

Notice of the Ministry of Environmental Protection on the Relevant Issues concerning the Implementation of the Provisions on “the Amount of Pollutant Discharge Fee Payable” in Article 73 and Article 74 of the Law of the People’s Republic of China on the Prevention and Control of Water Pollution

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The environmental protection bureaus (departments) of all provinces, autonomous regions and municipalities directly under the Central Government, the environmental protection bureaus of sub-provincial cities, the Environmental Protection Bureau of Xinjiang Production and Construction Corps, the Environmental Protection Bureau of the PLA, all entities directly under this Ministry, and all dispatched agencies of this Ministry:

Article 73 and Article 74 of the Law of the People’s Republic of China on the Prevention and Control of Water Pollution as amended by the Standing Committee of the National People’s Congress on February 28, 2008 respectively provide that: where anyone uses water pollution treatment facilities abnormally, or dismantles or idles water pollution treatment facilities without the approval of the competent department of environmental protection, the competent department of environmental protection shall order it to make correction within a prescribed time limit, and impose a fine of one to three times the amount of pollutant discharge fee payable upon it; where anyone discharges water pollutant beyond any state or local standard for the discharge of water pollutants or beyond any indicator for the control of total discharge volume of major water pollutants, the competent department of environmental protection shall, in its capacity, order it to make treatment within a prescribed time limit, and impose a fine of two to five times the amount of pollutant discharge fee payable upon it.

According to the provisions of the Resolution of the Standing Committee of the National People’s Congress on Strengthening the Work of Interpretation of Law (adopted on June 10, 1981) and the Measures for the Administration of Interpretation of Regulations on Environmental Protection of the former State Environmental Protection Administration (Order No.1 of the State Environmental Protection Administration on December 8, 1998), this Ministry hereby notifies you of the issues on the specific application of “the amount of pollutant discharge fee payable” in Article 73 and Article 74 of the Law of the People’s Republic of China on the Prevention and Control of Water Pollution in your regulatory work on environmental administration as follows:

1. For a pollutant-discharging entity or individual business, which pays the pollutant discharge fee monthly, the “amount of pollutant discharge fee payable” refers to the amount of monthly pollutant discharge fee determined in the advice of payment of pollutant discharge fee in the latest payment period before the illegal act is committed.
2. For a pollutant-discharging entity or individual business, which pays the pollutant discharge fee quarterly, the “amount of pollutant discharge fee payable” refers to the average amount of monthly pollutant discharge fee as calculated according to the amount of quarterly pollutant discharge fee determined in the advice of payment of pollutant discharge fee in the latest payment period before the illegal act is committed.

3. For a pollutant-discharging entity or individual business, which discharges water pollutants to the centralized urban sewage treatment facilities beyond any standard or beyond any indicator for the control of total discharge volume and pays the pollutant discharge fee, the “amount of pollutant discharge fee payable” refers to the amount of monthly pollutant discharge fee as calculated by the competent department of environmental protection according to the categories and quantities of discharged water pollutants in the month immediately before the act of discharging water pollutants beyond any standard or beyond any indicator for the control of total discharge volume is committed and by referring to the relevant standards and calculation methods for the collection of pollutant discharge fees of the state.

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