

Measures for the Administration of Automatic Monitoring of Pollution Sources

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Order of the State Environmental Protection Administration of China

(No.28)

The Measures for the Automatic Monitoring of Pollution Sources, which were adopted at the 10th executive meeting of the State Environmental Protection Administration on July 7th, 2005, are hereby promulgated, and shall come into force as of November 1st, 2005.

Director General of the State Environmental Protection Administration Xie Zhenhua

September 19, 2005

Measures for the Automatic Monitoring of Pollution Sources

Chapter I General Provisions

Article 1 With a view to strengthening the monitoring of pollution sources, implementing the system of total pollutant emission control, the system of pollutant discharge license and the system of fee charging for pollutant discharge, preventing pollution accidents, and improving the level of environment management based on science and information, the present Measures are formulated in accordance with the Law on the Prevention and Control of Water Pollution, Law on the Prevention and Control of Air Pollution, Law on the Prevention and Control of Pollution by Environment Noise, Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, Regulation on the Environmental Protection of Construction Projects, and the Regulation on the Collection and Use of Pollutant Discharge Fees, and other relevant laws and regulations on environmental protection.

Article 2 The present Measures shall be applicable to the supervision and administration of the automatic monitoring system for the key sources of pollution.

The present Measures shall be followed in the construction, management and operation maintenance of the automatic monitoring system for the discharge of water pollutants, air pollutants and noise at the key sources of pollution.

Article 3 The "automatic monitoring system" as mentioned in the present Measures shall consist of automatic monitoring equipments and a monitoring center.

The automatic monitoring equipments shall refer to the apparatuses and flow (current) meters installed on the site of pollution sources, which are used for monitoring and supervising over pollutant discharge, operational recorders for the pollution prevention and control facilities, data collection and transmission apparatuses, and other instrument and apparatuses, which are a component part of the facilities for the prevention and control of pollution.

The monitoring center shall refer to the computer software and equipment which are used by the environmental protection departments to link communications transmission circuits and the automatic monitoring equipments so as to achieve the automatic monitoring of the key pollution sources.

Article 4 If any automatic monitoring system is found to meet the standard upon the examination of the environmental protection department and operates normally, its data shall be regarded as the basis for the environmental protection department to conduct such environmental supervision and administration as verifying the application for pollutant discharge, issuing pollutant discharge licenses, controlling the total volume of discharged pollutants, making environmental statistics, collecting pollution discharge fees, and conducting on-site environment law enforcement, and shall be published to the society in light of the relevant provisions.

Article 5 The State Environmental Protection Administration shall be responsible for guiding the work of automatic monitoring on key pollution sources countrywide, and formulate relevant work systems and technical specifications.

The local environmental protection departments shall, on the basis of the requirements of the State Environmental Protection Administration, and in light of the principle of overall planning, ensuring the focal points with due consideration to ordinary ones, and doing according to their abilities, determine the key pollution sources that shall be subject to automatic monitoring, and formulate work plans.

Article 6 An environmental supervision organ shall be responsible for the following work:

1. Taking part in the formulation of work plans and organizing the implementation thereof;
2. Verifying whether the selection, installation and use of any automatic monitoring equipment comply with the requirements;
3. Making supervision and inspection on the construction, operation and maintenance of any automatic monitoring system;
4. Conducting monitoring and management through network on the automatic monitoring system of key pollution sources within its own administrative region;
5. Verifying the automatic monitoring data and submit them to the environmental protection department at the corresponding level and the environment supervision organ at the upper level through networks; and
6. Proposing opinions on punishing any pollutant-discharging entity which fails to set up as required or which unlawfully dismantles, puts aside, closes down or abnormally uses the automatic monitoring system.

Article 7 An environmental monitoring organ shall be responsible for the following work:

1. Giving guidance to the selection, installation and use of automatic monitoring equipments; and
2. Making comparative monitoring on automatic monitoring equipments periodically and bringing forward opinions on the effectiveness of the automatic monitoring data.

Article 8 An environmental information organ shall be responsible for the following work:

1. Guiding the development of automatic monitoring software;
2. Guiding the networking of automatic monitoring systems, and verifying whether the networking of automatic monitoring systems complies with the technical specifications as formulated by the State Environmental Protection Administration; and
3. Assisting the environmental supervision organs in maintaining and managing the networked operation of automatic monitoring systems.

Article 9 Any entity or individual shall have the obligation to protect the automatic monitoring system, and shall have the right to report any act of putting aside, dismantling, destroying and altering without permission any parameter or data of any automatic monitoring system and other act of abnormally using the automatic monitoring system.

Chapter II Building of the Automatic Monitoring System

Article 10 Any pollutant-discharging entity that is listed in the plan for automatic monitoring of pollution sources shall build and install automatic monitoring equipments and the supporting facilities thereof in light of the prescribed time limit and cooperate with the networking of the automatic monitoring system.

Article 11 The automatic monitoring equipments and their supporting facilities for any newly built, restructured or expanded technological reformation project shall be built and installed according to the approved documents of environmental impact assessment, and shall be designed, constructed and put into use simultaneously with that of the principal part of the project as a component part of the environmental protection facilities.

Article 12 The following requirements shall be met for the building of any automatic monitoring system:

1. For the relevant apparatuses in the automatic monitoring equipments, the products that have passed the applicability testing of the environmental monitoring equipment testing institution as designated by the State Environmental Protection Administration shall be used;
2. The data collection and transmission shall comply with the relevant state technical specifications on data transmission and interface standards of on-line pollution emission automatic monitoring system;

3. The automatic monitoring equipments shall be installed in the sewage draining exit which complies with the requirements of the environmental protection specifications;
4. The comparative monitoring conducted in light of the relevant state environmental monitoring technical specifications and environmental monitoring apparatuses shall meet the standard;
5. The automatic monitoring equipments can be networked steadily with the monitoring center; and
6. The system for the operation, use and management of the automatic monitoring system shall be established.

Article 13 The expenses for the construction, operation and maintenance of the automatic monitoring equipments shall be collected by the pollutant-discharging entities themselves, and the environmental protection departments may grant subsidies thereto; as to the expenses for the operation and maintenance of the monitoring centers, the environmental protection departments shall make budgets and apply for funds for that purpose.

Chapter III Operation, Maintenance and Management of the Automatic Monitoring System

Article 14 The following provisions shall be followed in the operation and maintenance of the automatic monitoring system:

1. The operators of the automatic monitoring equipments shall, in light of the relevant state provisions, be trained and shall pass the examination and obtain a certificate so as to take the post;
2. The use, operation and maintenance of the automatic monitoring equipment shall comply with the relevant technical specifications;
3. A comparative monitoring shall be conducted periodically;
4. Operational records of the automatic monitoring system shall be established; and
5. In case the automatic monitoring equipments fail to collect and transmit data normally due to trouble, they shall be examined and repaired in time, and shall be reported to the environmental monitoring institution. The data may also be submitted through artificial monitoring, if necessary.

If the automatic monitoring system is operated and maintained by a third party, the third party that accepts the entrustment shall, in accordance with the provisions of the Measures for the License Administration of Qualification for Operation of Environmental Pollution Control Facilities, apply for obtaining a certificate of qualification for the operation of environmental pollution control facilities.

Article 15 In case there is necessity to repair, stop the use of, dismantle or alter any automatic monitoring equipment, the entity concerned shall report to the environmental monitoring organ for approval in advance.

The environmental monitoring organ shall give a reply within 7 days from the day of receiving the report of the pollutant-discharging entity; and its failure to give a reply exceeding the time limit shall be deemed as a consent.

Chapter IV Penalties

Article 16 In case any existing pollutant-discharging entity violates the provisions of the present Measures, and does not complete the installation of any automatic monitoring equipment and its supporting facilities within the prescribed time limit, the environmental protection department at or above the county level shall order it to correct within a prescribed time limit, and impose upon it a fine of less than RMB 10,000 Yuan.

Article 17 In case any entity violates the provisions of the present Measures, and officially puts into production or use the principal part of a newly built, restructured, expanded or technologically reformed project without installing the automatic monitoring equipment and its supporting facilities on such project, or without having the project checked and accepted or without passing the checking of the project, the environmental protection department that makes examination and approval on the documents of environmental impact assessment on the construction project shall, in accordance with the Regulation on the Administration of Environmental Protection on Construction Projects, order it to stop the production or use of the principal part of the project, and may impose upon it a fine of less than RMB 100,000 Yuan.

Article 18 Whoever violates the provisions of the present Measures and has any of the following acts, the local environmental protection department at or above the county level shall handle it according to the following provisions:

1. Purposely failing to use the automatic monitoring system for the discharge of water pollutants in a normal way, or dismantling, putting aside, or destroying the automatic monitoring system for the discharge of water pollutants without the approval of the environmental protection department, and the pollutant discharge exceeds the prescribed standard;
2. Failing to use the automatic monitoring system for the discharge of air pollutants in a normal way, or dismantling putting aside or destroying the automatic monitoring system for the discharge of air pollutants without the approval of the environmental protection department; or
3. Dismantling, putting aside or destroying the automatic monitoring system for the discharge of environmental noise without the approval of the environmental protection department, which results in the emission of environmental noise exceeding the prescribed standard.

In case any entity has the act as prescribed in item (1) of the preceding paragraph, it shall, in accordance with the provisions of Article 48 of the Law on the Prevention and Control of Water Pollution and of Article 41 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be ordered to resume the normal use or to install and use them within a prescribed time limit, and be fined less than RMB 100,000 Yuan; if any entity has the act as prescribed in item (2) of the preceding paragraph, it shall, in accordance with the provisions of Article 46 of the Law on the Prevention and Control of Air Pollution, be ordered to stop the illegal act, and make a correction within a prescribed time limit, and be given a warning or fined less than RMB 50,000 Yuan; if any entity has the act as prescribed in item (3) of the preceding paragraph, it shall, in accordance with the provisions of Article 50 of the Law on the

Prevention and Control of Environment Pollution by Noise, be ordered to correct, and be fined less than RMB 30,000 Yuan.

Chapter V Supplementary Provisions

Article 19 The present Measures shall come into force as of November 1st, 2005.