

# **Enforcement Regulations for Law on Prevention of Air Pollution of the People's Republic of China**

(Approved by the State Council on 8 May 1991, and issued in Decree No. 5 by the State Bureau of Environmental Protection on May 24, 1991)

## **Chapter I General Provisions**

**Article 1.** The Enforcement Regulations herein are formulated in accordance with the provisions under Article 40 of the " Law on the Prevention of Air Pollution of People's Republic of China".

**Article 2.** The People's Governments at various levels under the Central Administration are held responsible for the quality of atmospheric environment of areas under their jurisdiction, and should adopt measures to prevent air pollution, and protect and improve the atmospheric environment.

**Article 3.** Economic construction departments under the People's Governments at various levels should include the prevention of air pollution in their production and construction plans in accordance with the requirements for atmospheric environment protection as set forth by the respective people's Governments, and have it put into effect.

**Article 4.** It is mandatory for enterprises which discharge pollutants into the atmosphere to include the prevention of air pollution in their production and construction plans, as well as their plans for technical transformation. Competent authorities should strengthen supervision and administration of their work in air pollution prevention.

**Article 5.** The funds, materials, and equipment as needed to affect the prevention of air pollution of construction projects should be included in the overall planning of the main parts of these projects.

## **Chapter II, Supervision and Administration Over Prevention of Air Pollution**

**Article 6.** Installations for the prevention of air pollution of construction projects which discharge pollutants into the atmosphere must be tested by the same environmental protection authorities which examined and approved the environmental impact reports of the said projects prior to their commissioning or usage to the effect that they conform to the conditions hereunder:

- (1) That the effectiveness of the anti-air pollution installations is in line with the designed standards;
- (2) That the rules and regulations governing the management of these anti-air pollution installations are made to be sound and perfect; and
- (3) That the technical data regarding anti-air pollution installations are made to be complete and readily available.

**Article 7.** Units that discharge pollutants into the atmosphere should strengthen management of their anti-air pollution installations that are being commissioned after acceptance checks, and conduct regular inspections and maintenance, or updating when necessary, of these installations, so as to guarantee their normal operation.

**Article 8.** It is mandatory for units which discharge pollutants into the atmosphere to enter "Pollutant Discharge Declaration and Registration Forms", and have them submitted to their local environmental protection authorities, and to make new submissions within fifteen days prior to any major changes as deemed necessary with regard to the type, quantity, and concentration of the discharged pollutants; New submissions must be made within three days of the occurrence of such major Changes in the event that they had not been foreseen or planned for.

**Article 9.** Submissions must be made to local environmental protection authorities prior to the dismantling or idling of air pollutant treatment installations, along with reasons as to why such steps are necessary. The environmental protection authorities in question should make their official, written reply within one month upon receipt of such submissions, and may be interpreted as agreement if no reply is given till after the exceeding of the time limit.

**Article 10.** Pollutant-discharge units being ordered to handle their pollution problems by a prescribed time should make periodic reports to environmental protection authorities on the progress made.

Environmental protection authorities should made inspections on the progress made by units being ordered to handle their pollution problems within a definite time, and conduct acceptance checks on items completed with the harnessing by the prescribed time, the results of which should be reported to people's Governments at the corresponding levels.

**Article 11.** It is mandatory for units responsible for air pollution accidents to submit initial reports containing such information as the time, place, and type of the accidents, the quantity of the discharged pollutants, as well as the economic losses and victims involved, to local environmental protection authorities within forty-eight hours from when the accidents occurred. Detailed written reports with relevant certifications attached should follow up once thorough investigations of the accidents are completed, providing such information as how the accidents were started, their entire process and damages involved, steps taken to tackle with the situation and their results, as well as problems that remain yet to be resolved, and measures for preventing the reoccurrence of such accidents.

**Article 12.** When conducting on-site inspections of pollutant-discharge units that fall within their jurisdiction, the supervisory and administrative personnel of environmental protection authorities, or of other supervisory and administrative authorities should produce their inspection credentials, or wear specified symbols.

The inspection credentials as hold by supervisory and administrating personnel of environmental protection authorities must be signed and issued by environmental protection authorities of cities under the jurisdiction of provincial People's Governments, or above that level,

**Article 13.** When conducting field inspections, environmental protection authorities, or other supervisory and administrative authorities may request units under inspection to provide the following information and data:

- (1) Information on the discharge of pollutants;
- (2) Information on the handling, operation, and management of pollutant treatment installations;
- (3) The model and specifications of monitoring instruments and equipment, and information on their checkouts performances;
- (4) Monitoring and analyzing methods adopted, and monitoring records;
- (5) Information on observance of dictated handling of air pollution by a fixed time;
- (6) Information on accidents, and relevant records;
- (7) Data production technology, and raw material utilization relevant to pollution; and
- (8) Other information and data with respect to the prevention of air pollution.

### **Chapter III, Prevention of Smoke pollution**

**Article 14.** Relevant competent departments under the State Council should set the standards for smoke concentration and blackness for boiler initial discharge in accordance with boiler smoke discharge standards as dictated by the State, and have them included as part of the product and quality standards for the manufacture of boilers.

Prior to the establishment of a new boiler product, The standards of smoke concentration and blackness for its initial discharge, and data on their testing should be filed with environmental protection authorities of cities under the jurisdiction of provincial People's Governments.

It is mandatory for boiler manufacturers to state the standards of smoke concentration and blackness affected during initial discharge of their boilers on the latter's data plates, or in the latter's product manuals.

It is not permissible to manufacture, market, or import boilers that fail to conform with the smoke concentration and blackness standards as referred to under paragraph one of this Article.

**Article 15.** Prior to their formal commissioning or usage, newly-built industrial kilns and newly-installed boilers must go through acceptance checks by environmental protection authorities after prescribed application procedures are being completed; For those which fail to meet State- or locally-prescribed standards governing the discharge of air pollutants shall not be allowed to go into production, or enter into usage.

**Article 16.** Heating and power supply should be made to combine their operations in newly-constructed urban industrial or residential areas are being constructed, or where large sections of the old city are being renovated; In the event that conditions are not available for introducing such combined operations, central heating should be adopted as an alternative; combined heating and power supply installations, or installations for central heating should be designed, constructed and put into operation simultaneously with the constructing projects in question.

**Article 17.** Relevant departments under the State Council, and local People's Governments at the various local levels should take steps to popularize the use of shaped coal and oligosaprobic combustion technology with an eye to gradually limiting the use of small coals. Fuel supply authorities should give preference to the supply of oligosaprobic coal for civilian use.

#### **Chapter IV, Prevention of Waste Gas, Dust, and Offensive Odour Pollution**

**Article 18.** It is forbidden to construct new project in residential areas that discharge waste gas or dust containing toxic matters. Purification treatment should be effected by projects whose discharges prescribed standards, and which have already gone into operation, or been put to use; Enterprises or institutions held responsible for serious pollution of the atmosphere shall be ordered to have it handled within a definite period by People's Government acting within their limits of administrative authority.

**Article 19.** Such combustible gases produced in the course of industrial production as coke oven gas, blast furnace gas, and gases released at a steady rate from coal mines and synthetic ammonia should be recycled and utilized. Failure to do so where all necessary conditions are readily available shall result in being ordered to comply within a fixed period of time by environmental protection authorities of People's Governments at the county level and above, after approval from People's Governments at levels corresponding to the exercising of jurisdiction over the enterprises in question.

**Article 20.** In the event that under specific circumstances it is absolutely necessary to burn bitumen, asphalt felt, rubber, plastics, leather, or other materials which may produce toxic or other harmful dusts, or gases with offensive odor at population centers, such conducts must have the approval of local environmental protection authorities, and be effected in specially provided furnaces in a way they are burned collectively.

When using fixed installations for melting bitumen at construction sites in cities and towns, these fixtures should be of the sealed type.

**Article 21.** Transportation, loading and unloading, and storage of materials which may issue toxic or other harmful gases, or dusts must be supported by such protective measures as having them handled under airtight conditions, or covered up, or sprayed in accordance with relevant provisions.

**Article 22.** Discharges of pollutants into the atmosphere by motor vehicles or vessels must not exceed prescribed standards, otherwise measures will have to be taken to tackle with the problem arising therefrom.

**Article 23.** Environmental protection authorities of People's Governments at various levels shall exercise unified supervision and administration over the prevention of exhaust pollution by motor vehicles and vessels.

Public security, transportation, railway, fishery, and other such administrative authorities in line with their respective responsibilities shall exercise supervision and management of the prevention over exhaust pollution by motor vehicles and vessels.

**Article 24.** Administrations in charge of the production and maintenance of motor vehicles and vessels should include prevention of their exhaust pollution in the respective sectional quality control.

Vehicles whose discharges of pollutants exceed the standards prescribed by the State shall not be permitted to be manufactured, marketed, or imported.

## **Chapter V Legal Liability**

**Article 25.** Penalties provided under Article 13 of "Law on the Prevention of Air Pollution of the People's Republic of China" shall be exercised in accordance with the provisions hereunder:

- (1) Penalty of between three hundred yuan and three thousand yuan for refusal to submit declarations on the discharge of pollutants as dictated by environmental protection authorities under the State Council, or misrepresentation in such declarations;
- (2) Penalty of between three hundred yuan and three thousand yuan for refusal of on-site inspections by environmental protection authorities, or for pollutant discharge exceeding prescribed standards;
- (3) Penalty of between three hundred yuan and three thousand yuan for refusal of on-site inspections by environmental protection authorities, or other supervisory and administrative authorities, or for practicing fraud when being inspected;
- (4) Penalty of between three hundred yuan and three thousand yuan for burning bitumen, asphalt felt, rubber, plastics, leather, or other materials which produce toxic or other harmful dusts, or gases with offensive odor at population centers without authorization; and
- (5) Penalty of between one thousand yuan and ten thousand yuan for failure to pay fees for exceeding pollutant discharge standards in accordance with state provisions.

**Article 26.** Penalties provided under Article 32 of "Law on the Prevention of Air Pollution of the People's Republic of China" shall be exercised in accordance with the provisions hereunder:

- (1) In the event of construction projects being commissioned or put to use without having completed their anti-air pollution installations, such construction projects shall be ordered to cease from production or usage by the environmental protection

authorities that undertook to examine and approve their environmental impact reports, and may also be subjected to a penalty of between five thousand yuan and fifty thousand yuan;

(2) In the event of construction projects being commissioned or put to use with their anti-air pollution installations not having met state requirements over environmental protection management, such construction projects shall be ordered to cause from production or usage by the environmental protection authorities that undertook to examine and approve their environmental impact reports, and may also be subjected to a penalty of between two thousand yuan and twenty thousand yuan.

**Article 27.** A penalty of between ten thousand yuan and one hundred thousand yuan and one hundred thousand yuan may be meted out to enterprises and institutions which have been ordered to tackle with their pollution problems by a set time but failed to do so, in accordance with the provisions under Section One of Article 33 of "Law on the prevention of Air pollution of the People's Republic of China".

**Article 28.** Penalties provided under Article 34 of "Law on the Prevention of Air Pollution of the People's Republic of China" shall be exercised in accordance with the provisions hereunder:

(1) Penalty of between ten thousand yuan and fifty thousand yuan on enterprises and institutions which have caused air pollution accidents to take place;

(2) If major economic losses occurred as a result of the accidents, the penalties shall be fixed at thirty percent of direct losses, but not exceeding a maximum of two hundred thousand yuan.

**Article 29.** Environmental protection authorities of People's Governments at the county level are empowered to mete out penalties under ten thousand yuan, and exceeding that sum shall have the approval from environmental protection authorities of People's Governments at the immediate upper level.

Environmental protection authorities of cities under the jurisdiction of provincial People's Governments are empowered to mete out penalties under fifty thousand yuan, and exceeding that sum shall have the approval from environmental protection authorities of provincial People's Governments.

Environmental protection authorities of provincial People's Governments, and of People's Government of autonomous regions and municipalities under the jurisdiction of the Central Government are in a position to mete out penalties under two hundred thousand yuan.

All penalties collected shall be handed over to the National Treasury, and may not be withheld by any unit or individual.

**Article 30.** Units or individuals subject to payment of off-standard pollutant discharge fees, or being warned or fined shall not be exempted from their liability to tackle with pollution and resultant damages, and compensate for the losses.

## **Chapter VI, Supplementary Articles**

**Article 31.** Relevant departments under the State Council, and People's Governments of the various provinces, autonomous regions, and municipalities under the jurisdiction of the Central Government may formulate implementation measures in accordance with "Law on the Prevention of Air Pollution of the People's Republic of China" and this Bylaw.

**Article 32.** Environmental protection departments under the State Council shall be held responsible for the interpretation of This Bylaw.

**Article 33.** This Bylaw shall become effective as from the first day of July of 1991.