

Administrative Measures for Urban Living Garbage

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Administrative Measures for Urban Living Garbage, which were deliberated and adopted at the 123rd
utive meeting of the Ministry of Construction on April 10, 2007, are hereby promulgated and shall
come into force as of July 1, 2007.

Minister of the Ministry of Construction Wang Guangtao

April 28, 2007

Administrative Measures for Urban Living Garbage

Chapter I General Provisions

Article 1 For the purposes of strengthening the administration of urban living garbage and improving
the city appearance and environmental sanitation, these Measures are formulated in accordance with
the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution
by Solid Wastes, the Regulation on the Administration of City Appearance and Environmental
Sanitation and other laws and administrative regulations.

Article 2 These Measures shall apply to the clearing, collection, transport, disposal of urban living
garbage and the relevant administrative activities within the territory of the People Republic of China.

Article 3 The principles of minimization, reclamation and environmentally friendly treatment and that
whoever produces garbage shall bear the responsibility for the disposal thereof shall be observed in the
control of urban living garbage.

The state shall adopt economic and technological policies and measures which are helpful to the
comprehensive utilization of urban living garbage, enhance the scientific and technological level of
control of urban living garbage and encourage the full recovery and reasonable utilization of urban
living garbage.

Article 4 The entities and individuals producing urban living garbage shall pay fees for the disposal
thereof according to the criterions determined by urban people's government on garbage disposal fees
and other relevant provisions.

The urban garbage disposal fees shall be exclusively used for the collection, transport and disposal of
urban living garbage and are strictly forbidden to be used for any other purpose.

Article 5 The construction administrative department of the State Council shall be responsible for the
administration of urban living garbage throughout the country.

The construction administrative department of the people's government of each province or
autonomous region shall be responsible for the administration of urban living garbage within its
administrative area.

The construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, of a city or a county, shall be responsible for the administration of urban living garbage within its administrative area.

Article 6 Any entity or individual shall comply with the relevant provisions on the administration of urban living garbage and may expose and charge against any entity or individual in violation of these Measures.

Chapter II Control Planning and Facilities Construction

Article 7 The construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, of a city or of a county, shall, jointly with the relevant departments such as the city planning department, work out a plan on the control of urban living garbage and uniformly arrange the distribution of, land to be used for and scale of facilities for the collection and disposal of urban living garbage.

The opinions of the general public shall be widely consulted in the formulation of a plan on the control of urban living garbage.

Article 8 The land to be used for the facilities of collection and disposal of urban living garbage shall be integrated into the urban yellow line protection range. No entity or individual may illegally occupy it or change its purpose of use.

Article 9 The construction of facilities of collection and disposal of urban living garbage shall be in line with the urban living garbage control plan and the pertinent national technical standards.

Article 10 An entity engaging in the development of a new area, rebuilding of an old area or construction and development of a residential area, or the business management entity of an airport, port, station, store or of any other public facilities or place prepare facilities for the collection of urban living garbage under the urban living garbage control plan and the criteria on the setup of environmental sanitation facilities.

Article 11 The relevant laws, regulations and technical standards of the state shall be strictly followed in the survey, design, construction and supervision of construction of projects of facilities for the collection and disposal of urban living garbage.

Article 12 After the completion of a project of construction of facilities for the collection or disposal of urban living garbage, the construction entity shall organize a completion-based check and shall, within 3 month thereafter, submit to the construction project archives to the construction administrative department and the environmental sanitation administrative department of the local people's government. If no completion-based check is made for the project or if the project fails to pass the check, it shall not be delivered for use.

Article 13 No entity or individual may illicitly close down or dismantle any facilities or site for the disposal of urban living garbage or leave them idle. If it is really necessary to do so, such entity or individual shall be subject to the examination and approval of the construction (environmental sanitation) administrative department of the local people's government at the county level or above and shall take measures to prevent environmental pollution.

Article 14 An applicant shall submit the following materials if it (he) applies for closing down or dismantling any facilities or site for the disposal of urban living garbage or leaving them idle:

1. A written application;
2. The ownership certification materials;
3. A certification for its loss of functions or for the replacement of its functions by other facilities;
4. A plan on the prevention of environmental pollution;

5. A drawing of the present state of and a plan on the dismantlement of the facilities to be closed down, to be left idle or to be dismantled;
6. A design map of the new facilities to be built;
7. For any facilities to be left idle, be closed down or dismantled due to the ution of a city plan, the approval documents of the planning and construction administrative department shall be provided as well.

Chapter III Clearing, Collection and Transport

Article 15 Classified dumping, collection and transport of urban living garbage shall be gradually realized. The detailed measures shall be formulated by the construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, or of a county, according to the national standards and the local actual situation.

Article 16 An entity or individual shall, according to the prescribed place and time, dump the living garbage to the garbage containers or collection place as designated. The waste furniture and other large pieces of garbage shall, at the prescribed time, be put in the collection place as designated.

For an area for the classified collection of urban living garbage, the entities and individuals shall, according to the classification requirements as prescribed, put the living garbage into the corresponding garbage bag and then put it into the designated garbage container or collection place.

Hotels, restaurants, government organs, universities, colleges and other entities shall, under the relevant provisions, separately collect and keep the kitchen garbage produced by themselves and deliver such garbage to an enterprise of collection and transport of urban living garbage, which satisfies the requirements of these Measures, for transport to prescribed place of disposal of urban living garbage.

It is forbidden to dump, throw, spill or pile up urban living garbage at will.

Article 17 An enterprise engaging in commercial clearing, collection and transport of urban living garbage shall obtain a license for the commercial service of clearing, collection and transport of urban living garbage.

Any enterprise failing to obtain a license for the commercial service of clearing, collection and transport of urban living garbage shall not engage in activities of clearing, collection and transport of urban living garbage.

Article 18 The construction (environmental sanitation) administrative department of a municipality directly under the Central Government, or of a city or county, shall, by way of bid tendering or any other fair competition means, make a licensing decision about the commercial service of clearing, collection and transport of urban living garbage and issue to the bid-winner a service of commercial clearing, collection and transport of urban living garbage.

The construction (environmental sanitation) administrative department of a municipality directly under the Central Government, or of a city or county, shall sign with the bid-winner an agreement on the business of clearing, collection and transport of urban living garbage.

The agreement on the business of clearing, collection and transport of urban living garbage shall state the time limit, service standards and other items and shall serve as an attachment to the license for the service of clearing, collection and transport of urban living garbage.

Article 19 An enterprise to provide the service of clearing, collection and transport of urban living garbage shall meet the following conditions:

1. The registered capital of the enterprise with the legal person status which intends to engage in clearing and collection of garbage shall not be less than 1 million yuan or the registered capital of the enterprise to engage in the transport of garbage shall not be less than 3 million yuan;
2. Its mechanical clearing capacity shall reach at least 20% of the total clearing capacity; it has mechanical clearing vehicles, including tank cars and clearing vehicles. A mechanical clearing vehicle shall have the functions such as automatic water spray, preventing dirt, preventing falling and scattering, as well as safety warning, and shall be equipped with an instrument for recording the driving and clearing courses of the vehicle;
3. It shall employ completely airtight transport tools, which have the function of classified collection, to collect garbage;
4. It shall employ completely airtight automatic discharge vehicles or vessels, which have the functions of preventing the spread of disagreeable odor, preventing falling and scattering, preventing the seeping, dropping and leaking of liquid, and which shall be equipped with an instrument for recording the driving and clearing courses of the vehicle;
5. It has sound rules on the management of technologies, quality, safety and monitoring;
6. It has a lawful road transport business license and vehicle licenses; and
7. It has a fixed office, machines, equipment, and a place for parking vehicles and anchoring vessels.

Article 20 An enterprise engaging in the commercial clearing, collection and transport of urban living garbage shall perform the following obligations:

1. To timely clear, collect and transport the urban living garbage within the prescribed time limit according to the environmental sanitation standards and norms;
2. To transport the urban living garbage it collects to the disposal place acknowledged by construction (environmental sanitation) administrative department of the people's government of the municipality directly under the Central Government, or of a city or county;
3. After it clears, collects and transports the urban living garbage, it shall timely keep clean and reposition the living garbage collection facilities, clear up the operation place and keep the living garbage collection facilities and surrounding environment clean; and
4. The vehicles and vessels used for collecting and transporting the urban living garbage shall be airtight, in good condition and clean.

Article 21 An enterprise engaging in the commercial clearing, collection and transport of urban living garbage is prohibited to commit the following acts:

1. To dump, throw, spill or pile up urban living garbage at will;
2. To stop business or close business; and
3. To throw away, leave or scatter any living garbage during the process of transport.

Article 22 The industrial solid waste and hazardous waste shall, under the relevant provisions of the state, separately collect, transport, and be strictly prohibited to mix the urban living garbage.

Chapter IV Disposal

Article 23 The urban living garbage shall be disposed at the forwarding station or disposal plant (place) of urban living garbage.

No entity or individual may dispose of the urban living garbage at will.

Article 24 The technologies, equipment and materials employed in the disposal of the urban living garbage shall conform to the national technical standards on the disposal of urban living garbage so as to prevent environmental pollution.

Article 25 An enterprise to engage in the commercial disposal of urban living garbage shall obtain from the local construction (environmental sanitation) administrative department of the people's government of the municipality directly under the Central Government, or of the city or county a license for the service of disposal of urban living garbage.

Any enterprise without a license for the service of commercial disposal of urban living garbage shall not engage in the commercial disposal of urban living garbage.

Article 26 The construction (environmental sanitation) administrative department of a municipality directly under the Central Government, of the city or county, shall, by way of bid tendering or any other fair competition means, make a licensing decision about the commercial disposal of urban living garbage, and issue to the bid-winner a license for the service of commercial disposal of urban living garbage.

The construction (environmental sanitation) administrative department of the municipality directly under the Central Government, of the city or county, shall sign with the bid-winner an agreement on the business of clearing, collection and transport of urban living garbage, stating the time limit, service standards and other items, and shall attach it to the license for the service of commercial disposal of urban living garbage.

Article 27 An enterprise to engage in the service of commercial disposal of urban living garbage shall satisfy the following conditions:

1. The registered capital of a sanitary landfill or compost plant which has the enterprise legal person status and whose business scale is less than 100 tons / day shall not be less than 5 million yuan; the registered capital of a sanitary landfill or compost plant which has the enterprise legal person status and whose business scale exceeds 100 tons / day shall not be less than 50 million yuan; the registered capital of an incineration plant shall not be less than 100 million yuan;
2. The selection of the site for sanitary landfill, a compost plant or incineration plant shall be in line with the urban and rural planning, and for which a licensing document under planning;
3. The technologies and techniques it adopts shall conform to the relevant national standards;
4. It has at least five employees with professional technical titles at the primary level or above, including technicians of specialties such as environmental engineering, mechanism, and environmental monitoring. The technical person-in-charge shall have at least 5 years of experience in waste disposal, and shall obtain a professional technical title at the intermediate level or above;
5. It has well-established rules on the operation of techniques, equipment management, environmental monitoring and protection, financial management, work safety, and measurement and statistics, and uses these rules effectively;
6. Its facilities for living waste management shall be equipped with a methane monitoring instrument, and environmental monitoring equipment such as a monitoring well for leaking and tail gas sampling hole, and online monitoring system which is linked with the website of the (environmental sanitation) administration department;
7. It has a thorough technical plan for the leaking of living waste and the utilization and treatment of methane, a plan on filling different waste in different areas of the sanitary landfill, and a plan on the compliance of disposal and emission of remnants such as the leaking of liquid, methane, burning smoke and dregs during the disposal of living waste; and
8. It has an emergency plan for controlling contamination and emergencies.

Article 28 An enterprise engaging in the commercial disposal of urban living garbage shall perform the following obligations:

1. To dispose of urban living garbage in strict accordance with the relevant provisions and technical standards of the state;
2. To disposal of sewage, waste gas, waste residue and dust generated during the process of disposal so as to prevent the second pollution;
3. To take living garbage at the time and under the requirements as specified by the local construction (environmental sanitation) administrative department;
4. To prepare equipment and facilities for the disposal of urban living garbage and ensure the facilities and equipment running soundly;
5. To ensure a clean disposal station, site (plant) of urban living garbage;
6. To equip with qualified managerial personnel and operators;

7. To measure the living garbage taken and transported, entering and exiting the disposal site (station) and disposed every day, and submit the statistical data and statements to the local construction (environmental sanitation) administrative department according to the relevant requirements; and
8. To regularly monitor the impact on the water, air, soil and other environmental factors, test and assess the functions and environmental protection indicators of the facilities for the disposal of living garbage and submit the testing and evaluation results to the local construction (environmental sanitation) administrative department.

Chapter V Supervision and Administration

Article 29 The construction administrative department of the state council and the construction administrative departments of the people's governments of all provinces and autonomous regions of the Central Government shall establish a sound supervision and administrative system and supervise and inspect the implementation of these Measures.

The construction (environmental sanitation) administrative department of the municipality directly under the Central Government, or of a city or county shall supervise and inspect the implementation of these Measures by the enterprises engaging in the clearing, collection, transport and disposal of the urban living garbage within its administrative area.

Article 30 The construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, or of a city or county shall have the power to take the following measures:

1. To consult and reproduce the relevant documents and materials;
2. To require the entities and individuals inspected to make an explanation about the relevant problems;
3. To make on-the-spot inspections; and
4. To order the relevant entities and individuals to correct their violations.

The relevant entities and individuals shall support the inspections, be cooperative in the inspections and provide convenience for the work, and none of them may hamper or obstruct the inspectors from performing their duties.

Article 31 The construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, of a city or county, shall authorize an institutions with the measurement certification qualifications to regularly monitor the garbage disposal volume, quality and environmental impact of the disposal station of urban living garbage.

Article 32 After the expiration of valid period of a license for the service of commercial clearing, collection, transport and disposal of urban living garbage, if the enterprise needs to continue to engage in the clearing, collection, transport and disposal of urban living garbage, it shall, not later than 30 days prior to the expiration of the valid period, apply to the original issuing organ for going through the renewal formalities. If the renewal application is approved, the construction (environmental sanitation) administrative department of the people's government of a municipality directly under the Central Government, of a city or county, shall sign a new business agreement with the enterprise engaging in the commercial clearing, collection, transport and disposal of urban living garbage.

Article 33 Under the following circumstances, a license may be revoked:

1. The decision of approval of the license for the clearing, collection, transport or disposal of urban living garbage is made by a functionary of the construction (environmental sanitation) department by abusing his power or neglecting his duties;
2. The decision of approval of the license for the clearing, collection, transport or disposal of urban living garbage is made by exceeding the statutory power;

3. The decision of approval of the license for the clearing, collection, transport or disposal of urban living garbage is made by violating the statutory procedures;
4. The license is granted to an applicant who does not meet the licensing conditions; or
5. Any other circumstance under the license may be revoked.

The license obtained by an applicant by cheating or bribery or by any other improper means shall be revoked.

Article 34 Under any of the following circumstances, an enterprise engaging in the commercial clearing, collection, transport or disposal of urban living garbage shall file an application to the original licensing organ for canceling the license and hand back its license. The original licensing organ shall handle the cancellation formalities and announce the invalidation of the license:

1. The enterprise fails to apply for renewal when the valid period of the licensed item expires;
2. The enterprise is terminated in pursuance of law;
3. The license is withdrawn, revoked or invalidated; and
4. Other cancellation circumstances as prescribed by laws and regulations.

Article 35 If an enterprise engaging in the commercial clearing, collection, transport and disposal of urban living garbage needs to stop or close its business, it shall, no later than half of a year before it does so, submit a report to the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county, and may stop or close its business upon approval.

Before the enterprise engaging in the commercial clearing, collection, transport and disposal of urban living garbage stops or closes business, the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county, shall take measures to ensure the timely clearing, collection, transport and disposal of urban living garbage.

Article 36 The construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county, shall, jointly with the relevant departments, work out an emergency plan on the clearing, collection, transport and disposal of urban living garbage, establish an urban living garbage emergency disposal system, ensure the normal clearing, collection, transport and disposal of urban living garbage in emergencies and special cases.

An enterprise engaging in the commercial clearing, collection, transport and disposal of urban living garbage shall work out a plan on the prevention of urban living garbage pollution in emergencies and report it to the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, or of the city or county for archival purposes.

Article 37 An enterprise engaging in the commercial clearing, collection, transport or disposal of urban living garbage shall, under the labor protection requirements and provisions of the state, improve the working conditions of the employees, take effective measures to gradually increase their wages and welfare and do a good job in providing healthcare services and technical trainings to them.

Chapter VI Legal Liabilities

Article 38 Where an entity or individual fails to pay the urban living garbage disposal fee as required, the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, or of the city or county shall order it or him to make a correction within a time limit. If it or he fails to make a correction within the time limit, the said construction (environmental sanitation) administrative department may fine the entity not more than three times the payable urban living garbage disposal fee but not exceeding 30,

000 yuan, or fine the individual not more than three times the payable urban living garbage disposal fee but exceeding 1, 000 yuan.

Article 39 Those who, in violation of Article 10 of these Measures, fail to build urban living garbage collection facilities under the urban living garbage control plan and the standards for environmental sanitation facilities shall be ordered to make a correction within a time limit and may be fined 10, 000 yuan or less by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county.

Article 40 Those whose urban living garbage disposal facilities are put into use without undergoing or passing the completion-based check by violating Article 12 of these Measures shall be ordered to make a correction within a time limit and may be fined 2% up to 4% of the contractual project price by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county, and shall be liable for compensation if any loss is caused.

Article 41 Those who, in violation of Article 13 of these Measures, illegally close down or dismantle the urban living garbage disposal facilities or sites or leave them idle shall be ordered to stop the violation and make a correction within a time limit, and be fined not less than 10, 000 yuan but not more than 100, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county.

Article 42 Where an entity or individual violates Article 16 of these Measures due to dumping, throwing, spilling or piling up urban living garbage randomly, the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county, shall order it or him to stop the violation and make a correction within a time limit, and fine it not less than 5, 000 yuan but not more than 50, 000 yuan or fine him not more than 200 yuan or less.

Article 43 Those who, in violation of Articles 17 and 25 of these Measures, engage in commercial clearing, collection, transport or disposal of urban living garbage without approval shall be ordered to stop the violation and be fined 30, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county.

Article 44 Any enterprise engaging in the commercial clearing, collection or transport of urban living garbage which, in violation of these Measures, throws away, leaves or scatters any living garbage during the process of transport shall be ordered to stop the violation and make a correction within a time limit and be fined not less than 5, 000 yuan but not more than 50, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county.

Article 45 Any enterprise engaging in the commercial clearing, collection and transport of urban living garbage which fails to perform the obligations as described in Article 20 of these Measures shall be ordered to make a correction within the time limit and may be fined not less than 5, 000 yuan but not more than 30, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county. Any enterprise engaging in the commercial disposal of urban living garbage which fails to perform the obligations as described in Article 28 of these Measures shall be ordered to make a correction within the time limit and may be fined not less than 30, 000 yuan but not more than 100, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, or of the city or county. If it causes any loss, it shall be liable for compensation.

Article 46 Any enterprise engaging in the commercial clearing, collection and transport of urban living garbage which violates these Measures due to stopping or closing its business without approval shall be ordered to make a correction within a time limit and may be fined not less than 10, 000 yuan but not more than 30, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county. Any enterprise engaging in the commercial disposal of urban living garbage which violates these Measures due to stopping or closing its business without approval shall be ordered to make a correction within a time limit and may be fined not less than 50,000 yuan but not more than 100, 000 yuan by the construction (environmental sanitation) administrative department of the local people's government of the municipality directly under the Central Government, of the city or county. If any loss is caused, it shall be liable for compensation.

Article 47 Where a competent organ, in violation of the powers and procedures as described in these Measures, issues any license for the commercial clearing, collection, transport or disposal of urban living garbage, the superior administrative organ shall order it to make a correction and give an administrative sanction to its person-in-charge and other directly liable persons, who shall be subject to the criminal liabilities if any crime is constituted.

Where a functionary of the state organ neglects his duties, abuses his power or seeks any private benefits in the supervision and administration of urban living garbage, he shall be given an administrative sanction. If any crime is constituted, he shall be subject to the criminal liabilities.

Chapter VII Supplementary Provisions

Article 48 The administration of urban construction garbage shall be governed by the Administrative Provisions on Urban Construction Garbage (Order No. 139 of the Ministry of Construction).

Article 49 These Measures shall apply to the entities engaging in non-commercial clearing, collection, transport and disposal of urban living garbage, with, however, the exception of the provisions on administrative licensing as well as the provisions in Articles 45 and 46.

Article 50 The formats of the license for the service of clearing, collection and transport of urban living garbage and of the license for the service of disposal of urban living garbage shall be uniformly made by the construction administrative department of the State Council. The construction administrative departments of the people's governments of all provinces, autonomous regions, and the construction (environmental sanitation) administrative departments of the people's governments of the municipalities directly under Central Government shall organize to print and produce the aforesaid licenses.

Article 51 These Measures shall come into force as of July 1, 2007. The Administrative Measures for the Urban Living Garbage (Order No. 27 of the Ministry of Construction) promulgated by the Ministry of Construction on August 10, 1993 shall be repealed simultaneously.