

CONSTRUCTION WASTE RECYCLING PROMOTION ACT

Act No. 7043, Dec. 31, 2003

Amended by Act No. 7428, Mar. 31, 2005

Act No. 7459, Mar. 31, 2005

Act No. 7782, Dec. 29, 2005

Act No. 8115, Dec. 28, 2006

Act No. 8369, Apr. 11, 2007

Act No. 8371, Apr. 11, 2007

Act No. 8404, Apr. 27, 2007

Act No. 8466, May 17, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9769, jun. 9, 2009

Act No. 9770, jun. 9, 2009

Act No. 10219, Mar. 31, 2010

Act No. 11690, Mar. 23, 2013

Act No. 11794, May 22, 2013

Act No. 11879, jun. 12, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12452, Mar. 18, 2014

Act No. 13527, Dec. 1, 2015

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the efficient use of national resources by facilitating the proper environment-friendly disposal and recycling of construction waste generated during construction works, etc. so as to contribute to the development of the national economy and the advancement of public interests.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 11794, May 22, 2013; Act No. 13527, Dec. 1, 2015>

1. The term "construction waste" means at least five tons of waste generated from a construction site during construction works as defined in subparagraph 4 of Article 2 of the Framework Act on the Construction Industry (hereinafter referred to as "construction works") (only applicable to the waste generated during the period between the commencement and completion of the construction works), which is determined by Presidential Decree;
2. The term "construction waste disposal business" means a construction waste collection and transportation business or interim construction waste disposal business;
3. The term "collection and transportation business" means a business collecting construction waste to transport it to a disposal site;
4. The term "interim disposal business" means a business that separates, sorts and crushes construction waste;
5. The term "permissible storage quantity" means the maximum quantity of construction wastes that a person licensed to engage in a collection and transportation business pursuant to Article 21 (3) (hereinafter referred to as "collection and transportation business operator") or a person licensed to engage in an interim disposal business pursuant to the same paragraph (hereinafter referred to as "interim disposal business operator") has obtained permission to pile at the relevant construction site pursuant to the same paragraph, which is calculated as prescribed by Ordinance of the Ministry of Environment;
6. The term "abandoned waste" means waste not disposed of appropriately and left abandoned by a collection and transportation business operator or interim disposal business operator on the relevant

construction site due to his/her bankruptcy, revocation of his/her license, etc., which is determined by Presidential Decree;

7. The term "recycled aggregate" means construction wastes that has undergone physical or chemical treatment to meet the quality standards for recycled aggregates under Article 35;

8. The term "recycled aggregate product" means a product made of recycled aggregates and determined by Presidential Decree;

9. The term "discharger" means a person awarding a contract or a person who first accepts a contract for all of the construction works from a person awarding a contract: Provided, That this means a person awarding a contract in cases of awarding separate contracts for construction works and construction waste disposal services under Article 15;

10. The term "person awarding a contract" means a person who first entrusts a contract for all of the construction works (including any person who directly undertakes the construction works);

11. The term "constructor" means a person who undertakes construction works;

12. The term "designer or other service provider" means a person who provides services, including design provided for in subparagraph 3 of Article 2 of the Certified Architects Act or construction technology services under subparagraph 3 of Article 2 of the Construction Technology Promotion Act;

13. The term "segregated discharge" means an act of discharging construction wastes upon segregating it by type and disposal method;

14. The term "recycling" means the reuse of recycled aggregates, recycled aggregate products, etc. produced in the course of disposing of construction wastes for purposes determined by Presidential Decree;

15. The term "construction works required to use recycled aggregates, etc." means construction works required to use recycled aggregates and recycled aggregate products, which have a specific structure, size and purpose prescribed by Presidential Decree, from among those ordered by the State, a local government, or any of following institutions:

(a) A public institution prescribed in Article 4 of the Act on the Management of Public Institutions;

(b) A government-funded research institution under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions;

(c) A government-funded science and technology research institution under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes, Etc;

(d) A public enterprise under a special Act;

(e) A local public enterprise under the Local Public Enterprises Act;

(f) A concessionaire as defined in subparagraph 7 of Article 2 of the Act on Public-Private Partnerships in Infrastructure;

(g) A corporation, from among the corporations under Article 16 (1) 4 of the Industrial Sites and Development Act, at least 20/100 of the total investment in which comes from corporations falling under Article 16 (1) 1 or 2 of the same Act: Provided, That another investor's investment in the corporation exceeds the total investment ratios of the State, local governments and investors falling under items (a), (d), and (e), such corporation shall be excluded therefrom.

16. The term "construction waste disposal facility" means a facility for the interim disposal of construction waste, determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 3 (Relationship with other Acts)

(1) The provisions of this Act on the facilitation of the environment-friendly disposal and recycling of construction wastes shall prevail over the provisions of other Acts, and matters not specified in this Act shall be governed by the provisions of other relevant Acts.

(2) Where the head of a relevant central administrative agency intends to enact or amend any Act or subordinate statute related to the provisions of this Act, he/she shall consult in advance with the Minister of Environment and the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 4 (Duty of State, Local Governments, etc.)

(1) The State and local governments shall devise measures necessary to facilitate the environment-friendly disposal and recycling of construction waste.

(2) The State, local governments, and public institutions (referring to the institutions listed in subparagraph 15 (a) through (e) of Article 2; hereinafter the same shall apply) shall apply measures referred to in paragraph (1).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 5 (Duty of Persons Awarding Contracts)

(1) A person awarding a contract shall devise and implement measures for the disposal of construction waste in order to actively carry out the measures to facilitate recycling under Article 4.

(2) A person awarding a contract shall appropriate, in the cost of construction, the expenses incurred in the segregated discharge, storage, disposal, recycling, etc. of construction waste generated from the relevant construction works, and shall specify matters necessary for recycling in the written contract, including construction specifications.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 6 (Duty of Dischargers, etc.)

(1) A constructor shall faithfully perform the terms and conditions of a contract required by the person awarding the contract so as to facilitate the environment-friendly disposal and recycling of construction waste.

(2) A discharger shall discharge construction waste generated in the course of construction works by segregating it by type and disposal method prescribed by Ordinance of the Ministry of Environment, and endeavor to facilitate the recycling of construction waste.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 7 (Duty of Construction Waste Disposal Business Operators, etc.)

(1) A collection and transportation business operator and an interim disposal business operator (hereinafter referred to as "construction waste disposal business operator") shall collect and transport construction waste in an environment-friendly manner and dispose of such waste properly.

(2) An interim disposal business operator shall endeavor to conduct research and development, improve facilities, and other measures necessary for the production of recycled aggregates.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER II DEVELOPMENT OF MEASURES FOR RECYCLING OF CONSTRUCTION WASTE

Article 8 (Formulation of Master Plans for Recycling)

(1) The Minister of Environment shall formulate a master plan for recycling of construction wastes (hereinafter referred to as "master plan") every five years to facilitate the environment-friendly disposal and recycling of construction waste, after hearing opinions of the heads of relevant central administrative agencies, the Special Metropolitan City Mayor, Metropolitan City Mayors, Metropolitan Autonomous City Mayor, Do Governors, and the Governor of Special Self-Governing Province (hereinafter referred to as "Mayors/Do Governors"). <Amended by Act No. 11879, Jun. 12, 2013>

(2) A master plan shall include the following:

1. Basic objectives of and direction-setting for facilitating the recycling of construction waste;
2. Research, development, and dissemination of disposal technology to ensure the proper environment-friendly disposal of construction waste;
3. Research and development for facilitating the production and use of recycled aggregates and recycled aggregate products, and measures for the utilization thereof;
4. Management of information on the production and supply-demand conditions of recycled aggregates and recycled aggregate products;
5. Other matters determined by Presidential Decree for the reduction, and facilitation of recycling, of construction waste.

(3) The heads of relevant central administrative agencies and the Mayors/Do Governors shall formulate an annual implementation plan for a master plan (hereinafter referred to as "implementation plan"), and notify the Minister of Environment thereof and implement such plan accordingly.

(4) The Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport when formulating a master plan. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Matters necessary for the formulation and implementation of master plans and implementation plans, other than those provided for in paragraphs (1) through (4), shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 9 (Support for Research and Development, etc.)

(1) The Minister of Environment and the Minister of Land, Infrastructure and Transport may organize and operate a technology research and development team to perform the following duties to facilitate the

environment-friendly disposal and recycling of construction waste: <Amended by Act No. 11690, Mar. 23, 2013>

1. Research and development of following technologies:
 - (a) Technology for the environment-friendly disposal of construction waste;
 - (b) Technology for the production of recycled aggregates and recycled aggregate products;
 2. Efficient utilization of technological human resources, funds, testing facilities, and technical data necessary for research and development under subparagraph 1;
 3. Facilitation of the exportation, etc. of technologies for recycling construction waste.
- (2) Expenses necessary for research and development under paragraph (1) 1 may be covered with contributions made by the Government or by those other than the Government, or with technology development funds of the relevant companies.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 10 (Establishment and Utilization of System for Management of Construction Waste)

(1) The Minister of Environment shall establish the following measures to facilitate the environment-friendly disposal and recycling of construction waste:

1. Building of a system to manage the following data (hereinafter referred to as "system for management of construction waste"):
 - (a) Data concerning technology for construction waste disposal;
 - (b) Data concerning the production of and demand for recycled aggregates and recycled aggregate products;
 - (c) Data concerning the capital, managerial status, technical capability, conditions of performance of services, etc. of construction waste disposal business operators;
 2. Other measures necessary for facilitating the recycling of construction waste.
- (2) The Minister of Environment may provide data prescribed in any item of paragraph (1) 1 to persons requiring such data to ensure the proper environment-friendly disposal of construction waste. In such cases, he/she may collect fees from those who use such data.
- (3) In establishing a system for management of construction waste, the Minister of Environment may request that the heads of relevant institutions, such as central administrative agencies, local governments and public institutions, provide necessary material or data. In such cases, the head of an institution in receipt of such request shall comply therewith in the absence of special circumstances.
- (4) In establishing a system for management of construction wastes under paragraphs (1) through (3), the Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport.

<Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 11 (Statistical Surveys on Recycling)

(1) The Metropolitan Autonomous City Mayor, the Governor of Special Self-Governing Province or the head of a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) shall survey the following matters, and the head of the Si/Gun/Gu shall submit the results of such survey to the relevant Mayor/Do Governor (excluding the Metropolitan Autonomous City Mayor and the Governor of Special Self-Governing Province; hereinafter the same shall apply in this Article): <Amended by Act No. 11879, Jun. 12, 2013>

1. Estimated annual quantity of construction wastes generated and the total annual quantity of construction wastes generated;
 2. Annual performance in construction waste disposal;
 3. Annual performance in the use of recycled aggregates and recycled aggregate products;
 4. Other matters determined by the Minister of Environment.
- (2) The Metropolitan Autonomous City Mayor and the Governor of Special Self-Governing Province, and a Mayor/Do Governor in receipt of the results of the survey under paragraph (1) shall integrate and submit them to the Minister of Environment. In such cases, the Minister of Environment shall notify the Minister of Land, Infrastructure and Transport of the materials received. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11879, Jun. 12, 2013>
- (3) Matters necessary for methods of preparing materials, timing of submission of such materials, etc. under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER III ENVIRONMENT-FRIENDLY DISPOSAL OF CONSTRUCTION WASTE

Article 12 (Classification, etc. of Construction Waste)

The Minister of Environment shall classify construction wastes into combustible and incombustible wastes and subdivide construction wastes by kind, in accordance with the classification system.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 13 (Criteria, etc. for Disposal of Construction Waste)

- (1) Any person who intends to discharge, collect, transport, store, or perform interim disposal of construction wastes shall do so in compliance with the criteria and methods determined by Presidential Decree.
- (2) No construction waste disposal business operator entrusted with the disposal of construction waste shall keep construction waste in excess of the permissible storage quantity.
- (3) Where the discharge, collection, transportation, storage, or interim disposal of construction waste is performed in violation of the criteria under paragraph (1) or (2), the relevant Mayor/Do Governor or head of the relevant Si/Gun/Gu may direct a person falling under any of the following subparagraphs to change the method of discharging, collecting, transporting, storing, or performing interim disposal of construction waste or otherwise take necessary measures, specifying a period therefor: <Amended by Act No. 13527, Dec. 1, 2015>
 1. A person who has discharged, collected, transported, stored, or performed interim disposal of such construction waste;
 2. A person who has entrusted such construction waste without verification required under the proviso to the part other than the subparagraphs of Article 16 (1);
 3. A person who has succeeded to the rights and obligations pursuant to Article 31 (1) or (2).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 13-2 (Approval for Temporary Storage of Construction Wastes)

- (1) Pursuant to Article 13 (1), no collection and transportation business operator shall transport construction wastes to a place other than a place (in case of export, referring to a place of shipment appointed by an exporter) where construction wastes can be properly treated or stored.
- (2) Notwithstanding paragraph (1), where any of the following subparagraphs is applicable and a person intends to collect or transport construction wastes in or to a place (hereinafter referred to as "temporary storage") other than a place under the same paragraph, he/she shall obtain approval from a Mayor/Do Governor. The same shall apply to the modification of approved matters:
 1. Where construction wastes are loaded on a vehicle with a small loadage and transshipment to a vehicle with a bigger loadage is intended;
 2. Where construction wastes to be buried are cut off to meet standards for bringing into a landfill.
- (3) Standards for approval for a temporary storage are as follows, and a Mayor/Do Governor may attach necessary conditions as prescribed by Ordinance of the Ministry of Environment:
 1. The number of temporary storage for each collection and transportation business operator shall be limited to one in each Special Metropolitan City, Metropolitan City, Metropolitan Autonomous City, Do, and Special Self-Governing Province;
 2. The storage volume of construction wastes shall be 700 cubic meters or less.
- (4) A person who installs and operates a temporary storage within a distance prescribed by Ordinance of the Ministry of Environment from an area under Article 36 (1) 1 (a) of the National Land Planning and Utilization Act shall have facilities that prevent flying dusts, leachates and malodor, as prescribed by Ordinance of the Ministry of Environment.
- (5) Where a temporary storage is to be installed, urban scenery shall be taken into consideration.
- (6) Matters necessary for procedures for approval for temporary storage and modification of approval, installation of facilities preventing flying dusts, leachates and malodor, standards for storing construction wastes at temporary storages, etc. under paragraphs (2) and (4) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11879, Jun. 12, 2013]

Article 14 (Assessment, Publication, etc. of Interim Disposal Business Operators' Capability to Perform Services)

- (1) The Minister of Environment shall assess and publicly notify interim disposal business operators' capability to perform services (including matters concerning prevention of pollution of the surrounding environment, such as fugitive dust, leachate, malodor; hereafter the same shall apply in this Article) in order to assist dischargers in selecting qualified companies. <Amended by Act No. 13527, Dec. 1, 2015>
- (2) In assessing interim disposal business operators' capability to perform services under paragraph (1), the Minister of Environment shall take into consideration their capital, managerial status, technical

capability, service performance records, facilities and technological human resources necessary for the prevention of pollution of the surrounding environment, and other matters. <Amended by Act No. 13527, Dec. 1, 2015>

(3) Every interim disposal business operator shall report his/her capital, managerial status, technical capability, service performance record for the previous year, facilities and technological human resources necessary for the prevention of pollution of the surrounding environment, and other matters, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13527, Dec. 1, 2015>

(4) Matters necessary for the period, method, procedure, etc. of publication of the capability to perform services under paragraph (1) shall be determined by Ordinance of the Ministry of Environment, and matters concerning the method, etc. of assessment under paragraph (2) by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 15 (Awarding Contracts for Construction Waste Disposal Services)

(1) Where the State, a local government, or a person falling under any item of subparagraph 15 of Article 2 seeks to award a contract for construction works of not less than the size determined by Presidential Decree, it shall award separate contracts for construction works and construction waste disposal services.

<Amended by Act No. 13527, Dec. 1, 2015>

(2) Where a person awards a separate contract for construction waste disposal services pursuant to paragraph (1), he/she shall select a qualified company, as prescribed by Ordinance of the Ministry of Environment, in consideration of reasonable costs of construction waste disposal.

(3) In order to assist persons in awarding contracts to select qualified companies to perform construction waste disposal services pursuant to paragraph (1), the Minister of Environment shall publicly notify criteria for the assessment of such companies, including their capability to perform services, managerial status, and technical capability.

(4) The Minister of Environment may publicly notify reasonable disposal costs under paragraph (2) for each kind or method of disposing of construction waste.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 16 (Contracts for Entrustment, etc. of Construction Waste Disposal Services)

(1) A discharger shall dispose of construction wastes generated from his/her construction site directly or through entrustment to a person falling under any of following subparagraphs: Provided, That where the discharger intends to entrust the disposal of construction wastes to a person falling under any of subparagraphs 1 and 3, he/she shall do so after ascertaining whether the person so entrusted has the capability to collect, transport and dispose of construction wastes in compliance with the criteria under Article 13 (1), as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. A construction waste disposal business operator;

2. A person who installs and operates a waste disposal facility under Article 4 or 5 of the Wastes Control Act;

3. A person licensed to engage in a waste disposal business under Article 25 (3) of the Wastes Control Act;

4. A person who has reported waste disposal under Article 46 of the Wastes Control Act.

(2) When a discharger and a person falling under any of the subparagraphs of paragraph (1) enter into a contract for entrustment of construction waste disposal services pursuant to paragraph (1), they shall do so in accordance with the classification of business types and the scope of business operations and specify the kind of wastes, quantity of wastes entrusted, value and period of services and other matters determined by Presidential Decree in duplicate contracts, each of which shall be signed or sealed by both parties to be kept in their possession for three years.

(3) Where a discharger intends to enter into a contract for entrustment of construction waste disposal services, involving collection and transportation business operators and interim disposal business operators, he/she shall do so with a single contract document.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 17 (Reporting, etc. by Dischargers)

(1) A discharger shall prepare a waste disposal plan based on the results of his/her survey on the estimated quantity of construction wastes by kind, to be generated in the course of his/her construction works, and report it to the relevant Metropolitan Autonomous City Mayor, Governor of Special Self-Governing Province or the head of the relevant Si/Gun/Gu. The same shall also apply where any change is made to reported matters. <Amended by Act No. 11879, Jun. 12, 2013>

- (2) The waste disposal plan referred to in paragraph (1) shall include the following:
1. Estimated quantity of construction wastes by kind, to be generated in the course of the relevant construction works;
 2. A plan for segregated discharge of the relevant construction wastes;
 3. A plan for recycling construction wastes on the relevant construction site;
 4. Other matters determined by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 18 (Transfer, Acquisition, etc. of Construction Waste)

(1) A person who discharges, collects, transports, or disposes of construction waste shall enter information on the transfer and acquisition of construction waste into the electronic information processing system referred to in Article 19 (1) whenever he/she discharges, collects, transports, or disposes of construction waste: Provided, That when he/she discharges a small quantity of construction waste or it is otherwise prescribed by Ordinance of the Ministry of Environment, he/she may prepare a simplified construction waste transfer form in lieu of entering such information.

(2) A person who prepares a simplified construction waste transfer form pursuant to the proviso to paragraph (1) shall keep such form for three years from the date of its preparation.

(3) Matters necessary for the information to be entered and the methods and timing for entry into the electronic information processing system and the methods, timing, etc. for preparing simplified construction waste transfer forms under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 19 (Electronic Processing of Information, etc. on Transfer and Acquisition of Construction Waste)

(1) The Minister of Environment shall establish and operate an electronic information processing system (hereinafter referred to as "electronic information processing system") to process information on the transfer and acquisition of construction waste (hereinafter referred to as "electronic information").

(2) The Minister of Environment may collect all or some expenses incurred in processing electronic information from users of the electronic information processing system.

(3) The Minister of Environment shall preserve electronic information for three years from the date it is entered.

(4) The Minister of Environment shall make electronic information verifiable and printable by the person who discharges, collects, transports, or disposes of the relevant construction waste and further searchable and verifiable by the Mayor/Do Governor or head of the Si/Gun/Gu who has jurisdiction over the person who discharges, collects, transports, or disposes of the relevant construction waste.

(5) A Mayor/Do Governor, the head of a Si/Gun/Gu, or a person determined by Ordinance of the Ministry of Environment may request that the Minister of Environment provide access to electronic information. In such cases, the Minister of Environment shall provide the information requested within 15 days after the receipt of such request.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER IV CONSTRUCTION WASTE DISPOSAL BUSINESS, ETC.

Article 20 Deleted. <by Act No. 9769, Jun. 9, 2009>

Article 21 (Licensing, etc. of Construction Waste Disposal Business)

(1) A person who intends to engage in a construction waste disposal business shall submit a construction waste disposal business plan to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment.

(2) Where a Mayor/Do Governor receives a construction waste disposal business plan pursuant to paragraph (1), he/she shall review following matters and notify the person who submitted it of whether it is appropriate: <Amended by Act No. 11879, Jun. 12, 2013>

1. Whether a person (including an executive in case of a corporation) who intends to obtain license for construction waste disposal business is disqualified pursuant to Article 24;

2. Where the location, etc. of construction waste disposal facilities violates other Acts;

3. Whether facilities, equipment, technical capability, etc. on the construction waste disposal business plan comply with criteria for license under paragraph (3);

4. Whether installation and operation of construction waste disposal facilities makes it difficult to maintain environmental standards under Article 12 of the Framework Act on Environmental Policy.

(3) A person who is notified pursuant to paragraph (2) that his/her business plan is appropriate shall meet the following standards and obtain license from a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. In such case, the Mayor/Do Governor shall without delay grant license where

the person who is notified pursuant to paragraph (2) that his/her business plan is appropriate makes an application for license while meeting requirements, such as facilities, equipment, technical capability, etc.: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. Where a disposal facility is installed and operated in an area located within a distance prescribed by Ordinance of the Ministry of Environment from an area corresponding to Article 36 (1) 1 (a) of the National Land Planning and Utilization Act, a building or facility preventing flying dusts, leachates and malodor prescribed by Ordinance of the Ministry of Environment;

2. Facilities, equipment, technical capability, capital (in case of an individual, referring to the appraised amount of asset; hereinafter the same shall apply), business site and other necessary matters prescribed by Ordinance of the Ministry of Environment.

(4) Application for obtaining license under paragraph (3) shall be filed within two years (six months for collection and transport business) from the date when a person is notified pursuant to paragraph (2) that his/her business plan is appropriate: Provided, That where a person notified pursuant to paragraph (2) that his/her business plan is appropriate fails to file an application for obtaining license within the relevant period due to an act of God or any inevitable reason, a Mayor/Do Governor may extend the application period upon request. <Newly Inserted by Act No. 13527, Dec. 1, 2015>

(5) Where a Mayor/Do Governor grants license pursuant to paragraph (3), he/she may attach conditions necessary for the protection of the surrounding environment, efficient management of construction waste disposal business, etc. <Newly Inserted by Act No. 11879, Jun. 12, 2013 ; Act No. 13527, Dec. 1, 2015>

(6) A person who obtains license for interim disposal business pursuant to paragraph (3) may directly collect and transport relevant wastes without obtaining separate license for collection and transportation business. <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

(7) A construction waste disposal business operator shall observe the following: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. He/she shall not allow another person to collect, transport or perform interim disposal of construction wastes using his/her name or trade name;

2. He/she shall not lend his/her license to another person;

3. He/she shall observe matters prescribed by Presidential Decree, such as prohibition against being entrusted with the disposal of construction wastes beyond his/her capability of collecting, transporting or performing interim disposal of construction wastes.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 22 (Permit, etc. to Change Construction Waste Disposal Business)

(1) Where a person who has been licensed pursuant to Article 21 (3) intends to change any important matter determined by Ordinance of the Ministry of Environment with respect to the license, he/she shall obtain a permit therefor.

(2) Where a person who has been licensed pursuant to Article 21 (3) changes any minor matter determined by Ordinance of the Ministry of Environment with respect to the license, he/she shall report such change.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 23 (Prohibition against Sub-contracting Collection, Transportation and Disposal of Construction Waste)

(1) No collection and transportation business operator shall sub-contract nor be sub-contracted with the transportation of construction waste.

(2) No interim disposal business operator shall sub-contract nor be sub-contracted with construction waste in the same nature and state as it is entrusted.

(3) Notwithstanding paragraphs (1) and (2), if a construction waste disposal business operator cannot dispose of construction waste due to the revocation of his/her license, a natural disaster, or other compelling circumstances, he/she may sub-contract the collection, transportation and interim disposal of construction waste, upon obtaining approval from the relevant Mayor/Do Governor.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 24 (Grounds for Disqualification)

No person who falls under any of following subparagraphs shall be licensed for the construction waste disposal business: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. A person placed under adult guardianship or limited guardianship;

2. A person declared bankrupt, but not yet reinstated;

3. A person who was sentenced to imprisonment for a violation of this Act and for whom two years have not yet passed since the execution of such sentence was terminated (including where the execution of such sentence was deemed to have been terminated) or the non-execution of such sentence became final and conclusive;

4. A person who is under a suspended sentence declared for a violation of this Act;

5. A person whose construction waste disposal business license was revoked (excluding a person whose license for construction waste disposal business was revoked for falling under the purview of subparagraph 1 or 2) and for whom two years have not yet passed since the date of revocation of his/her license;

6. A corporation that employs an officer falling under any of subparagraphs 1 through 4.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 25 (Revocation of License, etc.)

(1) Where a construction waste disposal business operator falls under any of the following subparagraphs, the relevant Mayor/Do Governor shall revoke his/her license: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. Where he/she obtains his/her license by fraud or other improper means;

2. Where he/she continues his/her business during the period of business suspension;

3. Where he/she falls under any of subparagraphs 1 through 4 or 6 of Article 24: Provided, That the same shall not apply where a corporation that falls under subparagraph 6 of the said Article replaces the officer in question within two months, or where an heir to a construction waste disposal business operator falls under any of subparagraphs 1 through 4 of Article 24 and the heir transfers the construction waste disposal business he/she has inherited within six months from the date of the commencement of inheritance;

4. Where he/she fails to take measures required under Article 42 (1);

4-2. Where he/she fails to implement an order under Article 42 (3);

5. Where he/she fails to carry out an order for disposal issued under Article 43;

6. Where he/she receives a disposition of business suspension under paragraph (2) at least three times in two years.

(2) Where a construction waste disposal business operator falls under any of the following subparagraphs, the relevant Mayor/Do Governor may either revoke his/her license or order his/her business fully or partially suspended for a fixed period not exceeding six months: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. Where he/she fails to commence his/her business within one year after he/she was licensed, or suspends his/her business for not less than one consecutive year without any justifiable ground;

2. Where he/she violates the criteria or methods for collection, transportation, storage, or disposal of construction waste under Article 13 (1);

3. Where he/she stores construction wastes in excess of the permissible storage quantity, in violation of Article 13 (2);

4. Where he/she fails to report his/her service performance record, etc. or files a false report thereon, in violation of Article 14 (3);

5. Where he/she fails to enter electronic information into an electronic information processing system or entered any false information, in violation of the main body of Article 18 (1);

6. Where he/she fails to prepare a simplified construction waste transfer form or prepares a false one, in violation of the proviso to Article 18 (1);

7. Where he/she fails to store a simplified construction waste transfer form, in violation of Article 18 (2);

8. Where he/she fails to meet the criteria under Article 21 (3);

9. Where he/she violates the conditions under Article 21 (5);

10. Where he/she has violates any obligation provided for in any of the subparagraphs of Article 21 (7);

11. Where he/she changes matters approved without obtaining a permit therefor or filing a report thereon, in violation of Article 22;

12. Where he/she sub-contracts or is sub-contracted with the collection, transportation or interim disposal of construction wastes, in violation of Article 23;

13. Where he/she uses a facility without filing a report thereon, in violation of Article 28;

14. Where he/she installs, maintains or manages a construction waste disposal facility, in violation of the criteria for installation and management under Article 29 (1);

15. Where he/she fails to implement an order for improvement or violates an order for suspension of use, in violation of Article 29 (2);

16. Where he/she fails to comply with an order for closure under Article 29 (3);
 17. Where he/she fails to report his/her succession to rights and obligations, in violation of Article 31 (3);
 18. Where he/she fails to store a book, to make entries therein, or to preserve it, in violation of Article 32;
 19. Where he/she suspends or resumes his/her business without filing a report thereon, in violation of Article 33 (1).
- (3) Where any of the following is applicable to a collection and transportation business operator, a Mayor/Do Governor may revoke approval for temporary storage: Provided, That where subparagraph 1 is applicable, he/she shall revoke approval: <Amended by Act No. 11879, Jun. 12, 2013>
1. Where he/she obtains approval for temporary storage by deceit or other fraudulent means;
 2. Where the operator brings in wastes while such act is suspended;
 3. Where construction wastes are not brought within one year from the license is obtained or construction wastes have not been brought in for one consecutive year.
- (4) Where any of the following is applicable to a collection and transportation business operator, a Mayor/Do Governor may order him/her to suspend bringing construction wastes into a temporary storage for a specified period up to six months: <Amended by Act No. 11879, Jun. 12, 2013>
1. Where he/she modifies approved matters without obtaining approval for modification, in violation of Article 13-2 (2);
 2. Where he/she violates the conditions under Article 13-2 (3);
 3. Where he/she violates the standards for storage under Article 13-2 (6).
- (5) Where a Mayor/Do Governor intends to revoke license or approval, or to order suspension of business or suspension of bringing in, he/she shall take necessary measures, such as proper handling of abandoned wastes, etc., as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11879, Jun. 12, 2013>
- (6) The criteria for administrative disposition under paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11879, Jun. 12, 2013>
- (7) Where the Minister of Environment deems that temporary storage or disposal facility under Article 21 (3) has material impact on the surrounding environment or inflicts damage on residents' health, he/she shall recommend the relevant Mayor/Do Governor to take necessary measures, such as revocation of approval for temporary storage, revocation of license of construction waste disposal business, etc., and the Mayor/Do Governor shall comply with the recommendations in the absence of special circumstances. <Newly Inserted by Act No. 11879, Jun. 12, 2013>
- [This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]
- Article 26 (Imposition, Collection, etc. of Penalty Surcharges)
- (1) Where a construction waste disposal business operator is subject to suspension of business because he/she falls under any of the subparagraphs of Article 25 (2), but where it is deemed that such suspension of business would result in any of the following circumstances, the relevant Mayor/Do Governor may impose a penalty surcharge of not exceeding 100 million won in lieu of the suspension of business:
1. Where construction wastes left undisposed as a result of the suspension of business are likely to seriously impede business activities of those who have entrusted the disposal of construction wastes;
 2. Where construction wastes in possession of a construction waste disposal business operator causes or is likely to create harmful living conditions for neighboring residents;
 3. Where deemed that it is necessary for the construction waste disposal business operator to continue his/her business due to a natural disaster or other compelling circumstance.
- (2) Matters necessary for the amount of penalty surcharges by type of offense, etc. under paragraph (1) shall be determined by Presidential Decree.
- (3) Where a person obligated to pay a penalty surcharge under paragraph (1) fails to pay the penalty surcharge by the payment deadline, a Mayor/Do Governor shall collect it as prescribed by the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>
- (4) The total sum of money collected as penalty surcharges shall be used by Mayors/Do Governors to cover the following expenditures:
1. Expenditures incurred in re-disposing of construction wastes that has been disposed of, in violation of the criteria for disposal under Article 13 (1), in which case it is impossible to ascertain a person referred to in any of the subparagraphs of Article 13 (3);

2. Expenditures incurred in purchasing and operating facilities and equipment necessary to provide guidance for and inspect construction waste disposal facilities;
3. Other expenditures incurred in performing business activities to facilitate proper disposal and recycling of construction wastes.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 27 (Approval for and Report on Installation of Construction Waste Disposal Facilities)

(1) Where a discharger intends to recycle construction wastes by directly installing and operating a construction waste disposal facility on his/her construction site, he/she shall obtain approval from the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment: Provided, That where he/she intends to install and operate a construction waste disposal facility of a scale prescribed by Presidential Decree, he/she shall make a report to the Mayor/Do Governor. <Amended by Act No. 11879, Jun. 12, 2013>

(2) A discharger that obtains approval or makes a report pursuant to paragraph (1) may recycle construction wastes only in the relevant construction site. <Amended by Act No. 11879, Jun. 12, 2013>

(3) Where a discharger intends to modify matters prescribed by Ordinance of the Ministry of Environment from among matters approved or reported pursuant to paragraph (1), he/she shall obtain approval for modification from, or make a report on modification to, a Mayor/Do Governor. <Newly Inserted by Act No. 11879, Jun. 12, 2013>

(4) A person who intends to install and operate a construction waste disposal facility for the purpose of testing, research, etc. in order to recycle construction wastes shall report it to a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to modification of matters prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11879, Jun. 12, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 28 (Report on Completion of Installation and Use of Construction Waste Disposal Facilities)

Where a construction waste disposal business operator or a person who has obtained approval or reported under Article 27 intends to use a facility after completing the installation of the facility, he/she shall report it to the relevant Mayor/Do Governor.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 29 (Criteria for Installation and Management of Construction Waste Disposal Facilities)

(1) A person who installs and operates a construction waste disposal facility shall install, maintain and manage the facility in conformity with the criteria for installation and management determined by Ordinance of the Ministry of Environment.

(2) Where a Mayor/Do Governor deems that a construction waste disposal facility is installed, maintained or managed contrary to the criteria for installation and management referred to in paragraph (1), he/she may order the person who installs and operates such facility to make improvements to the facility or to suspend the use of the facility, fixing a period, as prescribed by Ordinance of the Ministry of Environment.

(3) A Mayor/Do Governor may order the closure of a facility if it falls under any of the following subparagraphs:

1. Where a person subject to an order to improve or suspend the use referred to in paragraph (2) fails to fulfill such order;
2. Where deemed impossible for the relevant person to fulfill an order to improve or suspend the use referred to in paragraph (2).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 30 (Permits, Reports, etc. under other Acts and Subordinate Statutes)

(1) Where a person who intends to install a construction waste disposal facility has obtained a license or permit or made a report under Article 21 or 22 or obtained an approval or filed a report under Article 27, he/she shall be deemed to have obtained a permit or filed a report referred to in each of the following subparagraphs with respect to the construction waste disposal facility: <Amended by Act No. 9770, Jun. 9, 2009>

1. A permit for or a report on the installation of, and a permit for or a report on alteration to, emission facilities referred to in Article 23 (1) or (2) of the Clean Air Conservation Act;
2. A permit for or a report on the installation of, and a permit for or a report on change to, discharge facilities referred to in Article 33 (1) or (2) of the Water Quality and Aquatic Ecosystem Conservation Act;

3. A permit for or a report on the installation of, and a permit for or a report on alteration to, emission facilities referred to in Article 8 (1) or (2) of the Noise and Vibration Control Act.

(2) Where a person who intends to install a construction waste disposal facility has filed a report referred to in Article 28, he/she shall be deemed to have filed a report referred to in each of the following subparagraphs:

1. Report on the commencement of operation of emission facilities referred to in Article 30 of the Clean Air Conservation Act;

2. Report on the commencement of operation of discharge facilities referred to in Article 37 of the Water Quality and Aquatic Ecosystem Conservation Act;

3. Deleted. <by Act No. 9770, Jun. 9, 2009>

(3) Where a Mayor/Do Governor intends to approve the installation of a construction waste disposal facility or license a construction waste disposal business in which a matter falling under any of the subparagraphs of paragraph (1) is included, he/she shall consult with the heads of relevant administrative agencies.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 31 (Succession, etc. to Rights and Obligations)

(1) Where a construction waste disposal business operator or a person who has obtained approval for, or has filed a report on, the installation of a construction waste disposal facility pursuant to Article 27, transfers the construction waste disposal business or construction waste disposal facility, deceases, or merges or consolidates his/her business entity with another legal entity, the transferee, successor, or a legal entity surviving the merger or resulting from the consolidation shall succeed to the rights and obligations following the license, approval, or report.

(2) A person who acquires a construction waste disposal facility from a construction waste disposal business operator or a person who has obtained approval for, or has filed a report on, the installation of a construction waste disposal facility pursuant to Article 27 following an auction under the Civil Execution Act, conversion under the Debtor Rehabilitation and Bankruptcy Act, sale of seized assets under the National Tax Collection Act, the Customs Act, or the Framework Act on Local Taxes, or other procedures equivalent thereto shall succeed to the rights and obligations of the construction waste disposal business operator or the person who has obtained approval for, or has filed a report on, the installation of a construction waste disposal facility, respectively. In such cases, the license granted to the former construction waste disposal business operator, approval granted to the person who has obtained approval for the installation of a construction waste disposal facility, or the report by the person who has filed a report on the installation of a construction waste disposal facility shall lose its effect. <Newly Inserted by Act No. 13527, Dec. 1, 2015>

(3) A person who succeeds to rights and obligations pursuant to paragraph (1) or (2) shall report such fact to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment.

<Amended by Act No. 13527, Dec. 1, 2015>

(4) Where a report has been filed pursuant to paragraph (3), a Mayor/Do Governor shall verify the appropriateness of the reported matters. <Newly Inserted by Act No. 13527, Dec. 1, 2015>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 32 (Storage of, Making Entries in, and Preservation of Books)

A person who falls under any of the following subparagraphs shall keep books, as prescribed by Ordinance of the Ministry of Environment, and record the status of collection, transportation and disposal of waste, etc. therein (if he/she falls under subparagraph 1, referring to the quantity of waste generated, status of recycling of waste, records of disposal of waste, etc.) and preserve them for two years from the date on which such are recorded: Provided, That the same shall not apply where the relevant information is entered into an electronic information processing system: <Amended by Act No. 11879, Jun. 12, 2013>

1. A person subject to reporting under Article 17 (1);

2. A construction waste disposal business operator;

3. A person who installs and operates a construction waste disposal facility.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 33 (Reporting on Suspension, Closure, etc. of Business)

(1) If a construction waste disposal business operator intends to suspend, close or resume his/her business, he/she shall report such fact to the relevant Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment.

(2) If a construction waste disposal business operator intends to report the suspension or closure of his/her business pursuant to paragraph (1), he/she shall take necessary measures, such as disposal of neglected waste in a proper manner, as prescribed by Ordinance of the Ministry of Environment.
[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 34 (Reporting, Inspection, etc.)

(1) The Minister of Environment, Mayors/Do Governors or the heads of Sis/Guns/Gus may require relevant persons to file a report or submit material, as prescribed by Ordinance of the Ministry of Environment, within the scope necessary to enforce this Act, and require that relevant public officials access offices, business sites, etc. to inspect relevant documents, facilities, equipment, etc.

(2) A public official who intends to conduct an inspection under paragraph (1) shall notify a business operator subject to the inspection of an inspection plan that states the date and time, purposes and details of the inspection, not later than three days before the inspection: Provided, That the same shall not apply where the inspection is urgent or it is deemed that advance notice would lead to the destruction of evidence or otherwise make it impossible to attain the purposes of the inspection.

(3) A public official who accesses an office, a business site, etc. or conducts an inspection pursuant to paragraph (1) shall carry a certificate that indicates his/her authority and present it to related parties.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER V QUALITY STANDARDS FOR RECYCLED AGGREGATES AND FACILITATION OF USE THEREOF

Article 35 (Quality Standards for Recycled Aggregates, etc.)

To facilitate the recycling of construction wastes, the Minister of Land, Infrastructure and Transport shall determine quality standards for recycled aggregates by usage, standards necessary for design, construction works, etc. after consultation with the Minister of Environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11879, Jun. 12, 2013>

Article 35-2 (Matters to be complied with for Users of Recycled Aggregates and Recycled Aggregate Products)

A person who intends to use recycled aggregates and recycled aggregate products (referring to a person awarding a contract where such are to be used for a construction works) shall comply with the following:

1. They shall be used in compliance with recycling usage under subparagraph 14 of Article 2;
2. Recycled aggregates that meet the quality standards for recycled aggregates by usage under Article 35 shall be used.

[This Article Newly Inserted by Act No. 11879, Jun. 12, 2013]

Article 36 (Quality Certification, etc. of Recycled Aggregates)

(1) The Minister of Land, Infrastructure and Transport may conduct certification (hereinafter referred to as "quality certification") in order to secure the quality of recycled aggregates. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for the criteria for quality certification and the methods of management, procedures, etc. thereof shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Land, Infrastructure and Transport shall conduct post-management of quality-certified matters, including investigations into the conditions of management thereof and, if deemed, as a result of an investigation, that they fail to meet the criteria for quality certification, he/she may issue a corrective order or otherwise take necessary measures. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 36-2 (Grounds for Disqualification for Quality Certification)

The Minister of Land, Infrastructure and Transport shall not provide quality certification where a person who intends to obtain quality certification falls under any of the following subparagraphs: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where three years have not passed since quality certification was revoked pursuant to Article 37;
2. Where two years have not passed since a sentence declared by a court by reason under subparagraph 9 or 10 of Article 63 was terminated (including where such sentence was deemed terminated) or exempted;
3. Where he/she is a corporation that employs an officer or representative falling under subparagraph 2.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 37 (Revocation, etc. of Quality Certification)

(1) The Minister of Land, Infrastructure and Transport may revoke quality certification or order the use of quality certification prohibited for a fixed period of no more than six months, in any of the following

cases: Provided, That in cases falling under any of subparagraphs 1 through 3 and 4 (a), he/she shall revoke the relevant certification: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the quality certification is obtained by fraud or other improper means;
 2. Where the quality certification is used during a period in which the use of quality certification is prohibited;
 3. Where the construction waste disposal business license is revoked pursuant to Article 25;
 4. Where goods that fall short of or are unfit for the quality standards referred to in Article 35 are produced, as prescribed in any of the following:
 - (a) Where they cause significant harm to the public or collapse of a major structural part of the relevant installation, or give rise to the necessity for reconstruction;
 - (b) Where they have detrimental effects on the quality or safety of construction works;
 5. Where a corrective order, etc. under Article 36 (3) fails to be fulfilled.
- (2) Matters necessary for detailed criteria, etc. for the administrative dispositions referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport.

<Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 38 (Obligation to Use Recycled Aggregates and Recycled Aggregate Products)

(1) Where a person awards a contract for construction works required to use recycled aggregates, etc., he/she shall require the constructor to use recycled aggregates that meet the quality standards under Article 35 and recycled aggregate products that satisfy the standards prescribed by Presidential Decree: Provided, That the same shall not apply in any of the following cases:

1. Where it is difficult to secure the quality of construction works if recycled aggregates and recycled aggregate products are used;
2. Where it is difficult to supply recycled aggregates and recycled aggregate products due to local characteristics, such as an island;
3. Where recycled aggregates and recycled aggregate products have higher prices than other aggregates and products in the same category.

(2) Where a person awarding a contract intends to avoid using recycled aggregates and recycled aggregate products in the construction works required to use recycled aggregates, etc. pursuant to the proviso to paragraph (1) excluding its subparagraphs, he/she shall have designers or other service providers, constructors and supervisors submit their written opinions to undergo deliberation by the Deliberation Committee on Construction Technology referred to in Article 5 of the Construction Technology Promotion Act or to seek advice from the Technical Advisory Committee under Article 6 of the same Act. <Amended by Act No. 11794, May 22, 2013>

(3) Matters regarding the quantity of use, etc. of recycled aggregates and recycled aggregate products referred to in paragraph (1) shall be determined and published by the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where a person awards a contract for construction works required to use recycled aggregates, etc. pursuant to the main body of paragraph (1), he/she shall prepare a plan for the use of recycled aggregates and recycled aggregate products, including the purposes and scheduled quantity of use thereof, and submit it to the Minister of Environment within three months after the commencement of the construction works, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall notify the Minister of Land, Infrastructure and Transport of the plan received, upon the latter's request.

<Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 39 (Recommendation for Use of Recycled Aggregates, etc., and Corrective Measures)

Where a person awarding a contract for construction works required to use recycled aggregates, etc. fails to comply with the obligation to use recycled aggregates and recycled aggregate products referred to in Article 38, the Minister of Environment or the Minister of Land, Infrastructure and Transport may recommend him/her to use recycled aggregates and recycled aggregate products or order him/her to take corrective measures with regard thereto. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 40 Deleted. <by Act No. 9769, Jun. 9, 2009>

CHAPTER VI GUARANTEE OF PERFORMANCE OF DISPOSAL OF ABANDONED WASTE, ETC.

Article 41 (Precautionary Measures against Generating Abandoned Waste, etc.)

(1) The Minister of Environment or Mayors/Do Governors shall take necessary measures, as prescribed by Presidential Decree, to prevent construction waste disposal business operators from generating abandoned waste.

(2) In order to prevent generation of neglected waste, the Minister of Environment or Mayors/Do Governors may request that a mutual aid association established pursuant to Article 47 (hereinafter referred to as "mutual aid association ") or an Association established pursuant to Article 55 (hereinafter referred to as "Association") confirm and check construction waste disposal business operators and check the state of the construction waste disposal business operators' fulfillment of measures taken by the licensing authorities.

(3) The mutual aid association or Association shall conscientiously fulfill requests made by the Minister of Environment or Mayors/Do Governors pursuant to paragraph (2) and, when discovering any matter that contravenes this Act in the course of fulfilling such requests, it shall notify the Minister of Environment or Mayors/Do Governors immediately of the details thereof.

(4) The Minister of Environment or Mayors/Do Governors shall take necessary measures, as prescribed by this Act, with respect to the notification received pursuant to paragraph (3).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 42 (Guaranteeing Management of Abandoned Wastes)

(1) A construction waste disposal business operator shall, pursuant to Presidential Decree, take any of the following measures to guarantee the management of abandoned wastes before bringing in construction wastes after obtaining approval under Article 13-2 (2) or before making a report for the start of the use of construction waste disposal facilities pursuant to Article 28 after obtaining license under Article 21 (3):

<Amended by Act No. 11879, Jun. 12, 2013>

1. Paying contributions to a mutual aid association;
2. Taking out guarantee insurance to guarantee the management of abandoned wastes (hereinafter referred to as "management guarantee insurance").

(2) Where a person who takes out management guarantee insurance pursuant to paragraph (1) 2 falls under any of the following subparagraphs, he/she shall renew the management guarantee insurance contract or pay a contribution to a mutual aid association: <Newly Inserted by Act No. 11879, Jun. 12, 2013>

1. Where the term of management guarantee insurance expires;
2. Where the amount of management guarantee insurance is to be altered because of a change to the kinds or unit price of management of construction wastes for which license is obtained pursuant to Article 21 (3) or because of construction wastes stored in excess of permissible storage quantity, etc.

(3) A Mayor/Do Governor may order a person who fails to renew management guarantee insurance or to pay a contribution, in violation of paragraph (2), to renew management guarantee insurance or pay a contribution. <Newly Inserted by Act No. 11879, Jun. 12, 2013>

(4) Matters necessary for the term of management guarantee insurance, timing to take out insurance, standards for the calculation of the insured amount, etc. shall be prescribed by Presidential Decree.

<Amended by Act No. 11879, Jun. 12, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 43 (Disposal of Abandoned Wastes)

(1) Where a construction waste disposal business operator that has taken measures to guarantee performance pursuant to Article 42 (1) falls under any of the following subparagraphs, the relevant Mayor/Do Governor shall order that the construction waste disposal business operator dispose of wastes that he/she abandons within a fixed period: <Amended by Act No. 11879, Jun. 12, 2013>

1. Where his/her business activity is suspended or approval for temporary storage is revoked due to nonpayment or revocation of license;
2. Other cases where operation is suspended for 90 days or more due to unavoidable causes.

(2) A person ordered by a Mayor/Do Governor to dispose of abandoned wastes pursuant to paragraph (1) shall dispose of the abandoned wastes by the deadline.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 44 Deleted. <by Act No. 9769, Jun. 9, 2009>

Article 45 (Order to Dispose of Abandoned Waste)

(1) If a construction waste disposal business operator fails to fulfill an order for the disposal of abandoned waste under Article 43 (1), the relevant Mayor/Do Governor shall order that a person falling under any of the following subparagraphs dispose of the abandoned waste: <Amended by Act No. 10219, Mar. 31, 2010; Act No. 13527, Dec. 1, 2015>

1. A person who entrusts the disposal of construction waste without confirming whether the trustee has the ability to dispose of construction waste properly pursuant to the proviso to the part other than the subparagraphs of Article 16 (1);
2. A person who leases a permitted business site to a person who has obtained a construction waste disposal business license pursuant to Article 21 (3);
3. A person who succeeds to rights and obligations pursuant to Article 31 (1) or (2);
4. A person who acquires a permitted site by means of auction under the Civil Execution Act, realization under the Debtor Rehabilitation and Bankruptcy Act, sale of seized property under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes, or other procedures similar thereto.

(2) If a person ordered to dispose of abandoned waste pursuant to paragraph (1) fails to fulfill the order, the relevant Mayor/Do Governor may dispose of the abandoned waste and collect expenses incurred therein in accordance with the Administrative Vicarious Execution Act.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 46 (Measures etc. against Providers of Guarantee of Performance of Disposal of Abandoned Wastes,)

(1) Where a person ordered to dispose of abandoned wastes pursuant to Article 43 (1) or 45 (1) fails to fulfill such order, the relevant Mayor/Do Governor may take any of the following measures with respect to the disposal of the abandoned wastes in the person's custody: <Amended by Act No. 11879, Jun. 12, 2013>

1. Where the person has paid contributions under Article 42 (1) 1: Ordering the mutual aid association to dispose of abandoned wastes;
2. Where the person has taken out management guarantee insurance referred to in Article 42 (1) 2: Disposal of abandoned wastes by the relevant Mayor/Do Governor in return for receipt of insurance money from the guarantee insurance company.

(2) Where a Mayor/Do Governor intends to order the mutual aid association to dispose of abandoned wastes pursuant to paragraph (1) 1, he/she shall consult with the mutual aid association about the method, period, etc. of such disposal.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER VII ESTABLISHMENT OF MUTUAL AID ASSOCIATION, ETC.

Article 47 (Establishment of Mutual Aid Association)

(1) Construction waste disposal business operators may establish a mutual aid association to guarantee the disposal of abandoned waste and to promote autonomy in their economic activities by promoting cooperation among members of the association, as well as to offer various kinds of guarantees, loans, etc. that are necessary for the construction waste disposal business.

(2) The mutual aid association shall be a body corporate.

(3) The mutual aid association shall come into existence upon registering its incorporation at the seat of its principal office.

(4) Matters concerning the qualifications for membership, and officers, of the mutual aid association, the payment of contributions, liability reserves and loans, and other matters necessary for the operation of the mutual aid association shall be determined by the articles of incorporation thereof.

(5) Matters to be stated in the mutual aid association's articles of incorporation, the amount of contributions to be paid by members, methods for reserving contributions made, methods for managing liability reserves, matters to be guaranteed, guarantee caps, supervision, and other matters necessary for the operation of the mutual aid association shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 48 (Business Affairs of Mutual Aid Association)

(1) The mutual aid association shall perform the following business affairs:

1. Management of contributions and liability reserves to guarantee the disposal of abandoned waste by its members;

2. Provisions of a bid guarantee, contract performance guarantee, advance payment guarantee, and guarantee of redemption of disposal expenses incurred by its members in engaging in a construction waste disposal business, and other guarantees determined by Presidential Decree;

3. Lending funds necessary for its members to engage in a construction waste disposal business, and bill discount (only applicable to the bills paid for construction waste disposal expenses);

4. Mutual aid projects to improve the welfare of its members' employees and compensate for losses incurred by those employees during the performance of duties;

5. Arrangement of loans necessary for the installation of construction waste disposal facilities;
6. Projects to increase the benefits of its members, such as provision of services related to the informatization of construction waste disposal and provision of price information;
7. Investment in relevant business necessary to achieve its objectives;
8. Installation and operation of common use facilities to be provided to its members;
9. Projects entrusted by the State, local governments or public organizations determined by its articles of incorporation;
10. Projects determined by its articles of incorporation, associated with those referred to in subparagraphs 1 through 9.

(2) The mutual aid association may conduct joint projects, such as exchange of information, to promote mutual cooperation and understanding with mutual aid associations under other Acts.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 49 (Mutual Aid Regulations)

(1) If the mutual aid association intends to undertake a mutual aid project under Article 48 (1) 4, it shall formulate mutual aid regulations. <Amended by Act No. 13527, Dec. 1, 2015>

(2) The mutual aid regulations referred to in paragraph (1) shall include provisions necessary for the operation of the mutual aid association, such as the scope of mutual aid projects, details of mutual aid contacts, mutual aid fees, mutual aid funds, and liability reserves to be appropriated for mutual aid funds.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 50 (Exclusion from Application of the Insurance Business Act)

The Insurance Business Act shall not apply to mutual aid projects under Article 48 (1) 4 among those carried out by the mutual aid association.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 51 (Credit Guarantee, etc.)

As prescribed by its articles of incorporation, the mutual aid association may provide guarantees or loans to its members after examining their financial standing, capabilities of performing relevant services, etc.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 52 (Investigation of Service Performance Status, etc.)

(1) With respect to the construction waste disposal services that the mutual aid association guarantees, it may access construction sites and its members' business sites and investigate the status of performance of services, as prescribed by Presidential Decree, and may present its own opinion to the members that provide the relevant services.

(2) The mutual aid association may commission the Association or relevant specialized institution to investigate the status of performance of services referred to in paragraph (1) on its behalf.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 53 (Submission of Reports, etc.)

(1) Where deemed necessary, the Minister of Environment may order the mutual aid association to submit a report on its business or to take other necessary measures, or may require a public official under his/her jurisdiction to inspect the business of the mutual aid association.

(2) A public official who conducts an investigation or inspection pursuant to paragraph (1) shall carry a certificate indicating his/her authority and present it to related persons.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 54 (Application of other Acts)

Except as otherwise provided for in this Act, the provisions of the Civil Act pertaining to incorporated associations and the provisions of the Commercial Act pertaining to the account of stock companies shall each apply mutatis mutandis to the mutual aid association.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 55 (Establishment of Association)

(1) Construction waste disposal business operators may establish an Association to secure the quality of recycled aggregates and promote the sound fostering and development of construction waste disposal business operators.

(2) The Association referred to in paragraph (1) shall be a body corporate.

(3) The Association shall come into existence upon registering its incorporation at the seat of its principal office.

(4) Matters to be stated in the articles of incorporation and matters necessary for the supervision of the Association shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 56 (Applying the Civil Act Mutatis Mutandis)

Except as otherwise provided for in this Act, the provisions of the Civil Act pertaining to incorporated associations shall apply mutatis mutandis to the Association.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 56-2 (Education)

(1) Interim disposal business operators shall provide their interim disposal technological human resources with an opportunity to obtain education provided by an educational institution determined by Ordinance of the Ministry of Environment. In such cases, the educational expenses shall be borne by those who employ the technological human resources obtaining such education.

(2) Matters necessary for the details, etc. of education under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 9769, Jun. 9, 2009]

Article 57 (Hearings)

(1) Where the Minister of Land, Infrastructure and Transport intends to revoke quality certification pursuant to Article 37, he/she shall hold a hearing. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where a Mayor/Do Governor intends to issue a disposition falling under any of the following subparagraphs, he/she shall hold a hearing: <Amended by Act No. 11879, Jun. 12, 2013>

1. Revocation of a construction waste disposal business license pursuant to Article 25 (1) or (2);

1-2. Revocation of approval for temporary storage under Article 25 (3);

2. Order to close a construction waste disposal facility pursuant to Article 29 (3).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 58 (Delegation or Entrustment of Authority or Duties)

(1) The Minister of Environment or the Minister of Land, Infrastructure and Transport may delegate any part of his/her authority under this Act to Mayors/Do Governors, as prescribed by Presidential Decree.

<Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Environment or the Minister of Land, Infrastructure and Transport may entrust any part of his/her duties under this Act to public institutions, the mutual aid association or relevant Association, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 59 (Financial Support to Construction Waste Disposal Business)

(1) Where deemed necessary to facilitate the proper environment-friendly disposal and recycling of construction wastes, the Minister of Environment or the Minister of Land, Infrastructure and Transport may subsidize those who intend to install construction waste disposal facilities for some of the costs incurred in installing such facilities. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Matters necessary for financial support under paragraph (1) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 60 (Fees)

A person who intends to obtain a license referred to in Article 21 (3) or a permit to change referred to in Article 22 (1) shall pay a fee prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 61 (Legal Fiction as Public Officials in Application of Penal Provisions)

A person who is engaged in any duty entrusted pursuant to Article 58 (2) shall be deemed a public official for purposes of Articles 129 through 132 of the Criminal Act.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

CHAPTER IX PENAL PROVISIONS

Article 62 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years or by a fine of not more than 50 million won: <Amended by Act No. 12452, Mar. 18, 2014>

1. A person who operates a construction waste disposal business without obtaining a license, in violation of Article 21 (3);

2. A person who obtains a construction waste disposal business license by fraud or other improper means.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 63 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine of not more than 30 million won: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 12452, Mar. 18, 2014>

1. A person who pollutes the surrounding environment, in violation of the criteria for disposal referred to in Article 13 (1);
2. A person who fails to comply with an order to take measures referred to in Article 13 (3);
- 2-2. A person who pollutes the surrounding environment by transporting construction wastes, in violation of Article 13-2;
3. A person who disposes of construction wastes, in violation of Article 16 (1);
4. A person who changes any important matter without obtaining permission to change pursuant to Article 22 (1);
5. A person who sub-contracts the collection, transportation or interim disposal of construction wastes entrusted to him/her to another construction waste disposal business operator or is sub-contracted with the collection, transportation or interim disposal of construction wastes, in violation of Article 23;
6. A person who conducts business during the period of business suspension referred to in Article 25 (2);
7. A person who installs a construction waste disposal facility without obtaining approval, in violation of Article 27 (1);
8. A person who fails to fulfill an order to improve or violates an order to suspend use under Article 29 (2);
9. A person who uses quality certification without obtaining such certification under Article 36 (1);
10. A person who obtains quality certification referred to in Article 36 (1) by fraud or other improper means;
11. A person who fails to fulfill an order to engage in disposal referred to in Article 43 (1).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 64 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine of not more than 20 million won: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 12452, Mar. 18, 2014; Act No. 13527, Dec. 1, 2015>

1. Deleted. <by Act No. 11879, Jun. 12, 2013>
2. A person who allows another person to collect, transport or perform interim disposal of wastes using his/her name or trade name or lends his/her license to another person, in violation of Article 21 (7) 1 or 2;
3. A person who brings in construction wastes while bringing in construction wastes is suspended pursuant to Article 25 (4);
4. A person who installs a construction waste disposal facility without making a report, in violation of the proviso to Article 27 (1).

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 65 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, servant or other employee of a corporation or individual commits an offense provided for in any of Articles 62 through 64 in connection with the business of the corporation or individual, not only shall the offender be punished accordingly, but the legal entity or individual shall also be punished by a fine prescribed in the corresponding provisions: Provided, That this shall not apply where the corporation or individual has not neglected to pay due attention and supervision in order to prevent such offense.

[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

Article 66 (Administrative Fines)

(1) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine of not more than ten million won: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>

1. A person who violates the criteria for disposal referred to in Article 13 (1) (excluding cases falling under subparagraph 1 of Article 63);
2. A person who keeps construction wastes in excess of the permissible storage quantity referred to in Article 13 (2);

- 2-2. A person who transports construction wastes, in violation of Article 13-2 (excluding cases where he/she corresponds to subparagraph 2-2 of Article 63);
3. A person who fails to report his/her service performance record, etc. under Article 14 (3) or files such report by fraud or other improper means;
4. A person who fails to award separate contracts pursuant to Article 15 (1);
5. A person who discharges, collects, transports or disposes of construction wastes without concluding a contract for entrustment pursuant to Article 16 (2);
6. A person who fails to conclude a contract for entrustment using a single contract document, in violation of Article 16 (3);
- 6-2. A person who fails to make a discharger's report under the former part of Article 17 (1) until construction wastes are disposed of, or makes a false report;
7. A person who fails to observe any obligation pursuant to Article 21 (7) 3;
8. A person who recycles construction wastes at a place other than the relevant construction site, in violation of Article 27 (2);
9. A person who modifies approved matters without obtaining approval for modification under Article 31 (3);
10. A person who installs a construction waste disposal facility without filing a report thereon, in violation of the former part of Article 27 (4);
11. A person who pollutes the surrounding environment by maintaining and managing a construction waste disposal facility contrary to the criteria for management referred to in Article 29;
12. A person who suspends or closes his/her business without filing a report thereon pursuant to Article 33 (1);
13. A person who fails to take measures pursuant to Article 33 (2);
14. A person awarding a contract for construction works required to use recycled aggregates, etc. in which recycled aggregates and recycled aggregate products are not used, in violation of Article 38 (1);
15. A person who fails to fulfill an order for corrective measures pursuant to Article 39;
16. A person who fails to pay contributions or take out management guarantee insurance, in violation of Article 42 (1);
17. A person who fails to fulfill an order to renew a contract or pay contributions, in violation of Article 42 (3).
- (2) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine of not more than three million won: <Amended by Act No. 11879, Jun. 12, 2013; Act No. 13527, Dec. 1, 2015>
 1. A person who entrusts the disposal of construction wastes without verification required under the proviso to the part other than the subparagraphs of Article 16 (1);
 2. A person who changes any of the reported matters without filing a report on such change pursuant to the latter part of Article 17 (1) or files a false report on such change;
 3. through 5. Deleted; <by Act No. 11879, Jun. 12, 2013>
 6. A person who changes any of the reported matters without filing a report on such change pursuant to Article 22 (2);
 7. A person who changes any of the reported matters without filing a report on such change pursuant to Article 27 (3);
 8. A person who modifies reported matters without making a report on modification pursuant to the latter part of Article 27 (4);
 9. A person who fails to report his/her succession to rights and obligations, in violation of Article 31 (3);
 10. Deleted; <by Act No. 11879, Jun. 12, 2013>
 11. A person who resumes his/her business without filing a report thereon pursuant to Article 33 (1);
 12. A person who uses recycled aggregates, etc. not in compliance with recycling usage and quality standards by usage, in violation of Article 35-2;
 13. Deleted. <by Act No. 11879, Jun. 12, 2013>
 14. A person who fails to submit a plan for use of recycled aggregates and recycled aggregate products pursuant to Article 38 (4);
 15. A person who fails to renew management guarantee insurance or pay contributions, in violation of Article 42 (2).

- (3) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine of not more than one million won: <Newly Inserted by Act No. 11879, Jun. 12, 2013>
1. A person who fails to enter details of transfer and acquisition into an electronic information processing system within a specified period in violation of the main body of Article 18 (1) or paragraph (3) of the same Article, enters false details, omits part of details, or enters details not in compliance with entry methods;
 2. A person who fails to prepare a simplified construction waste transfer form, in violation of proviso to Article 18 (1) or prepares a false form;
 3. A person who fails to keep a simplified construction waste transfer form, in violation of Article 18 (2);
 4. A person who uses a construction waste disposal facility without making a report under Article 28;
 5. A person who fails to make entries in a book under Article 32 or preserve the book, or makes false entries;
 6. A person who fails to make a report under Article 34 (1) or makes a false report;
 7. A person who refuses, obstructs or evades access or inspection under Article 34 (1);
 8. A person who does not provide technological human resources with an opportunity to obtain education, in violation of Article 56-2 (1).
- (4) Administrative Fines under paragraphs (1) through (3) shall be imposed and collected by the relevant Mayors/Do Governors or the heads of Sis/Guns/Gus in accordance with jurisdictions prescribed by Presidential Decree. <Amended by Act No. 11879, Jun. 12, 2013>
[This Article Wholly Amended by Act No. 9769, Jun. 9, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2005.

Article 2 (Transitional Measures for Construction Waste Disposal Business Operators)

- (1) Any person who has obtained a collection and transportation business license or interim disposal business license for the disposal of waste pursuant to Article 26 (3) of the Waste Control Act as at the time this Act enters into force shall be deemed to have obtained a collection and transportation business license or interim disposal business license pursuant to Article 21 (4).
- (2) A construction waste disposal business operator under paragraph (1) shall obtain a permit to change pursuant to Article 22, after having facilities and equipment in conformity with the criteria for licensing referred to in Article 21 (1) within 18 months after this Act enters into force.

Article 3 (Transitional Measures for Guarantee of Performance of Disposal of Neglected Waste)

- (1) Any person who is a member of the waste disposal mutual aid association established pursuant to Article 43-3 (1) of the Waste Control Act (hereinafter referred to as the "Korea Construction Waste Mutual Aid Association") to guarantee the performance of disposal of neglected waste pursuant to Article 43-2 (1) of the same Act as at the time this Act enters into force shall be deemed to have paid contributions to the mutual aid association referred to in subparagraph 1 of Article 42.
- (2) Any person who has subscribed to a guarantee insurance policy pursuant to Article 43-2 (1) 2 of the Waste Control Act as at the time this Act enters into force shall be deemed to have subscribed to the guarantee insurance policy pursuant to subparagraph 2 of Article 42.
- (3) A person who has deposited guarantee money for the performance of disposal of waste pursuant to Article 43-2 (1) 3 of the Waste Control Act as at the time this Act enters into force shall become a member of the mutual aid association or subscribe to a guarantee insurance policy referred to in subparagraph 1 or 2 of Article 42 within 18 months after this Act enters into force.

Article 4 (Transitional Measures for Mutual Aid Association)

- (1) The Korea Construction Waste Mutual Aid Association established pursuant to Article 43-3 of the Waste Control Act as at the time the Act enters into force shall be deemed the mutual aid association established pursuant to Article 47.
- (2) The Korea Construction Waste Mutual Aid Association referred to in paragraph (1) shall obtain authorization for change from the Minister of Environment with respect to matters to be changed pursuant to this Act within one year after this Act enters into force.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7782, Dec. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures for Awarding Contracts for Construction Waste Disposal Services) Cases where a contract for construction waste disposal services has already been awarded on condition that it be performed by division pursuant to the previous provisions of Article 15 (1) as at the time this Act enters into force shall be governed by the previous provisions.

(3) (Transitional Measures for Approval of Mayors/Do Governors for Recycling of Construction Waste) Where the approval of the relevant Mayor/Do Governor has been obtained pursuant to the previous provisions of the proviso to Article 27 (2) as at the time this Act enters into force, the recycling of construction waste in places other than the relevant construction sites shall be governed by the previous provisions.

ADDENDA <Act No. 8115, Dec. 28, 2006>

(1) (Enforcement Date) This Act shall enter into force on January 1, 2007.

(2) (Applicability) The amended provisions of subparagraph 14 of Article 2 and Article 15 (1) shall apply to construction works ordered on or after the date this Act enters into force and the amended provisions of Article 36-2 to quality certification provided on or after the date this Act enters into force.

ADDENDA <Act No. 8369, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9769, Jun. 9, 2009>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Applicability to Entry of Information on Transfer and Acquisition of Construction Waste into Electronic Information Processing System) The amended provisions of Article 18 (1) shall apply to waste that is discharged on or after the date this Act enters into force.

(3) (Transitional Measures concerning Penalties, etc.) In application of penalties and fines for negligence to any offenses committed before this Act enters into force, the previous provisions shall prevail.

ADDENDA <Act No. 9770, Jun. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2010. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of its promulgation.
- (2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11794, May 22, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 26 Omitted.

ADDENDA <Act No. 11879, Jun. 12, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 24 shall enter into force on July 1, 2013, the amended provisions of Articles 13-2, 21 (3) through (6), 25, 27, 42, 43, 63, 64 and 66 shall enter into force six months after the date of its promulgation, and the amended provisions of Article 13 (1) on July 1, 2016.

Article 2 (Applicability concerning Compliance Matters for Users of Recycled Aggregates, etc.)

With regard to cases of the use of recycled aggregates and recycled aggregate products by a person awarding a contract, the amended provisions of Article 35-2 shall apply beginning with the first construction works ordered after this Act enters into force.

Article 3 (Transitional Measures concerning Approval for Temporary Storage of Construction Wastes)

The temporary storage (referring to the temporary storage approved pursuant to Article 13 (1) of the Construction Waste Recycling Promotion Act and Article 4 of the Enforcement Rule of the same Act) approved pursuant to previous provisions at the time this Act enters into force shall be deemed to have been approved pursuant to the amended provisions of Article 13-2: Provided, That a construction waste disposal business operator that fails to meet requirements under the amended provisions of Article 13-2 shall obtain approval by July 1, 2015 after meeting requirements under the same amended provisions.

Article 4 (Transitional Measures concerning Permission for Construction Waste Disposal Business)

Any construction waste disposal business permitted pursuant to the previous provisions at the time this Act enters into force shall be deemed to have been permitted pursuant to the amended provisions of Article 21 (3): Provided, That a construction waste disposal business operator that does not meet the requirements under the amended provisions of Article 21 (3) shall obtain permission by January 1, 2016 after meeting the requirements under the same amended provisions.

Article 5 (Transitional Measures concerning Incompetent Persons, etc.)

Persons placed under adult guardianship and limited guardianship pursuant to the amended provisions of subparagraph 1 of Article 24 shall be deemed to include persons for whom the declaration of incompetency or quasi-incompetency remains effective pursuant to Article 2 of Addenda of the Civil Act as partially amended by Act No. 10429.

Article 6 (Transitional Measures concerning Report on Construction Waste Disposal Facilities)

A construction waste disposal facility corresponding to the scale under the amended provisions of the proviso to Article 27 (1) from among construction waste disposal facilities for which approval for installation is received pursuant to previous provisions at the time this Act enters into force shall be deemed to have been reported on its installation pursuant to the same amended provisions.

Article 7 (Transitional Measures concerning Penal Provisions)

Previous provisions on penalties and fines for negligence for acts committed before this Act enters into force shall apply, notwithstanding the amended provisions of Articles 64 and 66.

ADDENDA <Act No. 11998, Aug. 6, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 12452, Mar. 18, 2014>

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

ADDENDA <Act No. 13527, Dec. 1, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 15 (g) of Article 2, Articles 14, 15 (1), 21 (4) through (7), paragraphs (1) 6 and (2) 9 and

subparagraph 10 of Article 25, subparagraph 2 of Article 64, and Article 66 (1) 7 shall enter into force six months after the promulgation of this Act.

Article 2 (Applicability to Scope of Construction Works Required to Use Recycled Aggregates, etc.)

The amended provisions of subparagraph 15 (g) of Article 2 shall apply beginning with the first construction works ordered after the enforcement date of the aforesaid amended provisions.

Article 3 (Applicability to Report on Succession, etc. to Rights and Obligations)

The amended provisions of Article 31 (2) shall apply beginning with the cases of acquiring a construction waste disposal facility after this Act enters into force following an auction under the Civil Execution Act, conversion under the Debtor Rehabilitation and Bankruptcy Act, sale of seized assets under the National Tax Collection Act, the Customs Act, or the Framework Act on Local Taxes, or other procedures equivalent thereto.

Article 4 (Special Cases concerning Heir to Construction Waste Disposal Business)

Where an heir to a construction waste disposal business, for whom six months have yet to pass since the date of the commencement of inheritance at the time this Act enters into force, transfers his/her construction waste disposal business within six months from the enforcement date of this Act, his/her license for construction waste disposal business shall not be revoked, notwithstanding the amended provisions of Article 25 (1) 3.

Article 5 (Transitional Measures concerning Revocation of License for Construction Waste Disposal Business)

In cases of applying the amended provisions of Article 25 (1) 6, the number of dispositions of business suspension received before this Act enters into force shall not be included in the calculation of the number of dispositions of business suspension.