

ENFORCEMENT DECREE OF THE WASTES CONTROL ACT

Wholly Amended by Presidential Decree No. 20244, Sep. 6, 2007

Amended by Presidential Decree No. 20290, Sep. 27, 2007

Presidential Decree No. 20478, Dec. 28, 2007

Presidential Decree No. 20946, Jul. 29, 2008

Presidential Decree No. 21626, Jul. 7, 2009

Presidential Decree No. 21904, Dec. 24, 2009

Presidential Decree No. 22626, Jan. 17, 2011

Presidential Decree No. 22631, Jan. 21, 2011

Presidential Decree No. 22889, Apr. 6, 2011

Presidential Decree No. 23126, Sep. 7, 2011

Presidential Decree No. 23462, Dec. 30, 2011

Presidential Decree No. 23488, Jan. 6, 2012

Presidential Decree No. 24119, Sep. 24, 2012

Presidential Decree No. 24266, Dec. 27, 2012

Presidential Decree No. 24543, May 28, 2013

Presidential Decree No. 25082, Jan. 14, 2014

Presidential Decree No. 25951, Dec. 31, 2014

Presidential Decree No. 26297, jun. 1, 2015

Presidential Decree No. 26447, Jul. 24, 2015

Presidential Decree No. 26747, Dec. 22, 2015

Presidential Decree No. 26907, Jan. 19, 2016

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Wastes Control Act and matters necessary for the enforcement thereof.

Article 1-2 (Definitions)

The term “waste treatment facilities” in this Decree means interim and terminal disposal facilities, among waste treatment facilities.

Article 2 (Scope of Places of Business)

"Any other places of business specified by Presidential Decree" in subparagraph 3 of Article 2 of the Wastes Control Act (hereinafter referred to as the "Act") means any of the following places of business:
<Amended by Presidential Decree No. 20244, Sep. 27, 2007; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 25951, Dec. 31, 2014>

1. A place of business in which a terminal wastewater treatment facility has been installed and operated under Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act;
2. A place of business in which a public sewage treatment facility has been installed and operated under subparagraph 9 of Article 2 of the Sewerage Act;
3. A place of business in which a public excreta treatment facility has been installed and operated under subparagraph 11 of Article 2 of the Sewerage Act;
4. A place of business in which a public treatment facility has been installed and operated under Article 24 of the Act on the Management and Use of Livestock Excreta;
5. A place of business in which a waste treatment facility has been installed and operated under Article 29 (2) of the Act (including facilities installed by a person who has obtained permission for waste treatment business under Article 25 (3) of the Act);
6. A place of business from which designated wastes as defined in subparagraph 4 of Article 2 of the Act are discharged;
7. A place of business which discharges at least an average of 300 kilograms of wastes daily;
8. A place of business which discharges wastes from construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry in an amount of at least five tons (which refer to the quantity of wastes discharged therefrom during a period from the commencement to the completion of the works);
9. A place of business which discharges wastes in an amount of at least five tons (which refer to the quantity of wastes discharged therefrom during a period from the commencement to the completion of the works) from a series of construction works (excluding the construction works under subparagraph 8) or other works.

Article 3 (Types of Designated Wastes)

The designated wastes as defined in subparagraph 4 of Article 2 of the Act are as listed in attached Table 1.

Article 4 (Types of Medical Wastes)

The medical wastes as defined in subparagraph 5 of Article 2 of the Act are as listed in attached Table 2.
<Amended by Presidential Decree No. 20478, Dec. 28, 2007>

Article 5 (Waste Treatment Facilities)

The waste treatment facilities as defined in subparagraph 8 of Article 2 of the Act are as listed in attached Table 3.

Article 6 (Waste Minimization Facilities)

"Facilities specified by Presidential Decree" in subparagraph 9 of Article 2 of the Act means those listed in attached Table 4.

Article 6-2 (Hearing of Opinions before Approval for Master Plans for Waste Treatment)

When the Minister of Environment intends to approve a master plan for waste treatment or any modification of such plan pursuant to Article 9 (1) of the Act, he/she may hear opinions from the Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation") and other institutions specializing in waste treatment with regard to technical matters. <Amended by Presidential Decree No. 26907, Jan. 19, 2016>

Article 7 (Standards, etc. for Waste Treatment)

(1) The standards and methods for the treatment of wastes under the main sentence of Article 13 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012; Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 25951, Dec. 31, 2014; Presidential Decree No. 26447, Jul. 24, 2015>

1. Wastes shall be collected, transported, and stored after being sorted by type, characteristics, conditions, recyclability, combustibility or incombustibility, etc.: Provided, That this may not apply to wastes, other than medical wastes, which fall under any of the following cases:

- (a) Where wastes that shall be treated by the same standards and method are treated at the same waste treatment or recycling facility or at the same place;
- (b) Where a mixture of at least two kinds of wastes is generated at the same time;
- (c) Where each Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu involved (the Special Metropolitan City and other Metropolitan Cities are not included in the category of Si, while Gu refers only to an autonomous Gu; hereinafter the same shall apply) has different rules on the classification of wastes under the relevant municipal ordinance of each Metropolitan Autonomous City, Special Self Governing Province, or Si/Gun/Gu, considering a plan for the separate collection of wastes or specific local conditions;

2. Wastes shall be kept from being blown off by wind or from leaking, in the course of collection, transportation, or storage. Water leaching therefrom shall be contained so as not to be drained out, and water seeping therefrom shall, if any, be treated, as prescribed by Ordinance of the Ministry of Environment;

3. Wastes shall not be transported to any place, other than a place at which they can be properly treated, recycled, or stored: Provided, That the foregoing shall not apply where any of the following persons collects wastes on a vehicle with a smaller loading capacity and transport wastes to a place specified by Ordinance of the Ministry of Environment to transfer wastes to a vehicle with a larger loading capacity:

- (a) A person who has obtained permission for waste collection and transportation business under Article 25 (5) 1 of the Act;
- (b) A person specified by Ordinance of the Ministry of Environment, among persons who have filed a report on waste treatment pursuant to Article 46 (1) 3 of the Act;

4. Wastes generated in the course of a recycling process or an interim treatment process and intermediately processed wastes under the proviso to Article 13 (1) of the Act (hereinafter referred to as “intermediately processed wastes”) shall be deemed wastes newly generated, and thus a person who has generated such wastes shall take such measures as reporting under Article 17 (2) of the Act or obtaining verification under paragraph (3) of the same Article of the Act, and shall treat them properly in accordance with a method appropriate for the treatment of wastes involved;
5. Wastes shall be treated at a waste treatment or recycling facility: Provided, That the foregoing shall not apply where a person who discharges household wastes treats the wastes in accordance with Article 15 (1) of the Act or where wastes are treated in any other manner prescribed by Ordinance of the Ministry of Environment for appropriate treatment without causing any trouble to the conservation of the living environment;
6. Every person who keeps wastes in storage for the treatment or recycling of such wastes shall keep such wastes in the storage facility at the same place of business where the relevant waste treatment or recycling facility is located: Provided, That the foregoing shall not apply where a person who obtains permission for his/her waste recycling business falling under any provision of Article 25 (5) 5 through 7 of the Act recycles industrial wastes (hereinafter referred to as “wastes recycling business entity”), as prescribed by Ordinance of the Ministry of Environment;
7. Persons who have filed a report on waste treatment pursuant to Article 46 (1) of the Act (hereinafter referred to as “person who has filed a report on waste treatment”) and persons who have installed and operated a multi-regional waste treatment facility under Article 5 (1) of the Act (including persons who are entrusted to install and operate such facility pursuant to Article 5 (2) of the Act) shall treat wastes within a period prescribed by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where an unavoidable cause, such as a fire, a serious accident, a labor dispute, or abandoned wastes delivered and kept in storage, makes it impracticable to treat wastes within the prescribed period, subject to approval from the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as “Mayor/Do Governor”), or the head of the competent environment office of the river system or the head of regional environmental office;
8. A mixture of at least two different kinds of wastes shall be treated in any of the following manners if it is difficult to separate them:
 - (a) A mixture of wastes containing an waste acid or alkali shall be properly treated after being treated by the process of neutralization;
 - (b) A mixture of wastes subject to ordinary incineration shall be treated by the process of high-temperature incineration if it contains any waste requiring high-temperature incineration;
9. Where wastes are buried in landfills, such wastes shall be treated at a landfill facility equipped with facilities for cutting off water-flow and collecting water, tanks for regulating the volume of water, and facilities for treating seeping water, and also with a facility for gas incineration or power generation and

fuel-making: Provided, That such wastes may be treated at a landfill facility not equivalent to above-mentioned facilities in whole or in part if it is recognized that there is no likelihood of water seeping or gas being produced therefrom nor any possibility of contaminating its surrounding environment by water seeping or gas being produced therefrom, as prescribed by Ordinance of the Ministry of Environment;

10. Where any wastes in solid state other than designated wastes among the dust, burnt wastes, and sludge, the concentration index of hydrogen ion contained in which is at least 12.5 or no higher than 2.0 are treated by landfill, they shall be landfilled after undergoing an interim treatment process by means of neutralization, etc. so as not to disrupt the performance of facilities for cutting off water-flow and facilities for treating seeping water of a designated landfill facility;

11. Recyclable wastes shall be processed to be re-usable;

12. Notwithstanding the proviso to the main sentence of subparagraph 1 and item (a) of the same subparagraph, such wastes as waste acid, waste alkali, metallic dust, waste toxic substances, etc. which are determined and publicly notified by the Minister of Environment as having possibility of fire, explosion, generation of toxic gases, etc. shall not be mixed with other wastes or be in contact with moisture in the course of treating them: Provided, That the same shall not apply where there is no possibility of fire, explosion, generation of toxic gases, etc. by undergoing an interim treatment process by means of neutralization, etc.;

13. An industrial waste discharger under Article 17 of the Act who discharges at least 100 tons of designated wastes a year or a person who has obtained permit for waste treatment business under Article 25 (3) of the Act (hereinafter referred to as "waste treatment business entity"; and in cases of persons permitted for waste collection and transportation business that falls under Article 25 (5) 1 of the Act, limited to the persons who transport wastes to places prescribed by Ordinance of the Ministry of Environment under the proviso to the part other than items of subparagraph 3) shall comply with the following requirements in the course of their treatment of designated wastes:

(a) He/she shall be equipped with safety facilities, devices, etc. necessary to prevent the occurrence of accidents, such as leakage of wastes, fire, explosion, generation of toxic gases, etc., in the course of discharging or treating designated wastes;

(b) He/she shall keep medicines, equipment, etc. to control leakage of wastes, fire, explosion, generation of toxic gas, etc. and manuals for coping with accidents to be prepared for the occurrence of such accidents and take measures to ensure workers are well-informed of the method of use and knack of coping with them.

(2) Further specific standards and methods for the treatment of wastes under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(3) The relaxed standards and methods for treatment under the proviso to Article 13 (1) of the Act, which shall apply to intermediately processed wastes, shall be as follows: <Newly Inserted by Presidential Decree

No. 23126, Sep. 7, 2011>

1. A person who transports intermediately processed wastes, is not required to affix or carry a certificate of collection and transportation of wastes;
 2. When a person keeps intermediately processed wastes in storage, the period of storage may be extended.
- (4) Detailed matters necessary for the relaxed standards and methods under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Presidential Decree No. 23126, Sep. 7, 2011>*

Article 8 (Household Waste Treatment Agency)

"A person specified by Presidential Decree" in Article 14 (2) of the Act means any of the following persons: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26447, Jul. 24, 2015; Presidential Decree No. 26907, Jan. 19, 2016>*

1. A waste treatment business entity;
2. Deleted. *<by Presidential Decree No. 23126, Sep. 7, 2011>*
3. A person who has filed a report on waste treatment;
4. The Korea Environment Corporation (limited to recycling of waste plastic films or sheets, or waste wrapping materials for agricultural chemicals, such as waste containers thereof, which are generated from agricultural activities);
5. A person who has a system for collecting electric and electronic products directly to recycle them, among the electrical and electronic equipment manufacturers subject to mandatory recycling under the former part of Article 15 of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles or distributors of electrical and electronic equipment under Article 16-4 (1) of the same Act (including persons entrusted by electrical and electronic equipment manufacturer subject to mandatory recycling or distributors of electrical and electronic equipment to collect and recycle them);
6. Deleted; *<by Presidential Decree No. 23126, Sep. 7, 2011>*
7. A manager of a recycling center under Article 13-2 of the Act on the Promotion of Saving and Recycling of Resources (referring only to the collection, transportation, and recycling of bulky wastes under subparagraph 13 of Article 2 of the same Act);
8. A person who has a system for directly collecting and recycling products and packaging materials (including persons entrusted with recycling by a person obligated to recycle), among persons obligated to recycle under Article 16 of the Act on the Promotion of Saving and Recycling of Resources.

Article 8-2 (Imposition of Penalty Surcharges)

- (1) Penalty surcharges for violations of Article 14-2 (1) of the Act shall be as listed in attached Table 4-2. *<Amended by Presidential Decree No. 25082, Jan. 14, 2014>*
- (2) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may increase or reduce the amount of a penalty surcharge by not more than

half of the penalty surcharge prescribed in paragraph (1), taking into consideration the business size of a place of business, characteristics of a business area, the degree and frequency of violation, and relevant matters.: Provided, That the total amount of a penalty surcharge as increased shall not exceed 100 million won. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(3) Article 11-2 shall apply mutatis mutandis to a procedure for the imposition and payment of penalty surcharges under paragraph (1). In such cases, “the Minister of Environment or a Mayor/Do Governor” shall be construed as “the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu.” <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

Article 8-3 (Purposes of Use of Penalty Surcharges)

“Purposes specified by Presidential Decree” in Article 14-2 (3) of the Act shall be as follows:

1. Expansion of multi-regional waste treatment facilities under Article 5 (1) of the Act (excluding public facilities for the treatment of designated wastes);
2. Treatment of household wastes discharged to any place, other than places for storage under Article 15 (2) of the Act;
3. Expansion of facilities and equipment necessary for the collection and transportation of household wastes;
4. Purchase and operation of facilities and equipment necessary for guidance and inspection of household waste dischargers, collectors, and transporters.

Article 8-4 (Scope of Food Waste Dischargers)

“Any of the persons specified by Presidential Decree” in Article 15-2 (1) of the Act means any of the following persons: <Amended by Presidential Decree No. 26747, Dec. 22, 2015>

1. A person who operates a meal service facility that provides meals to at least 100 persons average per day, among meal service facilities defined under subparagraph 12 of Article 2 of the Food Sanitation Act (excluding meal service facilities in social welfare facilities defined under subparagraph 4 of Article 2 of the Social Welfare Services Act). In such cases, further details about a method for computing the average number of persons per day to whom meals are provided shall be determined by the Minister of Environment;
2. A person who operates a rest restaurant business or a general restaurant business in a place of business with an area of at least 200 square meters, among food service businesses under Article 36 (1) 3 of the Food Sanitation Act: Provided, That if the relevant Municipal Ordinance of a Metropolitan Autonomous City, Special Self Governing Province, or Si/Gun/Gu prescribes the size of a place of business or categories of business to be excluded herefrom as follows, taking into account the production quantity of food wastes, capacity of waste recycling facilities, etc., such Municipal Ordinance shall prevail:
 - (a) Size of a place of business (limited to the size of at least 200 square meters);
 - (b) Some categories of businesses to be excluded herefrom among rest restaurant business;

3. A person who has established a superstore defined under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
4. A person who has established and operates a wholesale market, a joint wholesale market, or an integrated distribution center for agricultural and fishery products, as defined under subparagraph 2, 5, or 12 of Article 2 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
5. A person who operates a lodging business for tourists under Article 3 (1) 2 of the Tourism Promotion Act;
6. Any other persons specified by municipal ordinance of a Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu as those who are required to reduce or recycle food wastes voluntarily.

Article 9 (Business Entities Obligated to Comply with Guidelines for Reduction of Wastes)

Persons obliged to comply with guidelines for controlling the generation of industrial wastes under Article 17 (5) of the Act shall be as listed in attached Table 5 by type and size of business of industrial waste dischargers. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 24266, Dec. 27, 2012>

Article 10 (Designation of Professional Waste Analysis Agencies)

Any institution that intends to be designated as a professional waste analysis agency under Article 17-2 (2) of the Act shall file an application for the designation as prescribed by Ordinance of the Ministry of Environment meeting the requirements for facilities, equipment, and technical capability specified in attached Table 5-2.

Article 11 (Amount to Be Imposed for Each Type of Violations Subject to Penalty Surcharges and Relevant Matters)

- (1) The amount of a penalty surcharge to be imposed based on each type and degree of violation referred to in Article 28 (2) of the Act shall be as listed in attached Table 6.
- (2) The Minister of Environment or Mayor/Do Governor may increase or decrease the amount of a penalty surcharge under paragraph (1) by one half thereof or less, taking into consideration the size of a place of business, the characteristics of a business area, the degree and frequency of violation, and relevant matters: Provided, That the total amount of a penalty surcharge as increased shall not exceed 100 million won.

Article 11-2 (Imposition and Payment of Penalty Surcharges)

- (1) Where the Minister of Environment or the relevant Mayor/Do Governor intends to impose a penalty surcharge under Article 28, he/she shall give a written notice, clearly states the type of the violation concerned and the amount of a penalty surcharge, demanding payment of such penalty surcharge.
- (2) A person who has received a notice under paragraph (1) shall pay a penalty surcharge to a collecting agency prescribed by the agency that has imposed such penalty surcharge within 20 days from the date on which he/she received such notice.

(3) A collecting agency that has received penalty surcharges under paragraph (2) shall issue a receipt to the payor, and notify the Minister of Environment or the relevant Mayor/Do Governor of the fact without delay.

(4) A penalty surcharge shall not be paid in installments.

Article 12 (Purposes for Use of Penalty Surcharge)

The amount collected as a penalty surcharge under Article 28 (4) of the Act shall be expended for the following purposes: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

1. Expansion of multi-regional waste treatment facilities under Article 5 (1) of the Act (including public treatment facilities for designated wastes);
- 1-2. Expansion of public recycling infrastructure facilities under Article 34-4 of the Act on the Promotion of Saving and Recycling of Resources;
2. Treatment of wastes in order to eliminate anticipated environmental hazards where wastes do not comply with the standards for waste treatment under Article 13 or 13-2 of the Act, but where it is impossible to identify the person who treated such wastes, or who commissioned the treatment of such wastes;
3. Purchase and operation of facilities and equipment necessary for guidance for and inspection of waste treatment business entities or waste treatment facilities.

Article 13 (Waste Treatment Facilities Subject to Pollutants Measurement)

"Waste treatment facility specified by Presidential Decree" in Article 31 (2) of the Act means a landfill facility.

Article 14 (Waste Treatment Facilities Subject to Impact Assessment on Neighboring Areas)

"Waste treatment facility as specified by Presidential Decree" in Article 31 (3) of the Act means any of the following facilities installed and operated by a waste treatment business entity: <Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012>

1. An incineration facility for industrial wastes with a daily treatment capacity of at least 50 tons (referring to a number of incineration facilities with a daily treatment capacity of at least 50 tones in total where there are a number of incineration facilities within the same place of business);
2. A landfill facility for designated industrial wastes with a size of at least 10,000 square meters used for landfill purposes;
3. A landfill facility for ordinary industrial wastes with a size of at least 150,000 square meters used for landfill purposes;
4. A cement kiln (limited to cases where wastes are used as fuel);
5. A facility for the recovery of heat from incinerating industrial wastes with a recycling capacity of at least 50 tons per day (referring to cases where the total daily recycling capacity of all facilities for the recovery of heat from incinerating industrial wastes exceeds 50 tons if a single business establishment has a multiple number of facilities for the recovery of heat from incinerating industrial wastes).

Article 14-2 (Persons who Vicariously Take Procedures for Closedown)

"Person prescribed by Presidential Decree" in the former part of Article 31 (6) of the Act means any of the following persons:

1. The Korea Environment Corporation;
2. A person publicly notified by the Minister of Environment as being recognized to have the capability to vicariously take procedures for closedown, such as final soil covering.

Article 15 (Waste Treatment Facilities to Employ Technical Managers)

"Waste treatment facility specified by Presidential Decree" in Article 34 (1) of the Act means any of the following facilities: Provided, That any waste treatment facilities operated by any waste treatment business entity shall not be included therefrom: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24119, Sep. 24, 2012>*

1. A landfill facility:
 - (a) A landfill facility for treatment of designated wastes with a size of at least 3,300 square meters used for landfill purposes: Provided, That a landfill facility of sealed-off type under subparagraph 2 (a) () of attached Table 3, among the terminal treatment facilities under the said subparagraph, shall have a size of at least 330 square meters or a capacity of at least 1,000 cubic meters used for landfill purposes;
 - (b) A landfill facility for treatment of any wastes other than designated wastes with a size of at least 10,000 square meters or a capacity of at least 30,000 cubic meters used for landfill purposes;
2. Any incineration facility with a treatment capacity of at least 600 kilograms per hour (or at least 200 kilograms if it is an incineration facility for medical wastes);
3. A facility for compression, fragmentation, crushing, or cutting of wastes with a treatment or recycling capacity of at least 100 tons per day;
4. A facility for producing feed, compost or fuel with a recycling capacity of at least five tons per day;
5. A facility for sterilization and crushing of wastes with a treatment capacity of at least 100 kilograms per hour;
6. A cement kiln;
7. A smelting furnace (limited to cases where nonferrous metals are extracted from wastes) with a recycling capacity of at least 600 kilograms per hour;
8. A facility for the recovery of heat from an incineration facility with a recycling capacity of at least 600 kilograms per hour.

Article 16 (Agents for Technical Management)

One of the following persons shall be qualified as a technical management agent, who shall be responsible for the maintenance and management of a waste treatment facility under Article 34 (1) of the Act: *<Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 22626, Jan. 17, 2011; Presidential Decree No. 26907, Jan. 19, 2016>*

1. The Korea Environment Corporation;
2. An engineering service provider who has filed a report under Article 21 of the Engineering Industry Promotion Act;
3. A professional engineering office under Article 6 of the Professional Engineers Act (which shall be limited to an office established by a professional engineer who holds the qualifications under Article 34 (2) of the Act);
4. Any other person recognized and publicly notified by the Minister of Environment as being able to serve as an agent for technical management.

Article 17 (Persons Obligated to Take Training Courses)

"Any other persons in charge of waste treatment specified by Presidential Decree" in Article 35 (1) of the Act mean any of the following persons: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>

1. Persons who have installed and operated a waste treatment facility under Article 2 of the Act (excluding the waste treatment facilities to which a technical manager is assigned in accordance with Article 34 (1) of the Act) or their employees in charge of technical matters;
2. Persons who have filed a report as an industrial waste discharger under Article 17 (2) of the Act or their employees in charge of technical matters;
3. Business entities who discharge designated wastes requiring verification under Article 17 (3) of the Act or their employees in charge of technical matters;
4. Business entities, other than those falling under subparagraphs 2 and 3, who discharge industrial wastes, or their employees in charge of technical matters, as specified by Ordinance of the Ministry of Environment;
5. Persons who obtain permission for a waste collection and transportation business under Article 25 (3) of the Act or their employees in charge of technical matters;
6. Persons who have filed a report on waste treatment or their employees in charge of technical matters.

Article 18 (Performance Guarantee Insurance for Abandoned Wastes)

- (1) The effective term of the insurance under Article 40 (1) 2 of the Act (hereinafter referred to as "performance guarantee insurance") shall be one year or more, in one-year lots, but the guarantee covered by the insurance policy shall be valid for 60 days after the expiration of the insurance policy.
- (2) Notwithstanding paragraph (1), the effective term of the performance guarantee insurance policy initially purchased shall expire on December 31 of the following year.
- (3) A person who purchases a performance guarantee insurance policy from an insurance company shall specify, in the insurance policy, a condition that the Minister of Environment or Mayor/Do Governor may receive direct payment of the insurance proceeds from the insurance company.

Article 19 Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

Article 20 (Period of Operation Suspension Subject to Order to Treat Wastes)

(1) "Period prescribed by Presidential Decree" in Article 40 (2) of the Act means any of the following periods: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007>*

1. Where the wastes are animal residues or medical wastes that are likely to be decomposed or deteriorated, such as organs: 15 days;
2. Where abandoned wastes cause or are likely to cause a serious hazard to the conservation of the living environment: The period determined by a person who has authority to issue an order to treat such wastes, which shall be not less than three days, but not more than one month;
3. Where any event other than those under subparagraphs 1 and 2 occurs: One month.

(2) If a waste treatment business entity or a person who has filed a report on waste treatment suspends the operation of his/her business due to an unavoidable reason, such as a complaint from residents or labor relations, the Minister of Environment or Mayor/Do Governor may, in receipt of an application from the waste treatment business entity or the person who has filed a report on waste treatment, extend the period for treatment of wastes as ordered under Article 40 (2) of the Act only once within the period prescribed in paragraph (1). *<Amended by Presidential Decree No. 23126, Sep. 7, 2011>*

Article 21 (Guidelines for Computation of Insured Amount of Performance Guarantee Insurance)

(1) The guidelines for the computation of insurance proceeds of waste treatment business entities under Article 40 (5) of the Act shall be as follows: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>*

1. For each waste treatment business entity: One and a half times the amount calculated by multiplying the unit cost for treatment of each type of waste by the quantity under Article 25 (9) of the Act (hereinafter referred to as "permissible storage quantity") (or three times the amount calculated by multiplying the unit cost for treatment of each type of waste by the excessive storage quantity if the quantity exceeds the permissible storage quantity);
2. For each person who has filed a report on waste treatment: One and a half times the amount calculated by multiplying the unit cost for treatment of each type of waste by the quantity that he/she can keep in his/her storage facility under Article 46 (1) of the Act (hereinafter referred to as "storable quantity").

(2) The unit cost for treatment of each type of waste under paragraph (1) shall be determined and publicly notified by the Minister of Environment, taking into consideration the nature and conditions of each type of waste, the treatment methods, and other factors.

Article 22 (Renewal of Performance Guarantee Insurance)

(1) Each insurance policy for the performance guarantee insurance under Article 40 (7) 1 of the Act shall be renewed at least 30 days before the expiration of the insurance.

(2) Where it is necessary to change the insured amount of coverage of the performance guarantee insurance in relation to Article 40 (7) 2 of the Act, the relevant insurance policy shall be renewed, within 15 days from the date on which a cause for such change arises. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

(3) Any person who newly purchases a performance guarantee insurance policy or renews an insurance policy under Article 40 (9) of the Act shall submit the original copy of the relevant insurance policy to the Minister of Environment or Mayor/Do Governor, within 15 days from the date of purchase or renewal.

(4) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

Article 23 (Quantity of Abandoned Wastes Requiring Vicarious Treatment and Period for Treatment)

(1) The quantity of abandoned wastes which a mutual aid association for waste treatment business shall be ordered to vicariously treat pursuant to Article 40 (11) of the Act shall be as follows: <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

1. Where the wastes involved have been abandoned by a waste treatment business entity: No more than one and a half times the storage quantity of wastes permissible to the waste treatment business entity;
2. Where the wastes involved have been abandoned by a person who has filed a report on waste treatment: No more than one and a half times the quantity of wastes storable by the person who has filed a report on waste treatment.

(2) The Minister of Environment or Mayor/Do Governor shall, whenever he/she intends to order a mutual aid association of waste treatment businesses to treat abandoned wastes, prescribe a period for such treatment within two months, taking into consideration the level of possible contamination of the surrounding environment, the quantities of abandoned wastes to be treated, and other factors: Provided, That the Minister of Environment or Mayor/Do Governor may, if he/she finds it impractical to treat abandoned wastes within the prescribed period due to any unavoidable cause, extend the period only once by adding one month at a maximum.

Article 23-2 (Affairs which Electronic Information Processing Program is to be Used for)

"Affairs prescribed by Presidential Decree" in Article 45 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 25082, Jan. 14, 2014>

1. Submission of documents for reporting and verification, or documents for reporting or verification on modification under the provisions of Article 17 (2) through (4) of the Act;
2. Submission of documents for reporting on importation or exportation of wastes, or documents for modification thereof under Article 24-2 (1) and (2) of the Act;
3. Submission of documents for waste treatment plans, permission, permission for modification, or reporting on modification under Article 25 (1), (3), and (11) of the Act;
4. Submission of documents for approval for and reporting on waste treatment facilities, or approval for modification or reporting on modification thereof under Article 29 (2) through (4) of the Act;
5. Records on the current status of the generation, discharge, and treatment of wastes under Article 36 of the Act;
6. Submission of reports under Article 38 (1);
7. Submission of documents necessary for the inspection and evaluation of actual conditions of waste treatment services and the installation and operation of waste treatment facilities under Article 55 (2) of the Act.

Article 23-3 (Amount to Be Imposed for Each Type of Violations Subject to Penalty Surcharges and Relevant Matters)

(1) The amount of a penalty surcharge depending on the type and degree of the violation committed by a person who has filed a report on waste treatment under Article 46-2 (2) is as listed in attached Table 7.

<Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(2) The relevant Mayor/Do Governor may increase or reduce the amount of a penalty surcharge by not more than half of the penalty surcharge prescribed in paragraph (1), taking into consideration the size of a place business, characteristics of a business area, the degree and frequency of violation, and relevant matters: Provided, That the total amount of a penalty surcharge as increased shall not exceed 20 million won. *<Amended by Presidential Decree No. 23126, Sep. 7, 2011>*

(3) The provisions of Article 11-2 shall apply muntatis muntandis to procedures for imposition and payment of penalty surcharges under Article 46-2 (1) of the Act.

Article 23-4 (Purposes of Use of Penalty Surcharges)

"Any of the perposes prescribed by Presidential Decree" as referred to in Article 46-2 (4) means the following: *<Amended by Presidential Decree No. 23126, Sep. 7, 2011>*

1. Expansion of multi-regional waste treatment facilities;
2. Expansion of public recycling infrastructure under Article 34-4 of the Act on the Promotion of Saving and Recycling of Resources;
3. Treatment of wastes that have not been properly recycled by a person who has filed a report on waste treatment under Article 46 of the Act;
4. Purchase and operation of necessary facilities and equipment for guidance for, and inspection of, persons who have filed a report on waste treatment.

Article 24 (Subject Matters of Follow-Up Management)

"Any of the landfill facilities for wastes prescribed by Presidential Decree" in Article 50 (3) 1 and 2 of the Act means one of the landfill facilities under subparagraph 2 (a) of attached Table 3, among terminal treatment facilities under the said subparagraph: Provided, That a landfill facility for burnt coal briquettes, pottery fragments, or similar shall be excluded herefrom, if the Minister of Environment concludes that the facility does not require any follow-up management, including the operation of a treatment facility for seeping water under Article 50 (3) of the Act. *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

Article 25 (Agents for Follow-Up Management)

The following persons shall be qualified to serve as an agent to provide follow-up management services at a waste landfill facility under Article 50 (6) of the Act: *<Amended by Presidential Decree No. 21904, Dec. 24, 2009; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26907, Jan. 19, 2016>*

1. The Korean Environment Corporation;
2. Other persons recognized and publicly notified by the Minister of Environment as having ability to serve as an agent to provide follow-up management services.

Article 26 (Deposit of Follow-Up Management Expenses)

(1) The Minister of Environment shall, within 15 days after a person who has installed a landfill facility for wastes requiring follow-up management under Article 51 (1) of the Act and files a report on the discontinuance of operation or closedown of the facility under Article 50 (1) of the Act, notify such person that the facility is subject to the payment of expenses incurred in relation to the performance guarantee for the discontinuance of operation (including closedown) and follow-up management (hereinafter referred to as "follow-up management, etc.") under Article 51 of the Act (hereinafter referred to as "performance guarantee bond for follow-up management") as prescribed by Ordinance of the Ministry of Environment, if the facility is likely to cause a serious hazard to the health or property of residents or its surrounding environment by seeping water or leaking gas from the landfill facility. *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

(2) The person who receives a notice that his/her facility is subject to the payment of a performance guarantee bond for follow-up management under paragraph (1) shall prepare a statement of expenses incurred in follow-up management (hereinafter referred to as "statement of estimated expenses") in accordance with the guidelines for calculation of the performance guarantee bond for follow-up management under Article 30, as prescribed by Ordinance of the Ministry of Environment, and shall submit it to the Minister of Environment within one month from the date on which such notice is delivered.

(3) The Minister of Environment shall, in receipt of the statement of estimated expenses under paragraph (2), determine the expenses incurred in relation to follow-up management, etc. within one month from the date on which the statement is submitted, and shall dispatch a notice to the person who has installed the relevant facility to require him/her to pay the performance guarantee bond amounting to such expenses (if the person has accumulated the performance guarantee bond under Article 33 as an advance reserve. The amount that he/she pays additionally shall be that calculated by subtracting the interest at the interest rate of one-year fixed term installment bank deposit per annum for the advance accumulation period plus the accumulated advance reserve from the full amount of the performance guarantee bond) within a given period, which shall be at least one month. *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

(4) and (5) Deleted. *<by Presidential Decree No. 23126, Sep. 7, 2011>*

Article 27 (Exemption, etc. from Follow-Up Management Expenses, etc.)

(1) In cases falling under paragraph (3) 1, a person shall be exempted from the obligation to deposit the expenses for follow-up management, under the proviso to Article 51 (1) of the Act. *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

(2) A person shall be allowed to provide a substitute the deposit of all or part of the expenses for follow-up management under the proviso to Article 51 (1) of the Act, in any of the following cases: *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

1. Insurance purchased for the guarantee of follow-up management;

2. An advance reserve accumulated to cover the expenses for follow-up management under Article 52 of the Act;
 3. The substitution under paragraph (3) 2.
- (3) "Any other cases specified by Presidential Decree" in Article 51 (1) 3 of the Act means any of the following cases: *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*
1. The person who has installed the waste landfill facility is the State or a local government;
 2. The person tenders an asset (excluding a waste landfill facility) as collateral for all or part of the expenses for follow-up management.

Article 28 (Submission of Performance Guarantee Insurance Policy for Follow-Up Management)

A person who falls under Article 27 (2) 1 and intends to tender a substitute for the deposit of expenses incurred in the follow-up management shall submit an insurance policy that shall guarantee the payment of the performance guarantee bond for follow-up management, in whole or in part, as notified for payment pursuant to Article 26 (3) to the Minister of Environment within the period prescribed for such payment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>*

Article 29 (Tender of Collateral)

- (1) A person who falls under Article 27 (2) 3 and intends to provide a substitute for the deposit of expenses required for follow-up management etc. shall tender an asset as collateral with an appraised value (which means a value appraised in accordance with the Act on the Public Announcement of Values and Appraisal of Real Estate) equivalent to the all or part of the performance guarantee bond for follow-up management as notified for payment pursuant to Article 26 (3) to the Minister of Environment within the period prescribed for such payment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>*
- (2) If a person who has tendered an asset as collateral under paragraph (1) fails to perform his/her obligation to carry out the follow-up management of his/her landfill facility, the Minister of Environment may sell the asset to appropriate the proceeds thereof to cover the expenses for follow-up management of the landfill facility. In such cases, the remaining balance, if any, after appropriating the proceeds to cover the expenses for follow-up management shall be refunded to the person who has tendered the asset as collateral. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>*

Article 30 (Guidelines for Calculation of Performance Guarantee Bonds for Follow-Up Management)

- (1) The performance guarantee bond for follow-up management under Article 51 (2) of the Act shall be calculated by adding up the expenses required for the discontinuance of operation under subparagraph 1 and the expenses required for follow-up management under subparagraph 2. In such cases, the types and quantities of wastes treated in each landfill facility, the type of a landfill facility involved, topographical factors, the quantity and density of seeping water, a method of treatment of seeping water and other factors shall be taken into consideration: *<Amended by Presidential Decree No. 22631, Jan. 21, 2011; Presidential*

Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Expenses required for the discontinuance of operation (including closedown; hereinafter the same shall apply): The expenses shall be calculated by adding up the following expenses. In such cases, any facility of at least 3,300 square meters shall be required to make a deposit:

- (a) Expenses for an inspection for the discontinuance of operation under Article 50 (1) of the Act;
- (b) Expenses for final soil covering;

2. Expenses required for follow-up management: They shall be calculated by adding up the following expenses required during the follow-up management period under Article 50 (3) of the Act: Provided, That in cases of a sealed-off landfill facility under item (a) (i) among terminal treatment facilities under the said subparagraph of Table 3, the expenses under item (a) shall be excluded herefrom:

- (a) Expenses incurred in the operation, maintenance, and management of facilities for treatment of seeping water;
- (b) Expenses incurred in the maintenance and management of embankments for landfill facilities, facilities for the management of gas from landfill, and testing wells of ground water;
- (c) and (d) Deleted; *<by Presidential Decree No. 22631, Jan. 21, 2011>*
- (e) Expenses incurred in conducting research on environmental pollution around the landfill facility;
- (f) Expenses incurred in conducting periodic inspections under Article 50 (4) of the Act.

(2) Detailed guidelines and methods for calculation of expenses in relation to performance guarantee bonds for follow-up management under paragraph (1) and other necessary matters shall be prescribed and publicly notified by the Minister of Environment.

Article 31 (Guidelines for Refund of Performance Guarantee Bond for Follow-Up Management)

Performance guarantee bonds under Article 51 (4) of the Act shall be refunded each year in accordance with the following guidelines: *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

1. In cases where the works for follow-up management have been completed, the amount of refund shall be the amount deposited for the expenses required for follow-up management for the pertinent year, plus interest at the statutory interest rate under Article 379 of the Civil Act;
2. In cases where the works for follow-up management etc. have been partially performed, the amount of refund shall be calculated by multiplying the amount deposited for the expenses required for follow-up management, etc. for the pertinent year by the performance ratio of follow-up management, etc. as determined by the Minister of Environment, plus interest at the statutory interest rate under Article 379 of the Civil Act.

Article 32 (Procedure for Refund of Performance Guarantee Bond for Follow-Up Management)

(1) A person who seeks a refund of the performance guarantee bond for follow-up management under Article 51 (4) of the Act shall file an application for such refund each year with the Minister of Environment, along with the accompanying documents specified by Ordinance of the Ministry of Environment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>*

(2) Upon receipt of an application for refund under paragraph (1), the Minister of Environment shall determine the amount to be refunded out of the performance guarantee bond for follow-up management in accordance with the guidelines for refund under Article 31 and pay the due accordingly. <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

Article 33 (Advance Reserve of Performance Guarantee Bond for Follow-Up Management)

(1) Landfill facilities for the wastes subject to the advance accumulative reserve of the performance guarantee bond for follow-up management under Article 52 (1) of the Act shall have an area of at least 3,300 square meters.

(2) A person who has installed a landfill facility under paragraph (1) shall submit a plan for the accumulation of an advance reserve to the Minister of Environment, along with the following documents, within one month from the commencement date of the operation of the facility, after obtaining permit or amended permit for waste treatment business under Article 25 (3) or (11) of the Act or approval or amended approval for the installation of a waste treatment facility under Article 29 (2) or (3) of the Act, as prescribed by Ordinance of the Ministry of Environment. In such cases, upon receipt of a plan for the accumulation of an advance reserve, the Minister of Environment shall examine feasibility of a statement on the calculation of expenses required for follow-up management, etc. accumulation period, and adequacy of the amount of accumulation for each year, etc.: <Amended by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. A statement on the calculation of estimated expenses incurred in relation to follow-up management, etc. in consideration of guidelines for the calculation of the performance guarantee bond for follow-up management under Article 30;

2. An accumulation plan formulated in consideration of the estimated quantity of landfill wastes and the treatment capacity of the waste landfill facility for each year.

(3) The Minister of Environment shall notify a person who has submitted a plan for the accumulation of an advance reserve under paragraph (2) each year that the person shall pay the advance reserve calculated in consideration of the quantity of wastes actually delivered to the relevant landfill facility, based on the plan: Provided, That the notice of the initial payment shall be given within one month after the first anniversary of the date on which the person begins to use the relevant facility. <Amended by Presidential Decree No. 25082, Jan. 14, 2014>

(4) A person who has received a notice of payment under paragraph (3) shall pay the notified amount to the Minister of Environment each year. <Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>

Article 33-2 (Receipt, Sale, etc. of Collateral)

@Article 29 shall apply mutatis mutandis to the appropriation, return, etc. of the expenses required for the receipt, sale, follow-up management, etc. under Article 52 (1) 2 of the Act. In such cases, "expenses required for follow-up management" and "performance guarantee bond for follow-up management" shall be deemed "advance reserve for performance guarantee bond for follow-up management", respectively.

Article 34 (Refund, etc. of Difference of Advance Reserve)

If the amount accumulated by a person who has installed a landfill facility under Article 33 (1) (including an equivalent at the interest rate for one-year fixed term installment bank deposit per annum for the advance accumulation period) exceeds the amount of the performance guarantee bond under Article 26, the Minister of Environment shall refund the difference to the person who has installed the facility, pursuant to Article 52 (2) of the Act. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011>*

Article 35 (Restrictions, etc. on Use of Land)

(1) The period during which the use of land is restricted pursuant to Article 54 of the Act shall not exceed 30 years from the date on which the operation of the waste landfill facility discontinues or the facility is permanently closed down. *<Amended by Presidential Decree No. 22631, Jan. 21, 2011; Presidential Decree No. 24543, May 28, 2013>*

(2) A person who has the ownership of, or any other rights other than the ownership in, the land on which a landfill facility disused or closed down is situated shall, if he/she intends to use the land, submit a land use plan to the Minister of Environment along with accompanying documents specified by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, upon receiving a land use plan under paragraph (2), determine the purposes of use of the land, a period during which the use of the land is restricted, etc., and then notify a person who has the ownership of, or any other rights other than the ownership in, the land under paragraph (2), as prescribed by Ordinance of the Minister of Environment.

Article 36 (Hearing of Opinions on Matters concerning Follow-Up Management of Waste Landfill Facilities)

As regards the implementation of follow-up management of waste landfill facilities under the Act and this Decree, expert opinions shall be heard in determining each of the following matters: *<Amended by Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 26907, Jan. 19, 2016>*

1. Determining the facilities for which the payment of the performance guarantee bond for follow-up management is required under Article 26 and the guidelines for calculation of the expenses required for follow-up management, etc. of each waste landfill facility;
2. Determining the guidelines for calculation of the performance guarantee bond for follow-up management of waste landfill facilities under Article 30;
3. Determining the period during which the use of the land on which a landfill facility disused or closed down is located, is restricted pursuant to Article 35.

Article 36-2 (Establishment of Korea Waste Association)

“Persons specified by Presidential Decree” in Article 58-2 (1) of the Act mean the following persons: *<Amended by Presidential Decree No. 26907, Jan. 19, 2016>*

1. Persons who have established and operate waste treatment facilities under Article 4, 5, or 29 of the Act;

2. Waste treatment business entities or persons who have filed a report on waste treatment;
3. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;
4. The Korea Environment Corporation under the Korea Environment Corporation Act;
5. Associations, academic societies, cooperatives, and other organizations involved in wastes;
6. Other persons who engage in business affairs related to wastes, including persons who discharge industrial wastes.

Article 36-3 (Affairs, etc. of Korea Waste Association)

(1) “Affairs specified by Presidential Decree” in Article 58-2 (3) 3 of the Act shall be as follows:

<Amended by Presidential Decree No. 25082, Jan. 14, 2014>

1. International exchanges and cooperation for waste-related affairs;
2. Waste-related affairs entrusted by the State or a local government;
3. Any other affairs stipulated by its articles of incorporation.

(2) The Korea Waste Association (hereinafter referred to as the “Association”) shall have the general assembly, the board of directors, and a secretariat. *<Amended by Presidential Decree No. 25082, Jan. 14, 2014>*

(3) Expenses incurred in relation to the Association’s affairs shall be covered with membership fees contributed by members, revenue from business operations, and relevant funds, and the State or a local government may partially subsidize the Association for such expenses, within budgetary limits. *<Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014>*

Article 36-4 (Executive Officers, Method of Election, etc.)

(1) The Association shall have a chairperson, a vice chairperson and directors and auditors as its executive officers.

(2) The chairperson and vice chairperson shall be elected by the board of directors, and approved by the general assembly.

(3) Matters necessary for the terms and number of executive officers, and methods of election shall be prescribed by its articles of association.

Article 37 (Delegation of Authority)

(1) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority to the relevant Mayor/Do Governor over the following affairs: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007; Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 22224, Jun. 28, 2010; Presidential Decree No. 22631, Jan. 21, 2011; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>*

1. Authority to make a request to submit data, recommend corrective measures, and inspect and ascertain compliance with standards under Article 14 (9) of the Act;
2. Authority to take the following measures in relation to persons who discharge, transport, or treat the designated wastes generated from any place, other than the places of business in which emission or discharge facilities have been installed and operated pursuant to the Clean Air Conservation Act, the

Water Quality and Aquatic Ecosystem Conservation Act, or the Noise and Vibration Control Act (which shall be limited to factories under the Industrial Cluster Development and Factory Establishment Act), as defined in subparagraph 3 of Article 2 of the Act, the medical wastes generated from any institution other than general hospitals defined under Article 3 (2) 3 (e) of the Medical Service Act (hereinafter referred to as "general hospitals"), and designated wastes jointly collected and transported pursuant to the proviso to Article 17 (3) of the Act, excluding its subparagraphs:

- (a) To verify documents and modifications to such documents under Article 17 (3) and (4) of the Act;
- (b) through (f) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>
- (g) To issue an order to submit a report under Article 38 (3) of the Act;
- (h) To issue an order to submit a report and conduct an inspection under Article 39 of the Act;
- (i) To issue orders to take measures under Article 48 of the Act;
- (j) To perform vicarious execution and collect expenses therefor under Article 49 of the Act;

3. Authority to take the following measures in relation to the waste treatment facilities under Article 29 (2) of the Act *[excluding the multi-regional waste treatment facilities under Article 5 (1) of the Act, which have been installed jointly by at least two local governments, such as the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces (hereinafter referred to as "Cities/Dos") or Sis/Guns/Gus of at least two Cities/Dos, and the waste treatment facilities for any designated wastes other than medical wastes generated from any institution other than general hospitals]*:

- (a) To grant approval for installation or accept a report on installation under Article 29 (2) of the Act;
- (b) To grant approval for modifications or accept a report on modification under Article 29 (3) of the Act;
- (c) To comply with matters relating to waste treatment facilities installed by schools, research institutes, etc. for the purpose of testing and research pursuant to Article 29 (2) 1 of the Act;
- (d) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;
- (e) To accept reports on succession to rights and obligations pursuant to Article 33 (3) of the Act;

4. Authority to take the following measures in relation to the waste treatment facilities installed by waste treatment business entities under Article 25 (3) of the Act (excluding the waste treatment business entities specializing in designated wastes) and the waste treatment facilities under subparagraph 3:

- (a) To accept reports on the outcomes of measurement of pollutants pursuant to Article 31 (2) of the Act;
- (b) To accept reports on the outcomes of assessment of impacts on neighboring areas pursuant to Article 31 (3) of the Act;
- (c) To issue an order to improve, suspend the operation of, or close down a waste treatment facility pursuant to Article 31 (4) and (5) of the the Act;
- (d) To designate a person who vicariously takes procedures for the closedown of a landfill facility for wastes and collect expenses therefor pursuant to Article 31 (6) of the Act;

- (e) To issue an order to take measurement of pollutants or conduct an assessment of impacts on neighboring areas pursuant to Article 31 (7) of the Act;
- (f) To disclose to the public the outcomes of measurement of pollutants and assessment of impacts on neighboring areas pursuant to Article 31 (10) of the Act;
- (g) To accept reports, issue orders to take corrective measures, designate a person who shall vicariously perform, and collect expenses therefor pursuant to Article 50 of the Act;
- (h) To require a notice of the deposit, collection, return, etc. of the performance guarantee bond for follow-up management pursuant to Article 51 of the Act;
- (i) To require a notice of the accumulation of the performance guarantee bond for follow-up management pursuant to Article 52 of the Act and the return of a difference;
- (j) To place restrictions on use of land pursuant to Article 54 of the Act;
- (k) To recognize a facility as the one exempt from follow-up management pursuant to the proviso to Article 24;
- (l) To notify a facility subject to pay the performance guarantee bond for follow-up management pursuant to Article 26 (1);
- (m) To accept a statement of expenses pursuant to Article 26 (2);
- (n) To determine expenses for follow-up management and a period for the payment, and dispatch a notice to demand the payment of the performance guarantee bond for follow-up management pursuant to Article 26 (3);
- (o) To receive an insurance policy for the performance of follow-up management under Article 28;
- (p) To receive a collateral under Article 29 (1);
- (q) To sell a collateral, set off proceeds from the sale against expenses for follow-up management, and return the proceeds under Article 29 (2);
- (q) To determine the performance ratio of follow-up management pursuant to subparagraph 2 of Article 31;
- (s) To receive a written claim to return the performance guarantee bond for follow-up management under Article 32 (1);
- (t) To determine the amount to be returned pursuant to Article 32 (2);
- (u) To accept a plan for accumulation of the advance reserve pursuant to Article 33 (2);
- (v) To dispatch a notice to demand the payment of the advance reserve pursuant to Article 33 (3);
- (w) To appropriate and return of expenses required for the receipt, sale, follow-up management, etc. under Article 33-2;
- (x) To accept a land use plan pursuant to Article 35 (2);
- (y) To determine and notify the purpose of use of land pursuant to Article 35 (3), the period during which the use is restricted, etc.;

5. Authority to hold hearings on the authority delegated among those under any subparagraph of Article 61 of the Act;

6. Authority to impose and collect administrative fines, pursuant to Article 68 of the Act with regards to the delegated authority.

(2) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority to take the following measures to the head of a river basin environmental office or the head of a regional environmental office: <Amended by Presidential Decree No. 20946, Jul. 29, 2008; Presidential Decree No. 23126, Sep. 7, 2011; Presidential Decree No. 24543, May 28, 2013; Presidential Decree No. 26907, Jan. 19, 2016>

1. Authority to take measures under each item of paragraph (1) 2 in relation to any person, other than those under paragraph (1) 2;

1-2. Authority to issue an order under Article 39-2 of the Act to a person who discharges industrial wastes, except persons under paragraph (1) 2, to dispose of wastes properly;

1-3. Authority to inspect whether a person observes the hazard criteria under Article 13-3 (3) of the Act and to issue an order under Article 13-3 (5) of the Act to take measures;

1-4. Deleted. <by Presidential Decree No. 24543, May 28, 2013>

1-5. Authority to accept a declaration or amended declaration of export or import of wastes under Article 24-2 of the Act;

1-6. Authority to issue an order under Article 24-2 (3) of the Act to take measures;

2. Authority to take the following measures in relation to a waste treatment business specializing in designated wastes:

(a) To receive and examine a report on a waste treatment business plan and notify whether such plan is acceptable pursuant to Article 25 (1) and (2) of the Act;

(b) To grant permission or permission for modification, accept a report on modification, extension of permission or attach conditions, and receive relevant documents pursuant to Article 25 (3), (4), (7), (11), and (13) of the Act;

(c) To revoke permission and issue an order to suspend business pursuant to Article 27 of the Act;

(d) To make a disposition of penalty surcharges pursuant to Article 28 of the Act;

(e) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;

(f) To accept reports on succession to rights and obligations of a waste treatment business pursuant to Article 33 (3) of the Act;

(g) To issue an order to treat wastes pursuant to Article 39-3 of the Act;

(h) To issue an order under Article 40 (2) or (3) of the Act to treat wastes;

(i) To take measures pursuant to Article 40 (4) of the Act;

(j) To issue an order to renew an insurance policy for performance guarantee pursuant to Article 40 (8) of the Act;

(k) To receive original sets of an insurance policy pursuant to Article 40 (9) of the Act;

(l) To receive notices pursuant to Article 40 (10) of the Act;

(m) through (q) Deleted. <by Presidential Decree No. 20946, Jul. 29, 2008>

3. Authority to take the following measures regarding any facility, other than the waste treatment facilities under paragraph (1) 3:

- (a) To grant approval for installation and accept reports on installation pursuant to Article 29 (2) of the Act;
- (b) To grant approval for amendments and accept reports on amendments pursuant to Article 29 (3) of the Act;
- (c) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;
- (d) To accept reports on succession to rights and obligations pursuant to Article 33 (3) of the Act;

4. Authority to take measures under paragraph (1) 4 regarding waste treatment facilities installed by waste treatment business entities specializing in designated wastes and the waste treatment facilities under subparagraph 3 of this paragraph;

4-2. The following authority concerning exclusive container manufacturing business prescribed in Article 25-2 of the Act:

- (a) Acceptance of registration, amendment of registration, and reports on amendment under Article 25-2 (1) of the Act;
- (b) Revocation of registration and order to suspend business under Article 27-2 of the Act;

5. Authority to hold hearings on the authority delegated among those under any subparagraph of Article 61 of the Act;

6. Authority to impose and collect administrative fines pursuant to Article 68 of the Act with respect to the delegated authority.

(3) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority over the following matters to the president of the National Institute of Environmental Research: *<Newly Inserted by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>*

1. Examination, test, analysis, etc. for formulating hazard criteria of recycled products or materials under Article 13-3 (1) of the Act;

2. The following authority concerning a professional waste analysis agencies under Article 17-2 of the Act:

- (a) Designation, modified designation, and announcement of the details thereof under Article 17-2 of the Act;
- (b) Evaluation of waste testing and analysis capabilities under Article 17-4 of the Act;
- (c) Revocation of designation, order to suspend business, and announcement of the details thereof under Article 17-5 of the Act;
- (d) Receipt of reports under Article 38 (5) of the Act;
- (e) Request to submit reports or data and performance of inspection under Article 39 of the Act;
- (f) Public notification of fees for testing and analysis of wastes under Article 59 (2) of the Act;
- (g) Holding hearings under Article 61 of the Act;

3. Imposition, collection, etc. of administrative fines under Article 68 of the Act pertaining to delegated authority.

Article 37-2 (Entrustment of Affairs)

Pursuant to Article 62 (2) of the Act, the Minister of Environment shall entrust the following affairs to the Korean Environment Corporation under the Korean Environment Corporation Act: <Amended by Presidential Decree No. 25082, Jan. 14, 2014; Presidential Decree No. 26907, Jan. 19, 2016>

1. Statistical research on wastes under Article 11 of the Act;
2. Management and provision of the information about wastes transferred pursuant to Article 18 (4) of the Act;
3. Establishment and operation of an electronic information processing center under Article 45 (1) of the Act;
4. Establishment and operation of an electronic information processing system under Article 45 (2) of the Act;
5. Examination and analysis of data for the inspection and evaluation of actual conditions of waste treatment services and the installation and operation of waste treatment facilities under Article 55 (2) of the Act.

Article 38 (Supervision, etc. of Affairs Conducted Based on Delegation of Authority)

(1) Notwithstanding Article 37, where deemed necessary for multi-regional waste treatment, the Minister of Environment may conduct an inspection or investigation to ascertain as to whether industrial waste dischargers, waste treatment business entities, persons who have filed a report on waste treatment, and waste treatment or recycling facilities comply with the guidelines for the treatment of wastes and as to whether there is any other violation of relevant statutes, or may authorize the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office to conduct such inspection or investigation. <Amended by Presidential Decree No. 23126, Sep. 7, 2011>

(2) The Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office discovers a violation of relevant statutes committed at a place of business within the jurisdiction of any Mayor/Do Governor as a result of the inspection or investigation conducted pursuant to paragraph (1), he/she shall notify the competent Mayor/Do Governor of the relevant facts and his/her opinion on countermeasures to be taken.

(3) The competent Mayor/Do Governor shall, upon receiving a notice under paragraph (2), notify the Minister of Environment, the head of the river basin environmental office or the head of the regional environmental office of the results of the countermeasures taken accordingly.

Article 38-2 (Management of Personally Identifiable Information)

If it is inevitable for conducting the following administrative affairs, the Minister of Environment (including a person to whom the authority of the Minister of Environment is delegated under Article 37) or a Mayor/Do Governor (including a person to whom the authority of a Mayor/Do Governor is delegated or entrusted, where the authority is delegated or entrusted) may process data in which resident registration

numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act are included:

1. Administrative affairs related to the designation and modified designation of a professional waste analysis agency under Article 17-2 (2) and (3) of the Act;
2. Administrative affairs related to the permission for a waste treatment business under Article 25 (3) of the Act;
3. Administrative affairs related to the permission for, or reporting on, modification in a waste treatment business under Article 25 (11);
4. Administrative affairs related to the reporting on succession to rights and obligations under Article 33 (3) of the Act.
5. Administrative affairs related to the registration, amended registration, and report on amendment of a exclusive container manufacturing business under Article 25-2 (1) of the Act;
6. Administrative affairs related to the reporting on succession to rights and obligations under Article 33 (3) of the Act;
7. Administrative affairs related to the issuance of certificates of collection and transportation of wastes under Article 7 (2).

Article 38-3 (Re-Examination of Regulation)

The Minister of Environment shall examine the appropriateness of restrictions, etc. on the use of land under Article 35 every three years (referring to the period that ends on the day before January 1 of every third year) from the base date of January 1, 2014 and shall take measures for improvement, etc.

Article 38-4 (Guidelines for Imposition of Administrative Fines)

Guidelines for the imposition of administrative fines under Article 68 of the Act shall be as prescribed in attached Table 8.

Article 39 Deleted. <by Presidential Decree No. 24266, Dec. 27, 2012>

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 1 of Article 2 and the text above items of Article 37 (1) 1 (which shall be limited to the matters concerning designated wastes generated from any place other than the places of business in which the discharging facilities under the Water Quality and Aquatic Ecosystem Conservation Act have been installed and operated (which shall also be limited to the factories under the Industrial Cluster Development and Factory Establishment Act)) shall enter into force on November 18, 2007, and the amended provisions of subparagraphs 2 through 4 of Article 2 shall enter into force on September 28, 2007 respectively.

Article 2 (Transitional Measure concerning Enforcement Date)

The former corresponding provisions of subparagraphs 1 through 4 of Article 2 and the text above items of Article 41 (1) 1 (which shall be limited to the matters concerning designated wastes generated from any place other than the places of business in which the discharging facilities under the Water Quality and Aquatic Ecosystem Conservation Act have been installed and operated (which shall also be limited to the factories under the Industrial Cluster Development and Factory Establishment Act)) shall remain effective until the amended provisions of subparagraphs 1 through 4 of Article 2 and the text above items of Article 37 (1) 1 shall enter into force pursuant to the proviso to Article 1 of Addenda.

Article 3 Deleted. <by Presidential Decree No. 20478, Dec. 28, 2007>

Article 4 (Transitional Measure concerning Technical Management Agents)

The persons who have served as a technical management agent in relation to the maintenance and management of a waste treatment facility under a service contract entered into under the former provisions enforceable before January 5, 2007, which corresponds to the date on which the Partial Amendment (Presidential Decree No. 19827) to the Enforcement Decree of the Wastes Control Act enters into force, may continue to serve as the technical management agent until the expiration of the contract term, notwithstanding the amended provisions of subparagraph 1 of Article 16.

Article 5 (Transitional Measure concerning Follow-Up Management Agents)

The persons who have served as a follow-up management agent for a waste treatment facility under a service contract entered into under the former provisions enforceable before January 5, 2007, which corresponds to the date on which the Partial Amendment (Presidential Decree No. 19827) to the Enforcement Decree of the Wastes Control Act enters into force, may continue to serve as the technical management agent until the expiration of the contract term, notwithstanding the amended provisions of subparagraph 1 of Article 25.

Article 6 Omitted.

Article 7 (Relationship with other Acts and Subordinate Statutes)

A citation to any provision of the previous Enforcement Decree of the Wastes Control Act by any other statute in force as at the time this Decree enters into force, if any, shall be deemed a citation to a corresponding provision hereof in lieu of the previous provisions if the corresponding provision exists herein.

ADDENDA <Presidential Decree No. 20290, Sep. 27, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 28, 2007.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 20478, Dec. 28, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2008: Provided, That the amended provisions of Article 4, subparagraph 2 of Article 15, Article 20 (1) 1, and Article 37 (1) 1 and 2 above, subparagraph 10 of attached Table 1, and attached Table 2 shall enter into force on January 4, 2008, and the amended provision of subparagraph 7 of attached Table 1 shall enter into force six months after the date of its promulgation.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 20946, Jul. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 4, 2008 (Proviso Omitted.)

Article (Transitional Measure concerning Imposition of Penalty Surcharges)

Notwithstanding the amended provisions of attached Table 6, a penalty surcharge for a violation committed by a waste treatment business before this Decree enters into force shall be governed by former provisions.

ADDENDUM <Presidential Decree No. 21626, Jul. 7, 2009>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 21904, Dec. 24, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2010.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 22224, Jun. 28, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2010.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 22626, Jan. 17, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 22631, Jan. 21, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Article 2 (Applicability to Standards for Calculation of Performance Guarantee Bond for Follow-up Management and Extension of Period for Restriction on Land Use)

The amended provisions of Articles 30 (1) 1 and 35 (1) shall apply to the first landfill facilities reported pursuant to Article 50 (1) of the Act on or after March 1, 2011.

Article 3 (Transitional Measure concerning Plan for Accumulation of Reserve for Performance Guarantee Bond for Follow-up Management)

A person who submits a plan for the accumulation of reserve for the performance guarantee bond for follow-up management pursuant to Article 33 (2) before March 1, 2011 shall submit a plan for the accumulation of reserve pursuant to Article 33 (2) again to the Minister of Environment by August 31, 2011, reflecting the amended provisions of Articles 30 (1) 1 and 35 (1) therein.

ADDENDA <Presidential Decree No. 22889, Apr. 6, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 24, 2011.

Article 2 (Transitional Measures concerning Administrative Fines)

(1) Notwithstanding the amended provisions of attached Table 8, violations committed before this Decree enters into force shall be governed by the previous guidelines for the imposition of administrative fines.

(2) Administrative fines imposed for violations committed before this Decree enters into force shall be included in calculating the frequency of violations pursuant to the amended provisions of attached Table 8.

ADDENDA <Presidential Decree No. 23126, Sep. 7, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 7, 2011.

Article 2 (Applicability to Impact Assessment on Neighboring Areas)

The amended provisions of Article 14 shall also apply to cement kilns established and operated pursuant to previous provisions at the time this Decree enters into force, but the enforcement date of this Decree shall be the starting date of the impact assessment on the surroundings.

Article 3 (Transitional Measure concerning Food Waste Treatment Agencies)

Notwithstanding the amended provisions of Article 8, a person who acts as an agency for recycling food wastes among household wastes, pursuant to previous provisions as at the time this Decree enters into force may continue acting as an agency under the previous provisions, notwithstanding the amended provisions of Article 8, while the period of validity as such agency shall end on July 23, 2013.

Article 4 (Transitional Measure concerning Waste Treatment Facilities)

Interim treatment facilities installed for recycling, among waste treatment facilities installed and operated pursuant to previous provisions as at the time this Decree enters into force, shall be deemed

recycling facilities as defined in the amended provisions of attached Table 3, interim treatment facilities, other than facilities installed for recycling, shall be deemed interim treatment facilities as defined in the amended provisions of attached Table 3, and terminal treatment facilities shall be deemed terminal treatment facilities as defined in the amended provisions of attached Table 3.

ADDENDUM <Presidential Decree No. 23462, Dec. 30, 2011>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 24119, Sep. 24, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Applicability to Impact Assessment on Surroundings)

The amended provisions of Article 14 shall also apply to facilities for the recovery of heat from incineration facilities as defined in Article 3 of the Addenda, but the date of the last impact assessment on the surroundings of relevant facilities shall be the starting date of the impact assessment on the surroundings.

Article 3 (Transitional Measure concerning Incineration Facilities)

- (1) Incineration facilities installed in order to recover and recycle energy, among incineration facilities installed and operated with permission granted under previous provisions at the time this Decree enters into force, shall be deemed facilities for the recovery of heat from incineration facilities as defined in the amended provisions of attached Table 3.
- (2) Incineration facilities installed in order to recover and recycle energy, among incineration facilities installed and operated with approval obtained or with a report filed pursuant to previous provisions at the time this Decree enters into force, shall be deemed facilities for the recovery of heat from incineration facilities as defined in the amended provisions of attached Table 3, however, where it is required on a ground specified by Ordinance of the Minister of Environment to obtain approval for a change or to file a report on a change, the relevant facility shall be improved to have the recycling facility per hour as prescribed in the amended provisions of attached Table 3.

ADDENDA <Presidential Decree No. 24266, Dec. 27, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation (Proviso Omitted.)

Article 2 (Special Exception to Calculation of Annual Average Quantity of Discharged Wastes)

(1) The amended provisions of attached Table 5 shall apply from 2013 onward to persons who had engaged in a type of business added pursuant to the amended provisions of subparagraph 1 of attached Table 5 before this Decree enters into force, but the size of business under the amended provisions of subparagraph 2 of the same Table for 2013 shall be determined with the quantity of wastes discharged during 2012, while the size of business shall be determined with the annual average quantity of wastes discharged during two years, 2012 and 2013.

(2) Where a person had engaged in the type of business specified in subparagraph 1 of attached Table 5 before this Decree enters into force, the size of his/her business under the amended provisions of subparagraph 2 (a) of attached Table 5 shall be also determined in accordance with paragraph (1).

(3) Where a person starts up the type of business specified in subparagraph 1 of attached Table 5 on or after the date when this Decree enters into force, the amended provisions of attached Table 5 shall apply to such person from the year immediately following the year in which he/she starts up the business, the size of business under the amended provisions of subparagraph 2 of the same Table for the first year subject to application shall be determined with the quantity of wastes discharged during the preceding year, while the size of business for subsequent years shall be determined with the annual average quantity of wastes discharged during two immediately preceding years.

ADDENDA <Presidential Decree No. 24543, May 28, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation (Proviso Omitted.)

Article 2 (Transitional Measure concerning Changes in Scope of Delegation of Authority)

An action taken by or against the head of a river basin environmental office or the head of a regional environmental office under the former provisions of Article 37 (2) 1-4 before this Decree enters into force shall be deemed an action taken by or against the competent Mayor/Do Governor under the amended provisions of Article 37 (1) 1.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014 (Proviso Omitted).

ADDENDA <Presidential Decree No. 25082, Jan. 14, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 17, 2014.

Article 2 (Applicability to Guidelines for Calculation of Performance Guarantee Bonds for Follow-up Management)

The amended provisions of Article 30 (1) 1 (f) shall apply to notices given for the payment of a performance guarantee bond for follow-up management under Article 26 (3) on or after the date when this Decree enters into force.

Article 3 (Transitional Measures concerning Persons who Have Submitted Plans for Accumulation of Advance Reserves)

If a person who has submitted a plan for the accumulation of an advance reserve in accordance with former provisions of Article 33 (2) before this Decree enters into force intends to continuously use the relevant landfill facility without discontinuing the use of the landfill facility or closing the landfill facility even after July 1, 2014, he/she shall prepare another plan for the accumulation of an advance reserve in accordance with the amended provisions of Article 33 (2) and shall submit it to the Minister of Environment, along with relevant accompanying documents.

ADDENDA <Presidential Decree No. 25951, Dec. 31, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Administrative Fines)

(1) Notwithstanding of the amended provisions of subparagraph 2 (c) of attached Table 8, the previous provisions shall govern the application of criteria for imposition of administrative fines to violations occurred before this Decree enters into force.

(2) An administrative fine imposed for a violation occurred before this Decree enters into force shall be included in calculating the frequency of violations pursuant to the amended provision of subparagraph 2 (c) listed in attached Table 2.

ADDENDA <Presidential Decree No. 26297, Jun. 1, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Installation Reports, etc.)

Facilities referred to in the amended proviso to subparagraph 3 (c) i) a) of attached Table 3 on which notification or change notification was given pursuant to the note shown in the same Table shall be deemed that the relevant following reports thereon are filed, or inspection thereon is completed, on July 1, 2017:

1. Report of installation filed under Article 29 (2) of the Act;
2. Report of change filed under Article 29 (3) of the Act;
3. Report on starting operation filed under Article 29 (4) of the Act;
4. Installation inspection conducted under Article 30 (1) of the Act.

ADDENDUM <Presidential Decree No. 26447, Jul. 24, 2015>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 7 (1) 10, 12, and 13 shall enter into force six months after the date of its promulgation.

ADDENDUM <Presidential Decree No. 26747, Dec. 22, 2015>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 26907, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 21, 2016.

Article 2 (Transitional Measures concerning Guidelines for Calculation of Performance Guarantee Bond for Follow-up Management)

Notwithstanding the amended provisions of Article 30 (1), facilities for which reports on discontinuance of operation or closedown have been filed under Article 50 (1) of the Act before this Decree enters into force shall be governed by the former provisions.

Article 3 (Transitional Measures concerning Persons who have Submitted Plans for Accumulation of Advance Reserve)

A person who has submitted a plan for the accumulation of an advance reserve under the former provisions of Article 33 (2) as at the time this Decree enters into force and intends to continuously use the relevant landfill facility on or till after May 1, 2016, without discontinuing operation or closing down such facility, shall prepare a plan for the accumulation of an advance reserve and the accompanying documents again in accordance with the amended provisions of Article 33 (2) 1 and 2 and submit them to the Minister of Environment by no later than April 30, 2016.

Article 4 Omitted.