

Administrative Measures for Urban Drainage License

Promulgation date: 12-25-2006
Effective date: 12-25-2006
Department: MINISTRY OF CONSTRUCTION
Subject: CONSTRUCTION

Order of the Ministry of Construction

(No. 152)

The Administrative Measures for Urban Drainage License, which were discussed and adopted at the 112th executive meeting of the Ministry of Construction on December 11, 2006, are hereby promulgated and shall come into force as of March 1, 2007.

Minister of Construction Wang Guangtao

December 25, 2006

Administrative Measures for Urban Drainage License

Article 1 For the purposes of strengthening the administration of urban drainage, ensuring the safety and normal operation of the urban drainage facilities and preventing urban water environment pollution, these Measures are formulated in accordance with the Administrative License Law of the People's Republic of China and the Decision of the State Council on Establishing Administrative License for the Administrative Examination and Approval Items Really Necessary To Be Retained (Order No. 412 of the State Council) .

Article 2 These Measures shall apply to the applications for urban drainage licenses within the territory of the People's Republic of China, as well as to the supervision and administration over the drainage entities' draining sewage into the urban drainage pipe network and its accessory facilities.

Article 3 To drain sewage into the urban drainage pipe network and its accessory facilities, a drainage entity shall apply for an urban drainage license in accordance with these Measures.

No drainage entity may drain sewage into the urban drainage pipe network and its accessory facilities if it fails to obtain an urban drainage license.

Article 4 The term "drainage entity" as mentioned in these Measures refers to the entities and individual business operators who drain sewage into the urban drainage pipe network and its facilities due to engaging in manufacturing, construction, electric power and gas production, scientific research, sanitation, lodging and catering, entertainment business, resident service, and other services.

Article 5 The construction administrative department of the State Council shall be responsible for the supervision and administration of the urban drainage licenses throughout the country.

The construction administrative department of the people's government of a province or autonomous region shall be responsible for the supervision and administration of the urban drainage licenses within its administrative area.

The urban drainage administrative department of the people's government of a municipality directly

under the Central Government, city or county (hereinafter referred to the drainage administrative department) shall be responsible for the issuance and administration of the urban drainage licenses within its administrative area.

Article 6 Within the range covered by the urban drainage pipe network and its accessory facilities, the drainage entities shall, according to the urban drainage plan and other relevant requirements, drain sewage into the urban drainage pipe network and its accessory facilities.

Article 7 Where a drainage entity needs to drain sewage into the urban drainage pipe network and its accessory facilities, it shall, upon the strength of the relevant documents, file an application with the local drainage administrative department for a drainage license. The drainage administrative department shall make a decision within 20 days as of the date of acceptance of the application.

A drainage entity which has already drained sewage into the urban drainage pipe network and its accessory facilities prior to the implementation of these Measures shall apply for an urban drainage license according to the provisions in the preceding paragraph. If it meets the licensing requirements, it shall be granted an urban drainage license. If it does not meet the licensing requirements, it shall be ordered to make a correction by the drainage administrative department. After it satisfies the relevant requirements, it shall be granted an urban drainage license.

Article 8 A drainage entity which meets the following conditions shall be granted an urban drainage license upon examination and approval:

- (1) Its setup of sewage drainage exit satisfies the requirements in the urban drainage plan;
- (2) The sewage that it drains conforms to the relevant standards and provisions in the Water Quality Standards on the Sewage Drained into the Urban Sewers (CJ3082), and the part of sewage, which is directly drained into a water body rather than entering into the sewage treatment plant and after it is drained into the urban drainage pipe network and its accessory facilities, shall conform to the Comprehensive Sewage Drainage Standards (GB 8978) and the relevant industrial standards;
- (3) It has already built corresponding sewage treatment facilities;
- (4) It has already set up a special monitoring well at the drainage exit;
- (5) For a major sewage drainage industrial enterprise which drains sewage likely to affect the normal operation of the urban drainage pipe network and its accessory facilities, it shall, at the drainage exit, have already installed an online monitoring device which can test the water volume, pH, COD_{Cr} (or TOC). For any other major sewage drainage industrial enterprise or major drainage entity, it shall be able to test the water volume, pH, COD_{Cr}, SS and ammonia nitrogen, and have corresponding rules on testing the volume and quality of water.
- (6) Where a drainage entity temporarily drains any post-construction water with so much sediment that the drainage pipe network and its accessory facilities may be blocked or damaged, it shall have built pre-precipitation facilities and the sewage it drains conforms to the standards as prescribed in Item (2) of this Article.

The major drainage industrial enterprises and major drainage entities shall be determined and announced to the general public by the drainage administrative department jointly with other relevant departments.

Article 9 To apply for an urban drainage license, the applicant shall faithfully submit the following materials:

- (1) An application for urban drainage license;
- (2) The blueprint and explanatory materials for the location and criterions of the special monitoring well and sewage exit;
- (3) The relevant materials for building the sewage disposal facilities as required;
- (4) A drainage quality and volume report issued by a drainage monitoring institution with the measurement certification qualifications within 1 month prior to the acceptance of the drainage license; and
- (5) A major sewage drainage industrial enterprise whose sewage is likely to damage the normal

operation of the urban drainage network and its accessory facilities shall provide the relevant materials of the on-line test device which can test the water volume, pH, COD_{Cr} (or TOC). Any other major sewage drainage industrial enterprise or major drainage entity shall provide materials which can test the water volume, pH, COD_{Cr} (TOC), SS and ammonia nitrogen, and have corresponding test rules.

Article 10 An urban drainage license shall be valid for 5 years. For the temporary drainage of post-construction sewage into the urban drainage pipe network and its accessory facilities, the valid term of the urban drainage license shall be determined by the drainage administrative department according to the drainage circumstances, but it shall not exceed the construction period.

Article 11 If the drainage entity needs to continue to drain sewage after the expiration of the valid term of an urban drainage license, it shall, 30 days prior to the expiration of the valid term, file an application to the drainage administrative department. The drainage administrative department shall, according to the application, make a decision of approval or disapproval of the extension of the valid term. If it makes a decision of approval, the valid term shall be extended for 5 years.

Where a drainage entity drains sewage in strict compliance with licensing contents within the valid term of the urban drainage license, when the valid term expires, it may, upon approval of the original approval organ, be extended for 5 years without examination.

Article 12 A drainage entity shall drain sewage according to the licensed drainage type, total volume, time limit, location and number of the drainage exits, types and density of pollutants discharged, etc.

A major sewage industrial enterprise or major drainage entity shall regularly report to the drainage administrative department the data tested according to the rules on testing the water volume and quality.

If it is necessary to change the licensing contents, the drainage entity shall, according to these Measures, file an application to the local drainage administrative department for a new urban drainage license.

Article 13 During the flood season or in a special case, a drainage entity shall obey the uniform arrangement of the drainage administrative department and drain sewage according to its requirements.

Article 14 No drainage entity may conduct any of the following acts:

- (1) Draining sewage into the urban drainage pipe network and its accessory facilities without urban drainage license;
- (2) Draining sewage into the urban drainage pipe network and its accessory facilities after the expiration of the valid term of the urban drainage license;
- (3) Draining sewage into the urban drainage pipe network and its accessory facilities by violating the contents as described in the urban drainage license;
- (4) Discharging virulent substances, flammable and explosive substances and harmful gas into the urban drainage pipe network and its accessory facilities;
- (5) Dumping garbage, dirt with waste residue, construction slop, which can easily cause blocking, into the urban drainage pipe network and its accessory facilities;
- (6) Illegally occupying, taking down, moving or making a hole in or through the urban drainage pipe network and its accessory facilities;
- (7) Illegally draining sewage into the urban drainage pipe network and its accessory facilities; or
- (8) Any other act affecting the normal operation of the urban drainage pipe network and its accessory facilities.

Article 15 A drainage administrative department shall, in accordance with the relevant laws,

regulations and these Measures, supervise and inspect the sewage drained by the drainage entities.

Article 16 When a drainage administrative department performs its supervision and inspection function, it has the power to take the following measures:

- (1) To conduct an inspection on the spot;
- (2) To require the drainage entity inspected to show its urban drainage license;
- (3) To consult and copy the relevant documents and materials;
- (4) To require the entity inspected to make an explanation on the relevant problems; and
- (5) To correct the acts in violation of the relevant laws, regulations and these Measures.

Article 17 A drainage administrative department shall entrust a drainage monitoring institution with the measurement certification qualifications to regularly test the quality of the sewage drained by the drainage entities, and shall announce the results to the general public.

Article 18 A drainage administrative department shall supervise and inspect the drainage entities. None of the relevant entities and individuals may refuse or hamper its supervision and inspection.

An entity inspected shall accept the supervision and inspection and shall provide convenience.

The drainage administrative department and its functionaries have the obligation to keep confidential the commercial secrets, they know, of the entities inspected.

Article 19 For the sewage which will not enter the sewage treatment plant and which is directly drained into the water body through the urban drainage pipe network and its accessory facilities, the drainage administrative department shall regularly test the water quality. If it finds that the water quality of the sewage does not conform to the Comprehensive Sewage Drainage Standards (GB 8978) and the relevant industrial standards, it shall find out the reason immediately.

If the drainage administrative department finds that the water quality of the sewage drained by any drainage entity does not conform to the requirements of the drainage license, it shall order this drainage entity to make a correction within a time limit. If the requirements of the drainage license are not satisfied within the time limit, it shall revoke the urban drainage license, prohibit the drainage entity from draining sewage into the urban drainage pipe network and its accessory facilities and inform the environment protection department at the same level of the relevant information as well as the result of solving the problem.

Article 20 A drainage administrative department shall announce to the general public the supervision and inspection information and the results of the solving the problems.

Article 21 Under any of the following circumstances, the drainage administrative department which makes a decision of drainage license or its superior administrative organ may, according to its functions or at the request of the interested party, revoke the urban drainage license:

- (1) The decision of approving the issuance of urban drainage license is made by the functionaries of the drainage administrative department who abuse their power or neglect their duties;
- (2) The decision of approving the issuance of urban drainage license is made by surpassing the statutory powers;
- (3) The decision of approving the issuance of urban drainage license is made by violating the statutory procedures;
- (4) The decision of approving the issuance of urban drainage license is made to an applicant who does not meet the licensing requirements; or
- (5) Any other circumstance under which the urban drainage license may be revoked in pursuance of the law.

Where any drainage entity obtains an urban drainage license by cheating, bribery or other improper means, the urban drainage license shall be revoked.

Article 22 No drainage administrative department may charge any fee during the course of handling an urban drainage license.

The operating funds of a drainage administrative department for implementing the drainage licensing shall be included in the budget of the drainage administrative department and shall be guaranteed by the finance department at the same level, which shall allocate the operating funds according to the budget approved.

Article 23 Where any drainage entity violates Article 6 of these Measures due to failure to drain sewage into the urban drainage pipe network and its accessory facilities, the drainage administrative department shall give it a warning, order it to make a correction within a time limit and fine it not less than 5, 000 yuan but not more than 10, 000 yuan.

Article 24 Where any drainage entity violates Article 14 of these Measures, the drainage administrative department shall give it a warning, order it to make a correction within a time limit and fine it not less than 10, 000 yuan but not more than 30, 000 yuan.

Article 25 Where any drainage entity causes any damage to the urban drainage pipe network and its accessory facilities, it shall be liable for the compensation.

Article 26 The urban drainage licenses shall, according to format uniformly prescribed by the construction administrative department of the State Council, be printed and produced upon organization of the construction administrative departments of the people's governments of the provinces, autonomous regions, and the drainage administrative departments of the people's governments of the municipalities directly under the Central Government.

The construction administrative department of the State Council shall formulate a recommendation format for the urban drainage license application form. The drainage administrative departments of the municipalities directly under the Central Government, cities and counties shall print and produce urban drainage license application forms by referring to the said recommendation format.

Article 27 Where any drainage administrative department is under any of the following circumstances, its superior administrative department or the supervision organ shall order it to make a correction and give a sanction to the directly liable person-in-charge and other directly liable persons. If any crime is constituted, they shall be subject to the criminal liabilities:

- (1) Granting a drainage license to any applicant who does not satisfy the relevant requirements of these Measures;
- (2) Refusing to issue a drainage license or failing to make a decision of approval of licensing to any applicant who meets the requirements of these Measures;
- (3) Rejecting any application which meets the statutory conditions;
- (4) Accepting properties or other benefits from others by taking the advantage of its functions; or
- (5) Causing any serious consequences due to its failure to exercise or failing to effectively exercise the supervisory functions.

Article 28 These Measures shall come into force as of March 1, 2007. The Administrative Measures for the Urban Drainage License (No. 330 [1994]) issued by the Ministry of Construction on May 20, 1994 shall be repealed simultaneously.

Where any rule or regulation, which was issued by the Ministry of Construction prior to the implementation of these Measures, is contrary to these Measures, these Measures shall prevail.