

Interim Measures on the Management of Water Pollutants Discharge Permit

(Promulgated by the National Environmental Protection Agency on March 20, 1988)

Chapter I General Provisions

Article 1 These Measures are formulated pursuant to the Law of the People's Republic of China on the Prevention and Control of Water Pollution and the Marine Environmental Protection Law of the People's Republic of China for the purpose of effectively controlling water pollution and strengthening management and supervision of water pollution sources.

Article 2 On the basis of concentrated control management of pollutant discharges, through a report and registration system and the issuance of water pollutants discharge licenses, total discharge control of pollutant discharges shall be gradually implemented.

Article 3 These Measures are applicable to enterprises and institutions (hereinafter referred to as pollutant discharging units) that directly or indirectly discharge pollutants into water bodies.

Article 4 These Measures shall be implemented by the competent department of environmental protection administration under the State Council and the competent departments of environmental protection administration of the people's governments at all levels, and these agencies shall be responsible for integrated supervision and management of the Measures.

Chapter II Pollutant Discharge Report and Registration System

Article 5 Pollutant discharging units shall, within a specified time, report to the local competent departments of environmental protection administration for pollutant discharge registration, and at the same time provide relevant technical information on environmental pollution prevention.

Article 6 Pollutant discharging units shall truthfully complete the registration forms and, after verification by their own competent departments, submit the forms to the local competent departments of environmental protection administrative for approval.

Article 7 Enterprises and institutions engaging in new construction projects and technical renovation projects shall, within the first three months of the trial production, report to and register with the local competent departments of environmental protection administration as required by Article 6 of these Measures.

Article 8 When the categories, quantities or concentrations of pollutants discharged by the pollutant discharging units have changed substantially, or the discharge methods of the pollutants have changed, these units shall, within 15 days prior to the change(s), report to the local competent departments of environmental protection administration for amendment of the registration information.

Chapter III Discharge Permit System

Article 9 Local competent departments of environmental protection administration shall, in accordance with the local conditions and on the basis of report and registration, carry out a discharge license system for major pollution sources and pollutants by stages and in batches.

Article 10 Pollutant discharging units shall, within a specified time, apply for pollutant discharge licenses and submit the pollutant discharge registration forms approved by the local competent departments of environmental protection administration.

Article 11 Local competent departments of environmental protection administration that carry out the total discharge control system in their own regions, shall allocate the total discharge in accordance with the functions of the water body or the requirements of the water quality targets, and decide on the amount of pollutant reduction according to the current status of water pollution and pollutant discharge.

Article 12 Local competent departments of environmental protection administration shall verify and decide whether to approve the discharge of a pollutant discharging unit according to the local total discharge control targets.

Pollutant discharging units that do not exceed the pollutant total discharge control targets shall be granted pollutant discharge licenses.

Pollutant discharging units that exceed the pollutant total discharge control targets shall be granted provisional pollutant discharge licenses, and shall be ordered to reduce their discharges within a limited time.

Article 13 In the following cases, the discharge and provisional discharge licenses shall be submitted to the competent department of environmental protection administration under the State Council for verification of the discharges:

(1) Pollutant discharging units that cross the borders of provinces, autonomous regions and municipalities directly under the Central Government;

(2) Special pollutant discharging units, such as nuclear facilities and top - secret projects; and

(3) Construction projects comprising a more than 200 million Yuan investment (approved by the State Council).

Article 14 The validity period of the discharge licenses shall be decided by the local competent departments of environmental protection administration. The validity period of the discharge licenses shall not exceed five years, and the validity period of the provisional discharge licenses shall not exceed two years.

Within three months before expiration, the pollutant discharging units shall apply for re - certification of the licenses.

Article 15 Pollutant discharging units holding discharge licenses or provisional discharge licenses are not exempted from paying pollutant discharge fees and other duties stipulated under relevant laws.

Chapter IV Supervision and Management

Article 16 Pollutant discharging units shall discharge pollutants in accordance with provisions of the licenses, and discharges without pollutant discharge licenses is forbidden.

Article 17 Major pollutant discharging units shall be equipped with monitoring personnel and monitoring equipment, and shall use standard methods as stipulated by the State to monitor pollutants discharged by them.

Pollutant discharging units shall report to the local competent departments of environmental protection administration regarding their pollutants discharge status as required.

Article 18 Pollutant discharge outlets shall be numbered, marked and equipped with measurement devices as required by the competent departments of environmental protection administration.

All pollutant discharge outlets shall be outfitted for taking samples and gauging runoff.

Article 19 Units holding provisional discharge licenses shall regularly report to the local competent departments of environmental protection administration about the progress of discharge reduction.

Units that meet the pollutant total discharge control targets after reduction can apply to the local competent departments of environmental protection administration for discharge licenses.

Article 20 Local competent departments of environmental protection administration are authorized to suspend or rescind the discharge licenses of units that discharge pollutants in excess of the amount(s) specified by the licenses.

Local competent departments of environmental protection administration shall revive the suspend-

ed licenses when the units whose licenses are suspended meet the requirements of the discharge licenses within a specified time.

Units whose discharge licenses are rescinded shall apply for the discharge licenses anew.

Article 21 The water pollutant total discharge control targets can be transferred between pollutant discharging units within the region, but the transfer shall be approved by the local competent departments of environmental protection administration.

While pollutant total discharge control is carried out in water bodies that cross the borders of regions and provinces, the competent departments of environmental protection administration at the next higher level shall conduct integrated coordination in accordance with the requirements of the water quality plans.

Article 22 Local competent departments of environmental protection administration are authorized to conduct selective on-site examination and inspection of enterprises and institutions holding licenses within their jurisdiction, and the pollutant discharging units under inspection shall truthfully report the situation and provide relevant information.

The inspection personnel maintain the confidentiality of the technological and business secrets of the units under inspection.

Chapter V Liability Provisions

Article 23 Violators of these Measures shall be warned or fined by the competent departments of environmental protection administration according to the circumstances of the case:

(1) Those failing to report and register before the specified time or submitting a false report shall be imposed a disciplinary warning and a fine not exceeding 5,000 Yuan.

During the time of refusing to report or submitting a false report, the pollutant discharge fee shall be doubled or tripled.

(2) Those failing to reduce pollutants before the specified time or discharging pollutants in excess of the amount stipulated by the discharge licenses shall be imposed a fine not exceeding 10,000 Yuan, and the pollutant discharge fee shall be doubled.

(3) Those refusing to conduct pollutant discharge reporting and registration or refusing to accept discharge licenses shall be subject to a fine not exceeding 50,000 Yuan, and the pollutant discharge fee shall be doubled.

Units whose discharge licenses are suspended or rescinded and continue to discharge pollutants during this period shall be treated as discharging without licenses.

Article 24 In cases where the violations described in Article 23 are conducted as part of a conspiracy involving or inciting involvement of the legal representatives of the pollutant discharging units or by other directly responsible persons, the legal representatives or the directly responsible persons shall be subject to fines of 30 percent of their monthly salaries.

Article 25 On receiving a notice to pay a pollutant discharge fee or fine, the pollutant discharging units or individuals shall pay before the specified date. Those failing to pay before the specified date shall be imposed a late fee of 0.1 percent of the sum total each day.

Chapter VI Supplementary Provisions

Article 26 The pollutant discharge report and registration forms, discharge licenses and provisional discharge licenses shall be uniformly formulated by the competent department of environmental protection administration under the State Council.

Article 27 Local competent departments of environmental protection administration may formulate local implementation rules for these Measures.

Article 28 These Measures shall be interpreted by the competent department of environmental protection administration under the State Council.

Article 29 These Measures shall enter into force on the date of promulgation.