and use drugs so as to prevent water environment from being polluted.

Article 51 To discharge industrial waste water or urban sewage to farmland irrigation canals, it requires to guarantee that the water quality of the nearest place supplying water for irrigation at lower reaches comes up to the water quality standards for irrigation.

To use industrial waste water or urban sewage to irrigate, it requires preventing soil, groundwater and agriculture products from being polluted.

#### Section 5 Prevention and Control of Water Pollution from Vessels

Article 52 Vessels shall discharge oil-polluted water or domestic sewage in accordance with the standards for the discharge of pollutants by vessels. Maritime navigation vessels must abide by the standards of inland rivers for the discharge of pollutants by vessels as long as they enter inland rivers or ports.

Residual oil and waste oil of vessels shall be recycled, and it is prohibited to discharge them to waters.

It is prohibited to dump vessel refuse to waters.

Vessels conveying oil or poisonous cargos must take anti-overflow and anti-leakage measures to prevent water pollution resulting from the drop of such cargos into water.

Article 53 Vessels shall equip themselves with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, and hold the legal and valid certificates and documents on preventing water environment from being polluted.

Any vessel operation involving the discharge of pollutants must be conducted in strict accordance with the operating procedure, and the relevant information shall be truthfully recorded on the corresponding book of records.

Article 54 Ports, docks, loading and unloading stations as well as dockyards must equip themselves with enough facilities for taking over vessel pollutants and castoffs. Entities engaging in taking over vessel pollutants and castoffs or cleaning the cabin of vessels carrying oil or cargos with the hazard of pollution shall have the taking-over and processing capacity suitable for its operation scale.

Article 55 Where a vessel is conducting any of the following activities, it is required to work out an operating scheme, take effective security and antipollution measures and submit them to the maritime authority of the place of operation for approval:

1. taking over residual oil, oil-polluted water or residues of cargos with the hazard of pollution, or cleaning the cabin of vessels carrying oil cargos or cargos with the hazard of pollution;
2. conducting the barging of unpacked pollutant liquid cargos with the hazard of pollution; and
3. dismantling or salvaging vessels on water, or conducting other above-water or underwater vessel construction operations.

Dismantling fishery vessels at waters of fishing harbours shall be subject to the approval of the administrative department of fishery of the place of operation.

## Chapter V Protection of Drinking Water Sources and Other Special Waters

Article 56 The state has established the drinking water source reserve system. Drinking water source reserves are classified into Grade I and Grade II. It is allowed to delimit a certain area at the periphery of a drinking water source reserve as a quasi reserve.

For the determination of a drinking water source reserve, the related municipal or county people's government shall propose a plan and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval. For the determination of a reserve involving more than one municipality or county, the people's governments of the related municipalities and counties shall propose a plan upon negotiations and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the people's government of the concerned province, autonomous region or municipality directly under the Central Government together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the people's government of the concerned province, autonomous region or municipality

directly under the Central Government for approval after getting the opinions of the related departments at the same level.

A drinking water source reserve involving more than one province, autonomous region, or municipality directly under the Central Government shall be determined by the people's government of the concerned province, autonomous region or municipality directly under the Central Government with the governing authority of the related drainage area upon negotiations; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the State Council together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the State Council for approval after getting the opinions of the related departments of the State Council.

The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the actual needs for protecting drinking water sources, adjust the scope of a drinking water reserve so as to ensure the safety of drinking water. The related local people's governments shall set up clear geographical landmark and warning sign at the boundary of each drinking water source reserve.

Article 57 No outfall may be set up in drinking water source reserves.

Article 58 It is prohibited to build, renovate or enlarge in a Grade I drinking water source reserve any construction projects irrelevant to water supply facilities and the work of water source protection; for those already accomplished, the people's government at or above the county level shall order their demolition or closure.

It is prohibited to breed in cages, travel, swim, go angling or conduct any other activities that may pollute drinking waters in any Grade I drinking water source reserves.

Article 59 It is prohibited to build, renovate or enlarge in a Grade II drinking water source reserve any construction projects discharging pollutants; for those already accomplished, the people's government at or above the county level shall order their demolition or closure.

When conducting cage breeding, traveling or other activities in a Grade II drinking water source reserve, corresponding measures must be taken in accordance with the relevant provisions to keep drinking waters from being polluted.

Article 60 It is prohibited to build or enlarge in a quasi drinking water source reserve any construction projects seriously polluting waters, but rebuilding is allowed under the premise of not increasing the discharge volume.

Article 61 The people's government at or above the county level shall, in light of the actual needs of the protection of drinking water sources, take engineering measures or such ecological protection measures as building wetland or water conservation forests in quasi reserves to prevent water pollutants from being directly discharged into drinking waters so as to ensure the safety of drinking water.

Article 62 If a drinking water source is polluted which may threaten water safety, the administrative department of environmental protection shall order the related enterprises and public institutions to stop or reduce the discharge of water pollutants.

Article 63 The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the needs for protecting water environment, prohibit or restrict the use of detergent, fertilizer and pesticide containing phosphor or restrict planting or breeding, etc. within a drinking water source reserve.

Article 64 The people's government at or above the county level may delimit reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, and take steps to guarantee that the water quality of such reserves conforms to the water environment quality standards for the prescribed purposes.

Article 65 No outfalls may be set up in reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, but building outfalls in vicinity of such reserves is allowed only under the premise of not polluting the waters of such reserves.

## Chapter VI Management of Water Pollution Accidents

Article 66 The people's governments at all levels, the related departments thereof as well as enterprises and public institutions with potential risk of occurrence of water pollution accidents shall, pursuant to the provisions of the Law of the People's Republic of China on Response to Emergencies, do a good job in making good preparations for water pollution emergencies, dealing with such emergencies and carrying out the recovery work after the event.

Article 67 Enterprises and public institutions with potential risk of occurrence of water pollution accidents shall work out an emergency plan for dealing with water pollution accidents, make good preparations for emergencies and rehearsal such plan on a regular basis.

Enterprises and public institutions manufacturing or storing hazardous chemicals shall take steps to prevent the fire-fighting waste water or waste liquid which is generated in dealing with production accidents and are capable of seriously polluting waters from being directly discharged to waters.

Article 68 Where any accident or other emergency occurs to an enterprise or public institution and such incident has caused or may cause a water pollution accident, the enterprise or public institution shall initiate its emergency plan immediately, take emergency steps and report the incident to the people's government at or above the county level of the place where the incident occurs or the administrative department of environmental protection thereof, and the administrative department of environmental protection shall, immediately, after receiving the report, submit it to the people's government at the same level and send a copy to the related department.

Any entity, after causing a fishery pollution accident or a water pollution accident with fishery vessel, shall submit a report thereon to the administrative department of fishery of the place of occurrence of such accident, and accept corresponding investigation and punishment. For a water pollution accident caused by a vessel other than a fishery vessel, the report shall be submitted to the maritime governing authority of the place of occurrence of such accident, and the party concerned shall accept corresponding investigation and punishment. If any damage has been caused to the fishery industry, the maritime governing authority shall notify the administrative department of fishery to participate in the investigation and punishment process.

## Chapter VII Legal Liability

Article 69 If the administrative department of environmental protection or other department exercising the power of supervision and administration in accordance with this Law fails to legally give administrative license or issue approval document, fails to investigate the illegal acts found out or the tip-off or commits any other act in failure to perform its duties prescribed by this Law, punishments shall be imposed on its directly liable person in-charge and other directly liable persons according to law.

Article 70 Where any entity refuses to accept the supervision or inspection conducted by the administrative department of environmental protection or other department exercising the power of supervision and administration in accordance with this Law or falsifies in the process of supervision or

inspection, the administrative department of environmental protection under the people's government at or above the county level or other department exercising the power of supervision and administration in accordance with this Law shall order it to correct and impose upon it a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 71 Where any entity, in violation of this Law, puts into production or uses the principal part of a construction project whose facilities for water pollution prevention and control have not been finished yet, have not been checked for acceptance or fail to pass the acceptance check, the administrative department of environmental protection under the people's government at or above the county level shall order it to stop the production or use until those facilities pass the acceptance check, and impose upon it a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 72 Where any entity commits any of the following acts in violation of this Law, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct within a certain time limit, and, if it fails to do so, shall impose upon it a fine of not less than 10,000 yuan but not more than 100,000 yuan:

1. refusing to give information or giving false information about declaration and registration issues related to the discharge of water pollutants to the administrative department of environmental protection under the State Council;
2. failing to install automatic monitoring equipment on the discharge of water pollutants or have such equipment networked with the monitoring equipment of the administrative department of environmental protection in accordance with the relevant provisions, and failing to keep the normal operation of such equipment; or
3. failing to keep monitoring over the discharged industrial waste water and keep the original monitoring records in accordance with the relevant provisions.

Article 73 Where any entity, in violation of this Law, uses water pollutant treatment facilities abnormally or dismantles or leaves unused such facilities, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct within a certain time limit and impose upon it a fine of not less than the amount of pollutant discharge fee it should pay but not more than three times the amount.

Article 74 Where any entity, in violation of this Law, discharges water pollutants beyond the state or local standards for the discharge of water pollutants or by exceeding the allowed total discharge volume of major water pollutants, the administrative department of environmental protection under the people's government at or above the county level shall, according to its power, order it to treat the pollution within a certain time limit and impose a fine of not less than twice the amount of pollutant discharge fee it should pay but not more than five times the amount.

During that time limit, the administrative department of environmental protection may order it to restrict production or discharge or stop production until it has put itself in good shape. The time limit shall be at most one year. If it fails to accomplish the treatment task within the time limit, upon the approval of the people's government with the power to approve, the administrative department of environmental protection may order its closure.

Article 75 Where any entity sets up an outfall in a drinking water source reserve, the local people's government at or above the county level shall order it to dismantle it within a certain time limit and impose upon it a fine of not less than 100,000 yuan but not more than 500,000 yuan; if it fails to dismantle it within the prescribed time limit, the people's government may order a mandatory dismantling with the necessary expenses being paid by the lawbreaker, impose upon it a fine of not less than 500,000 yuan but not more than 1 million yuan, and, when necessary, order it to stop production until it has put itself in good shape.

Where any entity, beyond the provision of the preceding paragraph, illegally sets up any outfall or underground pipe in violation of laws, administrative regulations or the provisions set forth by the

administrative department of environmental protection under the State Council, the administrative department of environmental protection under the local people's government at or above the county level shall order it to dismantle such outlet or pipe within a certain time limit and impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan; if it fails to dismantle the outlet or pipe within the prescribed time limit, the department may order a mandatory dismantling with the necessary expenses being paid by the lawbreaker, impose upon it a fine of not less than 100,000 yuan but not more than 500,000 yuan, and, in the case of illegally setting up underground pipe or other serious circumstances, the said department may request the local people's government at or above the county level to order it to stop production until it has put itself in good shape.

Where any entity builds, renovates or enlarges an outfall at a river or lake without the consent of the competent department of water administration or the governing authority of the related drainage area, the competent department of water administration under the people's government at or above the county level or the governing authority of the drainage area shall, according to its power, take steps and give punishments in accordance with the provisions of the preceding paragraphs.

Article 76 Where any entity commits any of the following acts, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and take measures for treatment within a certain time limit to clear up pollution, and impose a fine upon it; if it fails to take measures for treatment within the time limit, the administrative department of environmental protection may appoint an entity capable of such treatment to do so with the necessary expenses being paid by the lawbreaker:

1. discharging oil, acid liquids or lye to waters;
2. discharging highly toxic waste liquid to waters, or discharging or dumping soluble highly toxic waste residues containing mercury, cadmium, arsenic, chrome, lead, cyanide or yellow phosphorus to waters or burying them underground;
3. cleaning at waters the vehicles or containers which have carried or stored oil or poisonous pollutants;
4. discharging or dumping to waters industrial waste residues, urban refuse or other castoffs, or stockpiling or storing solid wastes and other pollutants at bench land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs;
5. discharging or dumping radioactive solid waste or waste water containing highly and medium radioactive substances to waters;
6. discharging waste water or hot waste water containing low radioactive substances or sewage containing pathogen to waters in violation of the relevant state provisions or standards;
7. using any seepage well, sink, fissure or dissolved cavern to discharge or dump waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs; or
8. using any ditch, pit or pool without anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

If it commits any of the acts prescribed in paragraphs 3 and 6, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed upon it; if it commits any of the acts prescribed in paragraphs 1, 4 and 8, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed upon it; and if it commits any of the acts prescribed in paragraphs 2, 5 and 7, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed upon it.

Article 77 Where any entity, in violation of this Law, produces, sells, imports or uses any equipment listed into the catalogue of equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used or adopts any technique listed into the catalogue of techniques which seriously pollute water environment and are prohibited to be adopted, the administrative department of macro economic control under the people's government at or above the county level shall order it to correct, impose upon it a fine of not less than 50,000 yuan but not more than 200,000 yuan, and, if the circumstances are serious, propose a suggestion and submit it to the people's government at the same level requesting to order the entity to stop business or close.

Article 78 Where any entity, in violation of this Law, builds any production projects of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies, the municipal or county people's government of the place of locality of the entity shall order it to close.

Article 79 Where any vessel fails to equip itself with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, or fails to hold legal and valid certificates and documents on preventing water environment from being polluted, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit, impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan, and, if it fails to correct within the prescribed time limit, shall order it to suspend voyage temporarily.

Where any vessel, in conducting any operation involving the discharge of pollutants, fails to strictly follow the operating procedure or record the relevant information on the corresponding book of records, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit and impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan.

Article 80 Where any vessel, in violation of this Law, commits any of the following acts, the maritime governing authority or the administrative department of fishery shall, according to the division of functions and duties between them, impose a fine upon it; if the act causes water pollution, shall order it to take measures for treatment within a certain time limit to eliminate pollution; and, if it fails to take measures within the prescribed time limit, shall appoint an entity capable of treatment to do so with the necessary expenses being paid by the vessel:

1. dumping vessel refuse or discharging the residual oil or waste oil of the vessel to waters;
2. without the approval of the maritime governing authority of the place of operation, taking over residual oil, oil-polluted water or residues of cargos with the hazard of pollution, or cleaning the cabin of vessels which have carried oil or cargos with the hazard of pollution, or conducting barging of unpacked liquid cargos with the hazard of pollution;
3. without the approval of the maritime governing authority of the place of operation, dismantling or salvaging vessels on water, or conducting other above water or underwater vessel construction operations; or
4. dismantling fishery vessels at waters of fishing harbours without the approval of the administrative department of fishery of the place of operation.

If it commits any of the acts prescribed in paragraphs 1, 2 and 4, a fine of not less than 5,000 yuan but not more than 50,000 yuan shall be imposed upon it; and if it commits any of the acts prescribed in paragraph 3, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed upon it.

Article 81 Where any entity commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall order it to stop the illegal act, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, and, upon the approval of the people's government with the right to approve, shall order its dismantling or closure:

1. building, renovating or enlarging in a Grade I drinking water source reserve any construction project irrelevant to water supply facilities and the work of water source protection;
2. building, renovating or enlarging in a Grade II drinking water source reserve any construction project discharging pollutants; or
3. building or enlarging in a quasi drinking water source reserve any construction project seriously polluting waters, or rebuilding any construction project increasing the discharge of pollutants.

Where any entity engages in cage breeding or organizes traveling, going angling or any other activities that may pollute drinking waters in a Grade I drinking water source reserve, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan. For any individual doing such illegal act, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and may impose upon him a fine of not more than 500 yuan.

Article 82 Where any enterprise or public institution commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct, and, if the circumstances are serious, shall impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan:

1. failing to work out any emergency plan for water pollution accidents as required; or
2. failing to initiate such a plan or take corresponding emergency measures in a timely manner after a water pollution accident occurs.

Article 83 Where any enterprise or public institution violates this Law and causes a water pollution accident, the administrative department of environmental protection under the people's government at or above the county level shall, in accordance with the provision of paragraph 2 of this Article, impose a fine upon it and order it to take measures for treatment within a certain time limit to eliminate pollution; if the enterprise or public institution refuses to take measures for treatment as required or is not capable of doing so, the administrative department of environmental protection shall appoint a capable entity to do so on behalf of the enterprise or public institution with the necessary expenses being paid by the latter; if the accident is serious or extraordinarily serious, the administrative department of environmental protection may, upon the approval of the people's government with the right to approve, order it to close, and impose upon each of the directly liable person in charge and other directly liable persons a fine of not more than 50% of the income obtained from the enterprise or public institution in the previous year.

If the accident is ordinary or relatively serious, the fine shall be calculated on the basis of 20% of the direct losses caused by the accident; if the accident is serious or extraordinarily serious, the fine shall be calculated on the basis of 30% of the direct losses caused by the accident.

If the accident is a fishery one or one caused by a fishery vessel, the power to punish shall remain with the administrative department of fishery; if the accident is caused by a non-fishery vessel, the power to punish shall remain with the maritime governing authority.

Article 84 If any party concerned refuses to accept the decision of administrative penalty, it may apply for administrative reconsideration, or file a lawsuit with the people's court within 15 days after receiving the notice of decision; if it does not apply for administrative reconsideration or file a lawsuit after the prescribed time limit and still refuses to perform the decision of administrative penalty, the organ making the decision may apply to the people's court for compulsory execution.

Article 85 The party whose rights and interests are damaged by a water pollution accident is entitled to ask the party discharging pollutants to eliminate the damage and make compensation for their losses.

If the damage is caused by force majeure, the party discharging pollutants bears no liability for compensation, unless it is otherwise prescribed by law.

If the damage is caused by the victim on purpose, the party discharging pollutants bears no liability for compensation. If the damage is caused by the gross negligence of the victim, the liability for compensation of the party discharging pollutants may be mitigated.

If the damage is caused by a third party, the party discharging pollutants has the right to, after making compensation according to law, recover the compensation from the third party.



Article 86 For a dispute over liability for damage or amount of compensation in a water pollution accident, the administrative department of environmental protection, the maritime governing authority or the administrative department of fishery may, according to the division of functions and duties among them and in light of the request of the parties concerned, settle it through mediation; if no agreement can be reached upon mediation, the parties concerned may file a lawsuit with the people's court. The parties concerned may also file a lawsuit with the people's court directly without going through the mediation procedure.

Article 87 For an action of damage due to a water pollution accident, the party discharging pollutants shall assume the burden of proof for legally prescribed exemptions and the nonexistence of relation of cause and effect between its act and the harmful consequences thereof.

Article 88 If the number of parties whose legitimate rights and interests are damaged in a water pollution accident is relatively huge, these parties may select a representative to file a joint action.

The administrative department of environmental protection and the related social groups may legally support the parties whose legitimate rights and interests are damaged in a water pollution accident to file a lawsuit with the people's court.

The state encourages law offices and lawyers to provide legal assistance for victims of lawsuits on damage of water pollution accidents.

Article 89 For any dispute over liability for damage or amount of compensation in water pollution, the parties concerned may entrust the environmental monitoring institution to provide the related monitoring data, and the institution shall accept such entrustment and truthfully provide the required monitoring data.

Article 90 Where any entity or individual commits a violation against management of public security, it/he shall be imposed on a punishment in respect to management of public security; if any crime has been constituted, it/he shall be subject to corresponding criminal liability.

#### Chapter VIII Supplementary Provisions

Article 91 The interpretation of terms mentioned in this Law is as follows:

1. water pollution means that, due to the intervention of certain substances, the chemical, physical, biological or radioactive character of waters is changed, which affects the effective utilization of such water, causes harm to people's health or damages the ecological environment and causes the deterioration of water quality.
2. Water pollutants refer to substances which are directly or indirectly discharged to waters and may cause pollution to waters.
3. Pathogenic pollutants refer to pollutants which are capable of, after being directly or indirectly absorbed by organism, causing the organism or its descendants to become sick, act abnormally, vary genetically, physiologically function abnormally, become deformed or die.
4. fishery waters refer to waters designated as places for fish and shrimps to lay eggs, search baits, live in winter and migrate as well the aquatic plants of fish, shrimps, shellfish and alga.

Article 92 This Law shall come into force as of June 1st, 2008.