

Regulation on National General Survey of Pollution Sources

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Order of the State Council of the People's Republic of China (No.508)

We hereby promulgate the Regulation on National General Survey of Pollution Sources, which shall come into force as of the date of promulgation.

Premier Wen Jiaban
October 9th, 2007

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Chapter I General Provisions

Article 1 For the purpose of carrying out the national general survey of pollution sources in a scientific and efficient way and ensuring the accuracy and timeliness of the result data, this Regulation is formulated in accordance with the Statistics Law of the People's Republic of China and the Environmental Protection Law of the People's Republic of China.

Article 2 The task of the national general survey of pollution sources shall be knowing the number of pollution sources and their distribution in different industries and regions, knowing the generation, discharge and treatment of major pollutants, establishing files for key pollution sources, a pollution source information database and an environmental statistics platform, to provide basis for formulating policies and plans for economic and social development and environmental protection.

Article 3 The term "pollution source" as mentioned in this Regulation refers to premises, facilities and equipment which discharge pollutants to environment in the process of production, livelihood or any other activity or have adverse impact on environment, as well as other sources giving birth to pollution.

Article 4 The national general survey of pollution sources shall be implemented under unified leadership, with departments cooperating based on division of function, with local people's government's at different levels taking different responsibilities and with the participation of all circles.

Article 5 Expenses necessary for the national general survey of pollution sources shall be paid jointly by the Central Government and the local people's governments at various levels, be listed into the fiscal budget of the corresponding year and be put in position in time and in full amount.

Expenses for the national general survey of pollution sources shall be under unified management, used for designated purpose only and under strict control.

Article 6 The national general survey of pollution sources shall be conducted once every 10 years, more specifically, on December 31st of the survey year.

Article 7 Newspapers, periodicals, broadcasting stations, TV stations, network and other news media shall report and publicize the general survey in a timely manner.

Chapter II Object, Scope, Content and Method

Article 8 The object of the national general survey of pollution sources shall be entities and self-employed households which have pollution sources within the borders of the People's Republic of China.

Article 9 The object of the national general survey of pollution sources has the obligation to subject itself to the investigation conducted by the leading group office of the national general survey of pollution sources and its working personnel, report the true situation, provide the relevant materials and fill in the survey form in accordance with the relevant requirements.

No object may delay the report of the data needed by the general survey, make false reports, hide the truth in making reports or refuse to report; or shuffle, refuse or impede the investigation; or transfer, conceal, alter or destroy raw material consumption records, production records, pollution control facility operation records, pollutant discharge monitoring records and other source material related to the generation or discharge of pollutants.

Article 10 The scope of the general survey of pollution sources shall include: industrial pollution sources, agricultural pollution sources, domestic pollution sources, facilities for centralized treatment of pollution and other facilities generating or discharging pollutants.

Article 11 The main contents of the general survey on industrial pollution sources shall include: enterprises' basic registration information, situation about raw material consumption, production situation, situation about the facilities giving rise to pollution, situation about the generation, control, discharge and comprehensive utilization of various kinds of pollutants, and situation about the construction and operation of various kinds of pollution prevention and control facilities.

The main contents of the general survey on agricultural pollution sources shall include: scale of agricultural production, situation about water use and drainage, situation about the use of fertilizer, pesticide, feedstuff, feedstuff additives, agricultural film and other products input in agriculture, situation about the disposal of straw and other planting residuals, and situation about the generation and treatment of pollutants from livestock and poultry breeding industry.

The main contents of the general survey on domestic pollution sources shall include: basic information about entities engaging in the tertiary industry, situation about the generation, discharge and control of pollutants, situation about the discharge of pollutants by automotive vehicles, situation about urban domestic energy structure and consumption, situation about domestic water supply volume and displacement, and situation about domestic pollutant discharge, etc.

The main contents of the general survey on facilities for concentrated treatment of pollution shall include: basic situation and operation status of such facilities, situation about the treatment and disposal of pollutants, and situation about the generation, disposal and utilization of percolate, sludge, burning residue and waste gases, etc.

Article 12 The specific scope and contents of each general survey of pollution sources shall be determined according to the general survey plan approved by the State Council.

Article 13 The general survey of pollution sources shall be conducted by way of overall statistical survey, and the method of sampling survey may be taken when necessary.

The general survey of pollution sources shall follow the nationally unified standards and technical requirements.

Chapter III Organization and Implementation of the General Survey of Pollution Sources

Article 14 The leading group of the national general survey of pollution sources shall take charge of leading and coordinating the national general survey work.

The office of the leading group of the national general survey of pollution sources shall be in the administrative department of environmental protection of the State Council, and take charge of the daily work of the national general survey of pollution sources.

Article 15 The leading groups of the general survey of pollution sources of the local people's governments at or above the county level shall, in accordance with the unified provisions and requirements of the leading group of the national general survey of pollution sources, lead and coordinate the general survey work of their respective administrative regions.

The leading group office of the general survey of pollution sources (hereinafter referred to as leading group office) under a local people's government at or above the county level shall be in the administrative department of environmental protection at the same level, and shall take charge of the daily general survey work of this administrative region.

The people's governments of villages (towns), sub-district offices and villagers' (neighborhood) committees shall mobilize and organize social forces to actively participate in and earnestly do a good job in the general survey of pollution sources.

Article 16 The administrative department of environmental protection and other related departments of the people's government at or above the county level shall, according to the division of work and the unified requirements of the leading group, get all work related to the general survey of pollution sources well done.

Article 17 The plan for the general survey of pollution sources shall be drafted by the leading group office of the national general survey of pollution sources under the State Council (hereinafter referred to as the leading group office under the State Council), and reported to the State Council for approval after it is examined and approved by the leading group of the national general survey of pollution sources.

The plan shall include: the specific scope and contents of the general survey, the major pollutants to be inspected in the general survey, the procedures and methods for the general survey, the organization and implementation of the general survey and the appropriation budget, etc.

When drafting a plan for the national general survey of pollution sources, the opinions from the related departments and experts shall be fully heard.

Article 18 The leading group office under the State Council shall draw out the general survey table in accordance with the plan for the national general survey of pollution sources, and submit the table to the National Bureau of Statistics for appraisal.

The leading group office under the local people's government of a province, autonomous region or municipality directly under the Central Government may add an attached list of the general survey of pollution sources for this administrative region to use, and use the list after it is approved by the leading group office under the State Council.

Article 19 At the initiation phase of the general survey, the leading group office shall check all entities.

The departments in charge of government body organization, civil affairs, industry and commerce and quality inspection as well as other departments with functions of examination and approval or registration under the people's government at or above the county level shall provide entities' information approved or registered by them to the leading group office at the same level, and assist the latter in the work of checking over entities.

The leading group office shall, on the basis of the existing directory of entities of this administrative region and other such information provided by related departments, check and verify pollution sources one by one in accordance with the specific scope of the general survey as specified in the national general survey plan of pollution sources so as to form a directory of entities subject to the general survey of pollution sources.

Article 20 Any of the mid and large-scale industrial enterprises listed into the scope of the general survey of pollution sources shall specify an agency to be responsible for filling in and reporting the general survey form, while other entities shall specify personnel to be responsible for such work.

Article 21 The leading group office may, in light of the actual needs, hire people or borrow workers from related entities to engage in the general survey work.

The leading group office shall conclude a labor contract with any person it hires, give remuneration to him and buy social insurance for him. A borrowed worker shall be paid by the entity hiring him, and the employee benefits shall remain the same.

Article 22 A surveyor shall stick to the principle of being practical and realistic, scrupulously abide by the professional ethics and have professional knowledge needed for exercising his duties.

The leading group office shall provide business trainings for surveyors, and issue the nationwide unified surveyor's card to surveyors passing the examination and evaluation.

Article 23 Surveyors shall independently exercise powers of investigation, reporting, supervision and inspection according to law, have the right to look up the raw material consumption record, production record, pollution control facility operation record, pollutant discharge monitoring record and other source material related to the generation or discharge of pollutants of any object subject to the general survey, and have the right to ask any object to correct those untrue or incompetent contents in the general survey form filled in and reported by it.

Article 24 Surveyors shall strictly implement the national general survey plan, and may not forge or alter any related data, nor force or inspire survey objects to provide false information for the general survey.

For any pollution source investigation task, there shall be at least two surveyors involved, who shall produce their surveyor's card when executing the task, otherwise, the survey object has the right to refuse the investigation.

Article 25 Surveyors shall directly visit survey objects and tell them how to fill in and report the survey form. After finishing filling in the survey form, a survey object shall affix its signature or seal upon it and be responsible for the authenticity of all documents affixed with its signature or seal and submitted for the general survey of pollution sources.

The leading group office shall be responsible for the consistency between the survey documents registered or recorded by it and the survey documents filled in and reported by survey objects as well as the accuracy of the survey documents processed and sorted out by it.

The leading group office shall, when finding out any doubtful points in the process of registering, recording, processing and sorting out the survey documents, check them up with the related survey object, which shall make truthful explanations or correct them.

Article 26 Any person in charge of a local people's government, a department or an entity may not illegally alter the survey documents legally obtained by the leading group office or surveyors, or force

or inspire the leading group office or surveyors to forge or alter survey documents, or take revenge on surveyors who have refused or rejected to forge or alter survey documents.

Chapter IV Data Processing and Quality Control

Article 27 The leading group office shall process data in accordance with the national general survey plan and the related standards and technical requirements, and submit survey data on time.

Article 28 The leading group office shall do a good job in the backup and enter of survey data, establish a pollution source information database and constantly perfect it, and make more efforts in daily management, maintenance and update.

Article 29 The leading group office shall establish the system of job responsibility for pollution source general survey data quality control in accordance with the national general survey plan, and exercise quality control, examination and acceptance check over each link of the general survey.

If the general survey data fail to satisfy the national general survey plan or the related standards or technical requirements, the leading group offices at the next higher level may ask those at the next lower level to re-investigate, so as to ensure the consistency, authenticity and effectiveness of all data obtained from investigation.

Article 30 The leading group office under the State Council shall organize survey data quality examinations in a unified way, and the examination results shall be taken as an important basis for evaluating the general survey data quality of the whole nation or each province, autonomous region or municipality directly under the Central Government.

Where the quality of any general survey data fails to satisfy the prescribed requirements, the related leading group office shall re-conduct the general survey of pollution sources within the time limit prescribed by the leading group office under the State Council.

Chapter V Data Release, Document Management and Development & Application

Article 31 National gazettes on the general survey of pollution sources shall be released upon the approval made by the leading group office under the State Council.

Local gazettes on the general survey of pollution sources shall be released upon the approval of the leading group office at the next higher level.

Article 32 Where the material provided by survey objects and the material processed and sorted out by the leading group office shall be kept as national secrets, the secrecy grade shall be indicated, and such material shall be handled in accordance with the relevant state secrecy provisions.

Leading group offices and surveyors have the obligation of keeping secret the trade secrets of survey objects learned in the process of conducting the general survey of pollution sources.

Article 33 The leading group office shall establish a pollution source general survey archives management system. The safekeeping, transfer for use and delivery of general survey data and files shall be in line with the state provisions on archives management.

Article 34 The state shall establish a pollution source survey data sharing system.

The leading group office shall, on the basis of the pollution source information database, establish a pollution source survey data sharing platform to enhance the development and application of survey achievements.

Article 35 Information about a single survey object obtained in the general survey of pollution sources shall be only used for the general survey purpose, and may not be taken as a basis for evaluating whether the object has accomplished the objective set for reducing the total discharge of pollutants or a basis for imposing administrative penalty on or charging pollutant discharge fees against the object in accordance with other laws or administrative regulations.

Chapter VI Commendation and Penalty

Article 36 Collectives and individuals who make outstanding contributions to the general survey of pollution sources shall be commended and rewarded.

Article 37 Where any person in charge of a local people's government, a department or an entity commits any of the following behaviors, he shall be punished according to law, and a notice of criticism shall be circulated thereon by the statistical department of the people's government at or above the county level, and, if any crime has been constituted, he shall be prosecuted for criminal liability:

1. altering survey documents without approval;
2. enforcing or inspiring any leading group office or surveyor to forge or alter survey documents; or
3. taking revenge on surveyors who have refused or rejected to forge or alter survey documents.

Article 38 Where any surveyor refuses to execute the general survey plan, or forges or alters survey documents, or enforces or inspires survey objects to provide false survey documents, he shall be punished according to law.

Where any leading group office or surveyor divulges a survey object's trade secret learned by it/him in the process of the general survey, the directly liable person in charge and other directly liable persons shall be punished according to law, and, if any damage has been caused to the survey object, they shall assume corresponding civil liability.

Article 39 Where a survey object commits any of the following behaviors, the leading group office shall inform the statistical department of the people's government at the same level of the relevant situation and propose a handling suggestion in a timely manner. The statistical department of the people's government at or above the county level shall order the survey object to correct and circulate a notice of criticism, and, if the circumstances are serious, suggest imposing punishments on the directly liable person in charge and other directly liable persons:

1. delaying the report of the data needed by the general survey, making false reports, hiding the truth in making reports or refusing to report;
2. shuffling, refusing or impeding the investigation legally conducted by surveyors; or
3. transferring, concealing, altering or destroying any raw material consumption records, production records, pollution control facility operation records, pollutant discharge monitoring records and other source material related to the generation or discharge of pollutants.

Where any entity commits any of the behaviors listed in preceding paragraph, the statistical department of the people's government at or above the county level shall give it an admonition, and may impose a fine of not more than 50,000 yuan.

Where any self-employed household commits any of the behaviors listed in preceding paragraph, the statistical department of the people's government at or above the county level shall give it an admonition, and may impose a fine of not more than 10,000 yuan.

Article 40 A tip-off hotline and a mail box shall be set up for each leading group office so as to subject the general survey work to the supervision of all circles and make it convenient for people to report illegal acts committed in the general survey work. Rewards shall be given to meritorious reporters and punishments shall be imposed for the reported illegal acts.

Chapter VII Supplementary Provisions

Article 41 The general survey work of pollution sources in the Army and armed police forces shall be carried out by the General Logistics Department of the Chinese People's Liberation Army in accordance with the unified provisions and requirements of the state.

The general survey work of pollution sources in Sinkiang Production and Construction Corps shall be carried out by the Corps in accordance with the unified provisions and requirements of the state.

Article 42 This Regulation shall come into force as of the date of promulgation.