

MALODOR PREVENTION ACT

Act No. 7170, Feb. 9, 2004
Amended by Act No. 7459, Mar. 31, 2005
Act No. 8014, Sep. 27, 2006
Act No. 8038, Oct. 4, 2006
Act No. 8210, Jan. 3, 2007
Act No. 8371, Apr. 11, 2007
Act No. 8466, May 17, 2007
Act No. 8957, Mar. 21, 2008
Act No. 10031, Feb. 4, 2010
Act No. 11259, Feb. 1, 2012
Act No. 11911, Jul. 16, 2013
Act No. 11915, Jul. 16, 2013
Act No. 11998, Aug. 6, 2013
Act No. 12520, Mar. 24, 2014
Act No. 13531, Dec. 1, 2015
Act No. 13879, Jan. 27, 2016
Act No. 13881, Jan. 27, 2016

Article 1 (Purpose)

The purpose of this Act is to ensure that citizens can live in a healthy and pleasant environment by preventing malodor produced due to business activities, etc.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11911, Jul. 16, 2013>*

1. The term "malodor" means any odor that causes displeasure and disgust to people by stimulating their olfactory sense with hydrogen sulfide, mercaptane, amine, or other pungent substances;
2. The term "designated malodor-producing substance" means any malodor-causing substance as prescribed by Ordinance of the Ministry of Environment;
3. The term "malodor-emitting facilities" means any facilities, machinery, tool, or other things that emit malodor, as prescribed by Ordinance of the Ministry of Environment after consultation between the Minister of Environment and the heads of the relevant central administrative agencies;

4. The term "compound malodor" means any odor that causes displeasure and disgust to people by stimulating their olfactory sense with the simultaneous action of two or more malodorant substances;
5. The term "facility subject to reporting" means any of the following facilities:
 - (a) Malodor-emitting facilities that shall be reported pursuant to Article 8 (1) or (5);
 - (b) Malodor-emitting facilities that shall be reported pursuant to Article 8-2 (2).

Article 3 (Responsibilities of State, Local Governments and People)

- (1) The State shall prepare and implement comprehensive policies regarding the prevention of malodor, render financial and technological support for local governments in implementing policies to prevent malodor, and endeavor to investigate and research the effects of malodor on living environment, human health, etc. and to develop and distribute technologies for the prevention of malodor.
- (2) Local governments shall prepare and implement policies to prevent malodor in consideration of natural and social characteristics of their jurisdiction, render financial and technological support and provide necessary information to residents who endeavor to prevent malodor.
- (3) All people shall endeavor to prevent malodor so as to avoid harm to the livelihood of other people when they engage in business or in daily lives, such as cooking food, raising animals or growing vegetables, and fully cooperate with policies to prevent malodor implemented by the State or local governments.
- (4) The Minister of Environment shall prepare and implement comprehensive policies regarding the prevention of malodor every ten years pursuant to paragraph (1).

Article 4 (Investigations into Actual State of Malodor)

- (1) A Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor (excluding any city, the population of which is not less than 500,000 people in his/her jurisdiction; hereinafter the same shall apply), the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") or the head of a city, the population of which is not less than 500,000 people (hereinafter referred to as "head of a metropolis") shall investigate the actual status of malodor, such as the density of designated malodor-producing substances and the degree of malodor in the air within malodor control areas under Article 6, as prescribed by Ordinance of the Ministry of Environment, on a regular basis and report the outcomes thereof to the Minister of Environment.
<Amended by Act No. 11259, Feb. 1, 2012>
- (2) The Mayor/Do Governor or the head of a metropolis shall annually report, to the Minister of Environment, civil petitions related to malodor in a district under his/her jurisdiction and the outcomes of taking measures to address such petitions, as prescribed by Ordinance of the Ministry of Environment.
- (3) Where malodor is likely to cause harm to the health and living environment of residents, the Minister of Environment, the Mayor/Do Governor or the head of a metropolis may investigate the actual status of malodor under paragraph (1) in areas, other than malodor control areas under Article 6.

Article 5 Deleted. <by Act No. 8038, Oct. 4, 2006>

Article 6 (Designation of Malodor Control Areas)

(1) The Mayor/Do Governor or the head of a metropolis shall designate as a malodor control area any of the following areas that are deemed to require control of malodor emitted from places of business, in order to conserve the health and living environment of residents:

1. Areas in which civil petitions related to malodor continue to be filed for not less than one year, and malodor exceeds maximum allowable emission levels under Article 7 (1);
2. Areas determined by Ordinance of the Ministry of Environment, in which collective civil petitions related to malodor are filed.

(2) The Mayor/Do Governor or the head of a metropolis may cancel the designation of a malodor control area when the grounds for designating the malodor control area under paragraph (1) cease to exist.

(3) When the Mayor/Do Governor or the head of a metropolis fails to designate as a malodor control area an area falling under any of the subparagraphs of paragraph (1) or an area requested by the head of a Si/Gun/Gu under paragraph (6) for designation, the Minister of Environment may review the outcomes of investigations into the actual status of malodor under Article 4 and recommend the Mayor/Do Governor or the head of a metropolis to designate the relevant area as a malodor control area.

(4) When the Mayor/Do Governor or the head of a metropolis intends to designate, revoke or change a malodor control area, he/she shall listen to the opinions of interested persons, as prescribed by Ordinance of the Ministry of Environment.

(5) When the Mayor/Do Governor or the head of a metropolis designates, revokes or changes a malodor control area, he/she shall publicly announce such fact and report the details thereof to the Minister of Environment.

(6) The head of a Si (excluding the head of a metropolis; hereinafter the same shall apply)/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may request the Mayor/Do Governor to designate as a malodor control area an area where he/she deems such designation is necessary for preserving the living environment for residents.

(7) Necessary matters regarding the standards for designating a malodor control area, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 7 (Maximum Allowable Emission Level)

(1) A maximum allowable emission level of malodor from any facility subject to reporting shall be as prescribed by Ordinance of the Ministry of Environment after consultation between the Minister of Environment and the heads of the relevant central administrative agencies.

(2) When it is deemed difficult to preserve the living environment of residents with the maximum allowable emission level under paragraph (1), a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do (excluding any Do which has, in its jurisdiction, a city with the population of not less than 500,000 people; hereinafter the same shall apply), a Special Self-Governing Province (hereinafter referred to as "City/Do") or a city with population of not less than 500,000 people (hereinafter referred to as "metropolis") may determine the maximum allowable emission level stricter than the

maximum allowable emission level under paragraph (1), for facilities prescribed by Presidential Decree among facilities subject to reporting, by municipal ordinance within the extent prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11259, Feb. 1, 2012>

(3) When a City/Do or a metropolis sets a stricter maximum allowable emission level pursuant to paragraph (2), it shall hear the opinions of interested persons, as prescribed by Ordinance of the Ministry of Environment.

(4) When the Mayor/Do Governor or the head of a metropolis sets or alters a maximum allowable emission level under paragraph (2), he/she shall immediately report thereon to the Minister of Environment.

(5) Where it is deemed necessary for preserving the living environment of residents, the head of a Si/Gun/Gu may request the relevant City/Do to set a stricter maximum allowable emission level under paragraph (2) for facilities subject to reporting in its jurisdiction.

Article 8 (Reporting, etc. on Establishment of Malodor-Emitting Facilities)

(1) A person who intends to establish malodor-emitting facilities in a malodor control area shall report to the Mayor/Do Governor or the head of a metropolis, as prescribed by Ordinance of the Ministry of Environment. This shall also apply where he/she intends to alter any reported matter prescribed by Ordinance of the Ministry of Environment.

(2) A person who reports the establishment or a change under paragraph (1) shall prepare a plan to prevent malodor (hereinafter referred to as "malodor prevention plan"), such as the establishment of malodor-preventing facilities, so as to keep the malodor emitted from the relevant malodor-emitting facilities below maximum allowable emission levels under Article 7, and submit the plan when filing the report: Provided, That this shall not apply where he/she submits materials supporting that malodor emission is always below the maximum allowable emission level under Article 7, as prescribed by Ordinance of the Ministry of Environment.

(3) A person who has established and is operating malodor-emitting facilities without submitting a malodor prevention plan under the proviso to paragraph (2) shall prepare and submit a malodor prevention plan where the relevant facilities are likely to emit malodor in excess of the maximum allowable emission level under Article 7 due to the change of process, raw material, etc.

(4) A person who has submitted a malodor prevention plan under the main sentence of paragraph (2) and paragraph (3) shall take measures necessary for the prevention of malodor before starting operation of the relevant malodor-emitting facilities, based on the malodor prevention plan.

(5) A person who operates malodor-emitting facilities in an area at the time such area is designated and publicly announced as a malodor control area shall submit a malodor prevention plan or materials under the proviso to paragraph (2), along with a report under paragraph (1), within six months from the date of such public announcement, and take measures necessary for preventing malodor based on the malodor prevention plan within one year from the date of such public announcement: Provided, That in cases prescribed by Presidential Decree, such as where special technologies are required for taking the relevant

measures, he/she may extend the period for taking measures by six months on approval from the Mayor/Do Governor or the head of a metropolis.

Article 8-2 (Reporting, etc. on Malodor-Emitting Facilities Outside Malodor Control Areas)

(1) Where civil petitions related to malodor continue to be filed for at least one year for malodor-emitting facilities installed in areas, other than malodor control areas, and a compound malodor or designated malodor-producing substance is emitted in excess of the maximum allowable emission level under Article 7, on at least three occasions, the Mayor/Do Governor or the head of a metropolis may designate and publicly announce the relevant malodor-emitting facilities as facilities subject to reporting.

(2) A person who operates malodor-emitting facilities designated and publicly announced pursuant to paragraph (1) shall report to the Mayor/Do Governor or the head of a large city within six months from the date of such designation and public announcement, as prescribed by Ordinance of the Ministry of Environment. This shall also apply where he/she intends to alter any reported matter prescribed by Ordinance of the Ministry of Environment.

(3) A person who files a report pursuant to paragraph (2) shall prepare and submit a malodor prevention plan when filing the report, and take measures necessary for the prevention of malodor based on the malodor prevention plan within one year from the date of designation and public announcement under paragraph (1): Provided, That in cases prescribed by Presidential Decree, such as where special technologies are required for taking the relevant measures, he/she may extend the period for taking measures by six months on approval from the Mayor/Do Governor or the head of a metropolis.

(4) Where it is necessary for preserving the living environment of residents, the head of a Si/Gun/Gu may request the Mayor/Do Governor to make designation and public announcement under paragraph (1).

Article 8-3 (Joint Installation, etc. of Malodor-Preventing Facilities)

(1) The State, a local government and the Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation") may install and operate public malodor treatment facilities in order to jointly treat malodor emitted from each place of business located in a malodor control area or in an area with malodor-emitting facilities designated and publicly announced as facilities subject to reporting pursuant to Article 8-2 (1). In such cases, the State, a local government and the Korea Environment Corporation may require an operator of the relevant place of business to pay all or part of costs necessary for the operation of public malodor treatment facilities.

<Newly Inserted by Act No. 11259, Feb. 1, 2012>

(2) The State or a local government may entrust the Korea Environment Corporation with the installation or operation of public malodor treatment facilities referred to in paragraph (1). *<Newly Inserted by Act No. 11259, Feb. 1, 2012>*

(3) Those who operate facilities subject to reporting (hereinafter referred to as "operator of facilities subject to reporting") may jointly install and operate malodor-preventing facilities to treat malodor emitted from facilities subject to reporting, as prescribed by Ordinance of the Ministry of Environment.

(4) Where operators of facilities subject to reporting intend to jointly install and operate malodor-preventing facilities pursuant to paragraph (3), they shall install an operating body of the relevant facilities and appoint a representative thereof. <Amended by Act No. 11259, Feb. 1, 2012>

(5) The maximum allowable emission levels of public malodor treatment facilities under paragraph (1) and of malodor-preventing facilities jointly installed and operated pursuant to paragraph (3) shall be governed by Article 7, and matters necessary for the installation and operation of such facilities shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11259, Feb. 1, 2012>

Article 9 (Succession to Rights and Obligations)

(1) A person who succeeds to facilities subject to reporting through inheritance, transfer or merger shall succeed to the rights and obligations of the previous operator of facilities subject to reporting.

(2) A person who acquires facilities subject to reporting in accordance with any of the following procedures shall succeed to such rights and obligations of the previous operator of facilities subject to reporting as may arise from a report on the establishment or a change of the relevant facilities subject to reporting:

1. Auction under the Civil Execution Act;
2. Liquidation under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of attached property under the National Tax Collection Act, the Customs Act or the Local Tax Act;
4. Any other procedure corresponding to a procedure under any of subparagraphs 1 through 3.

Article 10 (Improvement Orders)

Where the level of malodor emitted from facilities subject to reporting exceeds the maximum allowable emission level under Article 7, the Mayor/Do Governor or the head of a metropolis may order an operator of facilities subject to reporting to take measures necessary for lowering the level of emitted malodor below the maximum allowable emission level within such period as prescribed by Presidential Decree.

Article 11 (Orders to Suspend Operation)

(1) Where a person who has received an order under Article 10 (hereinafter referred to as "improvement order") fails to comply therewith or, even if he/she does comply, has repeatedly exceeded the maximum allowable emission level under Article 7 within the last two years, the Mayor/Do Governor or the head of a metropolis may order him/her to suspend the operation of all or part of the relevant facilities subject to reporting. <Amended by Act No. 12520, Mar. 24, 2014>

(2) Matters necessary for the criteria, scope, etc. for orders to suspend operation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12520, Mar. 24, 2014>

Article 12 (Disposition of Penalty Surcharges)

(1) Where any order to suspend operation under Article 11 is to be issued to an operator of any of the following facilities subject to reporting and such order is deemed to cause significant inconvenience to the life of residents and undermine the public interest, the Mayor/Do Governor or the head of a metropolis may impose penalty surcharges not exceeding 100 million won on such operator, in lieu of an order to

suspend operation: <Amended by Act No. 12520, Mar. 24, 2014; Act No. 13879, Jan. 27, 2016>

1. Factories under subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act;
 2. Public sewage treatment plants or waste treatment plants under subparagraph 9 or 10 of Article 2 of the Sewerage Act;
 3. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta;
 4. Public wastewater treatment facilities under subparagraph 17 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
 5. Facilities installed or operated by local governments, among waste disposal facilities under subparagraph 8 of Article 2 of the Wastes Control Act;
 6. Other malodor-emitting facilities prescribed by Presidential Decree.
- (2) Necessary matters concerning the amounts, etc. of penalty surcharges, based on the types, severity, etc. of violations subject to penalty surcharges under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) Where a person who operates facilities under paragraph (1) fails to pay a penalty surcharge under paragraph (1) by the payment deadline, the Mayor/Do Governor or the head of a metropolis shall collect it in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>

Article 13 (Orders for Closedown, etc. of Illegal Facilities)

- (1) The Mayor/Do Governor or the head of a metropolis shall order a person who installs or operates facilities subject to reporting without filing the required report to suspend the use of the relevant facilities subject to reporting; Provided, That where any other law prohibits the installation of the relevant facilities subject to reporting in the location of their installation, he/she shall issue an order to close down the relevant facilities subject to reporting.
- (2) Other necessary matters concerning orders to suspend use or close down under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 14 (Recommendations for Improvement, etc.)

- (1) Where malodor emitted from any malodor-emitting facilities, other than facilities subject to reporting, exceeds the maximum allowable emission level under Article 7 (1), the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a metropolis, or the head of a Si/Gun/Gu may recommend operators of the relevant malodor-emitting facilities to take necessary measures to lower the level of such malodor below the maximum allowable emission level under Article 7 (1). <Amended by Act No. 11911, Jul. 16, 2013>
- (2) Where a person who receives a recommendation pursuant to paragraph (1) fails to follow the recommendation, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, the head of a metropolis, or the head of a Si/Gun/Gu may order the person to take measures

necessary to reduce malodor. <Amended by Act No. 11911, Jul. 16, 2013>

Article 15 Deleted. <by Act No. 10031, Feb. 4, 2010>

Article 16 (Prohibition of Malodor in Public Waters)

The State and local governments shall manage public waters, such as sewer lines, rivers, lakes and marshes, and harbors, in an appropriate manner, to ensure that malodor emitted from public waters does not cause any harm to residents living in neighboring areas. <Amended by Act No. 11915, Jul. 16, 2013>

Article 16-2 (Technical Diagnosis, etc.)

(1) To prevent malodor from causing harm to residents' health and to preserve their living environment, the Mayor/Do Governor, the Mayor of a metropolis, and the head of a Si/Gun/Gu shall, every five years, make technical diagnoses of the following malodor-emitting facilities installed and operated by the head of the relevant local government: Provided, That where he/she has made technical diagnoses of malodor pursuant to other Acts, he/she shall be deemed to have made the technical diagnoses under this paragraph:

<Amended by Act No. 13879, Jan. 27, 2016>

1. Public sewage treatment plants and waste treatment plants under subparagraphs 9 and 10 of Article 2 of the Sewerage Act;
2. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta;
3. Public wastewater treatment facilities under subparagraph 17 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
4. Facilities that treat (including recycling) food wastes, among waste disposal facilities under subparagraph 8 of Article 2 of the Wastes Control Act;
5. Out of facilities installed and operated by the head of the relevant local government, those for which the Mayor/Do Governor, the head of a metropolis, or the head of a Si/Gun/Gu deems it necessary to conduct technical diagnosis because they are likely to cause malodor-induced harm.

(2) Where it is deemed necessary to take measures to reduce malodor, etc. based on the results of technical diagnosis under paragraph (1), the Mayor/Do Governor, the head of a metropolis, or the head of a Si/Gun/Gu who has conducted technical diagnosis pursuant to paragraph (1) shall prepare and implement an improvement plan.

(3) The details and method of technical diagnosis under paragraph (1), the scope of facilities subject to technical diagnosis, the agency in charge of conducting technical diagnosis, etc. shall be as prescribed by Ordinance of the Ministry of Environment.

Article 16-3 (Control of Malodor in Communities)

(1) Each Mayor/Do Governor and the Mayor of each metropolis may formulate and implement countermeasures to prevent malodor in communities, such as malodor testing, the performance of technical diagnoses and the installation of malodor prevention facilities, against facilities, etc. deemed to be the cause of the emission of malodor in communities in order to reduce malodor emitted from facilities, etc. other than malodor-emitting facilities (hereinafter referred to as "malodor in communities"), as

prescribed by Municipal Ordinance of the relevant local government.

(2) Each Mayor/Do Governor and the Mayor of each metropolis may impose regulations to improve malodor in communities, as prescribed by Municipal Ordinance.

Article 17 (Reports, Inspections, etc.)

(1) The Minister of Environment, the Mayor/Do Governor, or the Mayor of a metropolis may order an operator of facilities subject to reporting to report necessary matters or submit data, as prescribed by Ordinance of the Ministry of Environment, and may order the relevant public officials to visit the relevant place of business, etc. to collect samples to test malodor or to inspect the relevant documents, facilities, equipment, etc. in order to verify whether the maximum allowable emission level under Article 7 are observed, and to conduct malodor testing and make a technical diagnosis under Article 16-3. <Amended by Act No. 13531, Dec. 1, 2015>

(2) When samples are collected pursuant to paragraph (1), the Minister of Environment, the Mayor/Do Governor, or the Mayor of a metropolis shall request a malodor-testing institution under Article 18 to test malodor.

(3) The Minister of Environment, the Mayor/Do Governor or the Mayor of a metropolis may order employees of a malodor-testing institution under Article 18 to collect samples under paragraph (1) in the presence of the relevant public officials.

(4) Any public official who enters the relevant place and conducts an inspection under paragraph (1) shall carry a certificate indicating his/her authority or qualifications and produce it to related persons.

Article 18 (Malodor-Inspecting Institutions)

(1) A malodor-inspecting institution that tests the malodor of the sample collected under Article 17 shall be designated by the Minister of Environment, from among the following entities:

1. National or public research institutes;
2. Schools under Article 2 of the Higher Education Act;
3. Corporations established under special Acts;
4. Environmental non-profit corporations that receive permission for establishment from the Minister of Environment;
5. Test or inspection institutions involved in chemistry, recognized under Article 23 of the Framework Act on National Standards.

(2) A person who intends to be designated as a malodor-inspecting institution under paragraph (1) shall have facilities and equipment for inspection, technical personnel, etc. as prescribed by Ordinance of the Ministry of Environment.

(3) Where a person designated as a malodor-inspecting institution under paragraph (1) intends to alter any designated matter, he/she shall file a report thereon to the Minister of Environment.

(4) Where the Minister of Environment designates a malodor-inspecting institution under paragraph (1), he/she shall issue a certificate of designation and publicly announce such fact.

(5) Necessary matters concerning the procedure for designating a malodor-inspecting institution under paragraph (1), matters to be observed by a malodor-inspecting institution, inspection fees, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 19 (Revocation of Designation, etc.)

(1) Where any person designated as a malodor-inspecting institution under Article 18 (1) falls under any of the following subparagraphs, the Minister of Environment may revoke the designation of the malodor-inspecting institution or order the person to suspend his/her business for a fixed period within six months: Provided, That where the person falls under subparagraph 1, the Minister of Environment shall revoke the designation:

1. Where a person has been designated by fraud or other improper means;
2. Where a person fails to fulfill the criteria of designation under Article 18 (2);
3. Where a person prepares fraudulent inspection findings by intention or gross negligence.

(2) Detailed standards for revocation of designation or order for business suspension under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 20 (Cooperation by Related Institutions)

Where deemed necessary for attaining the objectives of this Act, the Minister of Environment, the Mayor/Do Governor, or the head of a metropolis may request the head of a related institution to provide data or information on necessary matters for preventing malodor, such as the business activities of a place of business emitting malodor and the technology for preventing malodor, to submit his/her opinion or to cooperate on matters prescribed by Presidential Decree. In such cases, the head of a related institution in receipt of such request shall comply therewith unless any extenuating circumstance exists.

Article 21 (Technical Assistance for Reduction of Malodor)

(1) The Minister of Environment may provide technical assistance necessary for reduction of malodor to a place of business emitting malodor.

(2) Eligibility, procedures and other matters necessary for technical assistance prescribed in paragraph (1) shall be prescribed by Presidential Decree.

Article 22 (Hearings)

Where the Minister of Environment, the Mayor/Do Governor, or the head of a metropolis intends to take any of the following measures, he/she shall hold hearings: <Amended by Act No. 12520, Mar. 24, 2014>

1. Orders to suspend the operation of facilities subject to reporting under Article 11;
2. Orders to suspend the use of, or to close down, facilities subject to reporting under Article 13;
3. Revocation of designation of a malodor-inspecting institution under Article 19.

Article 23 (Fees)

A person who intends to report on the establishment etc. of malodor-emitting facilities under Article 8 (1) or (5) or Article 8-2 (2) shall pay fees as prescribed by Ordinance of the Ministry of Environment.

Article 24 (Delegation and Entrustment of Authority and Duties)

(1) The Minister of Environment may delegate part of his/her authority under this Act to the head of a regional environmental protection authority or the head of a national environment research institute belonging to the Ministry of Environment, as prescribed by Presidential Decree. <Amended by Act No. 13881, Jan. 27, 2016>

(2) The Mayor/Do Governor may delegate part of his/her authority under this Act to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The Minister of Environment may entrust some of his/her duties under this Act to the relevant specialized institution, as prescribed by Presidential Decree. <Newly Inserted by Act No. 11259, Feb. 1, 2012>

Article 25 (Legal Fiction as Public Official in Application of Penalty Provisions)

Executives or employees of malodor-inspecting institutions who are engaged in malodor inspection under Article 18 (1) shall be deemed public officials, for purposes of the application of Articles 129 through 132 of the Criminal Act.

Article 26 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 12520, Mar. 24, 2014>

1. A person who violates an order to suspend the operation of facilities subject to reporting under Article 11;
2. A person who violates an order to suspend the use of, or to close down, facilities subject to reporting under Article 13.

Article 27 (Penalty Provisions)

A person who establishes or operates facilities subject to reporting without reporting thereon or after filing a false report under the former part of Article 8 (1), paragraph (5) of the same Article or the former part of Article 8-2 (2) shall be punished by a fine not exceeding 10 million won.

Article 28 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding three million won: <Amended by Act No. 12520, Mar. 24, 2014>

1. A person who fails to comply with an improvement order under Article 10;
2. A person who refuses, interferes with or evades the access, collection or inspection by the relevant public officials under Article 17 (1);
3. A person who operates malodor-emitting facilities without taking measures necessary to prevent malodor in accordance with a malodor prevention plan, in violation of Article 8 (4);
4. A person who fails to take measures necessary to prevent malodor in accordance with a malodor prevention plan within the period under Articles 8 (5) and 8-2 (3).

Article 29 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee of, or other person employed by, a corporation or an individual commits an offence under Articles 26 through 28 in connection with the business affairs of the corporation or individual, not only shall such offender be punished, but also the

corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs in order to prevent such offence.

Article 30 (Administrative Fines)

(1) An administrative fine not exceeding two million won shall be imposed on any of the following persons: *<Amended by Act No. 12520, Mar. 24, 2014; Act No. 13881, Jan. 27, 2016>*

1. A person who has failed to comply with an order to take measures under Article 14 (2);
2. A person who has failed to make a technical diagnosis under Article 16-2.

(2) Any of the following persons shall be punished by an administrative fine not exceeding one million won:

1. A person who fails to report a change or who files a false report under the latter part of Article 8 (1) or the latter part of Article 8-2 (2);
2. A person who fails to report or files a false report, or who fails to submit data or submits false data under Article 17 (1).

(3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, the Mayor/Do Governor, the head of a metropolis, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Official Methods to Test Malodor)

Official test methods concerning malodor pollution, from among official methods to test air pollution publicly notified under Article 7 of the Clean Air Conservation Act, as at the time this Act enters into force, shall be deemed official methods to test malodor publicly notified under Article 5.

Article 3 Omitted.

Article 4 (Transitional Measures concerning Application of Penal Provisions Following Revisions to Clean Air Conservation Act)

The application of penal provisions or fines for negligence to violations of the former Clean Air Conservation Act, which were committed before this Act enters into force, shall be governed by the former provisions.

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. 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. 8957, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 8210, Jan. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 6 (1) shall enter into force one year after the date of its promulgation.

(2) (Applicability to Application Period of Comprehensive Policies on Malodor Prevention) The application period of comprehensive policies on malodor prevention, established under the amended provisions of Article 3 (4) after this Act enters into force, shall be from January 1, 2008 to December 31, 2017.

(3) (Transitional Measures concerning Article 16 of the Environmental Examination and Inspection Act) Article 16 of the Environmental Examination and Inspection Act, among the amended provisions of subparagraph 4 and subparagraph 5 (a) of Article 19, shall be deemed Article 17 of the Development of and Support for Environmental Technology Act, until the immediately preceding day of the date on which the Environmental Examination and Inspection Act enters into force.

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. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8038, Oct. 4, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 10031, Feb. 4, 2010>

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measures)

Any designation, public announcement or other acts conducted by a Do Governor (referring to a Do Governor of a Do with a metropolis in its jurisdiction; hereafter the same shall apply in this Article) in accordance with the former provisions, or any act in relation to a Do Governor, as at the time this Act enters into force, shall be deemed designation, public announcement or other acts conducted by the head of a metropolis, or acts toward the head of a metropolis, under this Act.

Article 3 (Transitional Measures concerning Conducting of Technical Diagnosis)

The Mayor/Do Governor, the head of a metropolis or the head of a Si/Gun/Gu shall conduct technical diagnosis under the amended provisions of Article 16-2 within two years from the date on which this Act enters into force.

Article 4 Omitted.

ADDENDUM <Act No. 11259, Feb. 1, 2012>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 4 (1) and 7 (2) shall enter into force on July 1, 2012, and the provisions concerning public malodor treatment facilities among the amended provisions of Article 8-3 (1), (2) and (5) shall enter into force one year after the date of its promulgation.

ADDENDUM <Act No. 11911, Jul. 16, 2013>

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

ADDENDA <Act No. 11915, Jul. 16, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

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. 12520, Mar. 24, 2014>

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

ADDENDUM <Act No. 13531, Dec. 1, 2015>

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

ADDENDA <Act No. 13879, Jan. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 13881, Jan. 27, 2016>

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

