

ACT ON THE INTEGRATED CONTROL OF POLLUTANT-DISCHARGING FACILITIES

Act No. 13603, Dec. 22, 2015

Article 1 (Purpose)

The purpose of this Act is to promote the development of environmental technology and protect people's health and environment by integrating the control of pollutant-discharging facilities so as to effectively reduce pollutants produced from each business establishment and by establishing a system under which best techniques for environmental control can be applied to meet conditions of each business establishment.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term "pollutants, etc." means the following substances, etc. that cause environmental pollution:
 - (a) Air pollutants defined in subparagraph 1 of Article 2 of the Clean Air Conservation Act;
 - (b) Volatile organic compounds defined in subparagraph 10 of Article 2 of the Clean Air Conservation Act;
 - (c) Fugitive dust defined in Article 43 (1) of the Clean Air Conservation Act;
 - (d) Noise and vibration defined in subparagraphs 1 and 2 of Article 2 of the Noise and Vibration Control Act;
 - (e) Water pollutants defined in subparagraph 7 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
 - (f) Malodor defined in subparagraph 1 of Article 2 of the Malodor Prevention Act;
 - (g) Persistent organic pollutants defined in subparagraph 1 of Article 2 of the Persistent Pollutants Control Act;
 - (h) Soil contaminants defined in subparagraph 2 of Article 2 of the Soil Environment Conservation Act;
 - (i) Wastes defined in subparagraph 1 of Article 2 of the Wastes Control Act;
2. The term "discharging facilities" means the following facilities, machines, systems that discharge pollutants, etc.:
 - (a) Facilities discharging volatile organic compounds, as defined in subparagraph 10 of Article 2 of the Clean Air Conservation Act;

- (b) Facilities emitting air pollutants, as defined in subparagraph 11 of Article 2 of the Clean Air Conservation Act;
 - (c) Facilities emitting fugitive air pollutants, as defined in Article 38-2 (1) of the Clean Air Conservation Act;
 - (d) Businesses that produce fugitive dust, as defined in Article 43 (1) of the Clean Air Conservation Act;
 - (e) Facilities making noise or vibration, as defined in subparagraph 3 of Article 2 of the Noise and Vibration Control Act;
 - (f) Non-point pollution sources defined in subparagraph 2 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
 - (g) Facilities discharging wastewater, as defined in subparagraph 10 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act;
 - (h) Facilities emitting malodor, as defined in subparagraph 3 of Article 2 of the Malodor Prevention Act;
 - (i) Discharging facilities defined in subparagraph 2 of Article 2 of the Persistent Pollutants Control Act;
 - (j) Specified facilities subject to the control of soil contamination, as defined in subparagraph 4 of Article 2 of the Soil Environment Conservation Act;
 - (k) Facilities specified by Ordinance of the Ministry of Environment, among waste disposal facilities defined in subparagraph 8 of Article 2 of the Wastes Control Act;
3. The term "prevention facilities" means the prevention facilities specified by Ordinance of the Ministry of Environment as those that eliminate or reduce pollutants, etc. from discharging facilities.

Article 3 (Responsibility of State)

- (1) The State shall formulate and implement policies necessary for systematic control of discharging facilities in the business establishments subject to integrated control under Article 6 (1) and prevention facilities and for the prevention of environmental pollution caused by such facilities.
- (2) The State shall create conditions necessary for promoting the development of the best available techniques under Article 24 (1) and for easily applying such techniques to industrial activities.

Article 4 (Relationships to Other Acts)

With regard to the permission for, the control of, etc. of discharging facilities in the business establishments subject to integrated control under Article 6 (1) and prevention facilities, this Act shall take precedence over the Clean Air Conservation Act, the Noise and Vibration Control Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Malodor Prevention Act, the Persistent Pollutants Control Act, the Soil Environment Conservation Act, and the Wastes Control Act.

Article 5 (Ex-Ante Consultation)

- (1) A person who intends to apply for a permit or a revised permit under Article 6 may apply for ex-ante consultation to the Minister of Environment with regard to the following matters:

1. Matters concerning a plan for the installation of discharging facilities and prevention facilities;
2. Matters concerning the establishment of standards for permissible discharges under the former part of Article 8 (1);
3. Other matters specified by the Ministry of Environment.

(2) The Minister of Environment shall examine whether the application filed pursuant to paragraph (1) meets the criteria for permission under Article 7 (1) and then notify the applicant of the results of examination, as prescribed by Ordinance of the Ministry of Environment.

(3) If the applicant who has been notified of the results of ex-ante consultation under paragraph (2) wishes to obtain a permit or revised permit under Article 6, reflecting the results therein, he/she shall apply for the permit or revised permit within the period specified by Ordinance of the Ministry of Environment.

(4) Except as otherwise provided for in paragraphs (1) through (3), matters necessary for the procedure, method, etc. for applying for ex-ante consultation shall be prescribed by Ordinance of the Ministry of Environment.

Article 6 (Integrated Permit)

(1) A person who intends to install and operate discharging facilities (limited to discharging facilities that need the permission, approval, or reporting according to the classification under each subparagraph of Article 10 (1)) in any of the following business establishments, among the business establishments that engage in any of the types of business prescribed by Presidential Decree as having a great impact on the environment, shall obtain a permit from the Minister of Environment. In such cases, the types of business prescribed by Presidential Decree may be specified by stages by not later than December 31, 2021, considering the progress of preparation for the standards for best available techniques under Article 24 (2):

1. A business establishment that discharges at least 20 tons, per year, of the air pollutants specified by Ordinance of the Ministry of Environment, among the air pollutants defined in subparagraph 1 (a) of Article 2;
2. A business establishment that discharges at least 700 cubic meters, per day, of wastewater defined in subparagraph 4 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act.

(2) If a person who obtains a permit granted under paragraph (1) intends to revise any of the important matters specified by Presidential Decree among the matters specified in the permit, he/she shall obtain a revised permit: Provided, That, if a person intends to revise any of the matters specified by Presidential Decree among the matters not included in the matters for which a revised permit has been granted or revises any of the matters specified by Presidential Decree, he/she shall file a revised report.

(3) When the Minister of Environment issues a permit under paragraph (1) or a revised permit under paragraph (2), he/she may attach conditions thereto as necessary for minimizing the impact on people's health or environment (hereinafter referred to as "conditions of permission").

(4) A person who intends to apply for a permit under paragraph (1) or a revised permit under paragraph (2) or who intends to file a revised report shall file an application or a report with the Minister of Environment, along with a plan for integrated environmental control, including the following matters

(limited to the revised matters, among the following matters, in cases of a revised permit, or the revised matters, among the matters specified in subparagraphs 1, 3, 4, and 6, in cases of a revised report), as prescribed by Ordinance of the Ministry of Environment:

1. A plan for the installation and operation of discharging facilities and prevention facilities;
2. Results of an analysis conducted to assess the impact of pollutants, etc. from discharging facilities on the environment on the surrounding environment, as prescribed by Ordinance of the Ministry of Environment;
3. A plan for ex-post monitoring, maintenance, and management;
4. Preventive measures and ex-post countermeasures against environmental pollution accidents;
5. Details of results of ex-ante consultation, reflected in the application under Article 5 (2) (limited to where an applicant who has been notified of results of ex-ante consultation under Article 5 (3) applies for a permit or a revised permit, reflecting the results of the consultation in the application);
6. Matters specified by Ordinance of the Ministry of Environment, in addition to the matters specified in subparagraphs 1 through 5.

(5) A person who intends to install and operate, or has installed and operates, discharging facilities (limited to discharging facilities that need the permission, approval, or reporting according to the classification under each subparagraph of Article 10 (1)) in a business establishment for any of the types of business specified by Presidential Decree pursuant to paragraph (1), among the business establishments not subject to integrated control, may apply for the permit under paragraph (1). In such cases, the relevant provisions of this Act shall apply to such a business establishment, deeming it a business establishment subject to integrated control.

(6) The matters prescribed by Presidential Decree may be excluded from the matters that a person who applies for the permit under paragraph (1) in accordance with paragraph (5) shall include in the plan for integrated environmental control under paragraph (4).

Article 7 (Criteria for Permission, etc.)

(1) When the Minister of Environment intends to issue a permit or a revised permit under Article 6, he/she shall examine whether the following criteria for permission are met:

1. The pollutants, etc. discharged from discharging facilities shall be controlled to a level not higher than the level specified for permissible discharges under the former part of Article 8 (1);
2. Discharging facilities shall be installed or operated to prevent them from seriously affecting people's health or environment;
3. An appropriate policy shall be formulated to take preventive measures and ex-post countermeasures so as to prevent pollutants from affecting people's health or environment, if pollutants caused by an environmental pollution accident are discharged or leaked to the environs of the relevant business establishment.

(2) If the Minister of Environment deems it necessary to modify or amend a document submitted under Article 6 (4) as a result of the examination under paragraph (1), he/she may request the person who has

submitted the document to modify or amend it, as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall notify the person who has submitted the document under Article 6 (4) of the results of the examination under paragraph (1), as prescribed by Ordinance of the Ministry of Environment. In such cases, when the person has any opinion, he/she may present the opinion to the Minister of Environment within 30 days.

(4) The Minister of Environment shall notify the person who has submitted the document of the results of his/her review on the opinion presented under the latter part of paragraph (3) within ten days after the day on which the opinion is presented: Provided, That the deadline may be extended by not more than ten days only once, if it is impracticable to give such notice by the deadline due to an exceptional situation.

(5) The Minister of Environment shall examine whether discharging facilities installed in a business establishment subject to integrated control within an area subject to restriction on the installation of discharging facilities under Article 23 (6) of the Clean Air Conservation Act or Article 33 (5) of the Water Quality and Aquatic Ecosystem Conservation Act meet all the following criteria, in addition to the criteria for permission under paragraph (1):

1. Standards for permissible discharges under the former part of Article 8 (1) shall be strictly established and implemented, as prescribed by Ordinance of the Ministry of Environment, so as to attain the targeted level of environmental control for maintaining and improving environmental levels;

2. It shall be acknowledgeable that residents' health and property can be protected by observing the standards, etc. for the installation, maintenance, and management of the facilities specified by Presidential Decree so that the emission of pollutants, etc. to the outside of the facilities can be blocked.

(6) Notwithstanding paragraph (5), the Minister of Environment shall not issue a permit or a revised permit under Article 6 for the installation of discharging facilities in any of the following areas where the installation of discharging facilities is restricted by any other statute:

1. A water-source protection area designated under Article 7 (1) of the Water Supply and Waterworks Installation Act;

2. An area where the establishment of a factory is restricted under Article 7-2 (1) of the Water Supply and Waterworks Installation Act;

3. A special measures area defined by Article 38 of the Framework Act on Environmental Policy;

4. Areas publicly notified by the Minister of Environment after consulting with the heads of relevant central administrative agencies, in addition to the areas specified in subparagraphs 1 through 3.

Article 8 (Permissible Discharge Level)

(1) When the Minister of Environment intends to issue a permit or a revised permit under Article 6, he/she shall establish permissible discharge standards, which shall not be higher than the maximum discharge standards under Article 24 (4). In such cases, the methods and procedure for establishing permissible discharge standards shall be prescribed by Ordinance of the Ministry of Environment.

(2) When the Minister of Environment establishes permissible discharge standards under paragraph (1), he/she may consider the following matters:

1. Environmental standards under Article 12 (1) of the Framework Act on Environmental Policy (including local environmental standards under Article 12 (3) of the aforesaid Act);
2. The targeted environmental quality reflected in the environmental plan of each City/Do and the environmental plan of each Si/Gun/Gu under Articles 18 and 19 of the Framework Act on Environmental Policy;
3. The current status of pollution of air and water and of the use of river systems in the area in which discharging facilities are to be installed;
4. The targeted level of environmental quality specified by Ordinance of the Ministry of Environment, in addition to the matters specified in subparagraphs 1 through 3.

(3) Any person who possesses a permit or a revised permit issued under Article 6 or has filed a revised report (hereinafter referred to as "business operator") shall not discharge pollutants in excess of permissible discharge standards when he/she installs and operates discharging facilities. In such cases, the standards for determining whether pollutants discharged exceed the permissible discharge standards shall be prescribed by Ordinance of the Ministry of Environment, considering the concentration of discharged pollutants, etc., methods for measuring concentrations of discharges, etc.

Article 9 (Amendment of Criteria for Permission and Permissible Discharge Standards)

(1) In cases specified by Presidential Decree as deemed necessary to review and amend conditions of permission or permissible discharge standards at an interval of five years after issuing permits or revised permits under Article 6, the Minister of Environment may amend conditions of permission or permissible discharge standards after hearing opinions of business operators. In such cases, permissible discharge standards may be amended only when the maximum discharge standards under Article 24 (4) are amended.

(2) In any of the cases specified by Presidential Decree, such as where business operators continuously maintain the level of discharged pollutants, etc. at a level significantly lower than the permissible discharge standards, the Minister of Environment may extend the interval of the review on conditions of permission or the permissible discharge standards under the former part of paragraph (1) by not more than three years.

(3) Matters necessary for the procedure for amending conditions of permission and permissible discharge standards, the interval and method of the review on conditions of permission and permissible discharge standards, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 10 (Special Cases concerning Application of Acts to Integrated Permits)

(1) Where a permit or a revised permit has been issued or a revised report has been filed, the following Acts shall apply as if such permit, revised permit or revised report is deemed a permit and a revised permit to be issued or an approval or revised approval to be issued under the following classification. In such

cases, the relevant Act shall apply as if the authority of the Mayor of the Special Metropolitan City, a Metropolitan City, or a Metropolitan Autonomous City or the Governor of a Do or a Special Self-Governing Province regarding the relevant permit, revised permit, approval, revised approval, reporting, or revised reporting is the authority of the Minister of Environment:

1. The permission, reporting, revised permission, or revised reporting for the installation of a facility discharging air pollutants under Article 23 (1) or (2) of the Clean Air Conservation Act, the reporting or revised reporting for the installation and operation of a facility discharging fugitive dust under Article 38-2 (1) or (2) of the aforesaid Act, the reporting or revised reporting of a business producing fugitive dust under Article 43 (1) of the aforesaid Act, the reporting or revised reporting for the installation of a facility discharging volatile organic compounds under Article 44 (1) or (2) of the aforesaid Act: The Clean Air Conservation Act;
 2. The reporting, permission, or revised reporting for the installation of a facility making noise or vibration under Article 8 (1) or (2) of the Noise and Vibration Control Act: The Noise and Vibration Control Act;
 3. The permission, reporting, revised permission, or revised reporting for the installation of a facility discharging wastewater under Article 33 (1) through (3) of the Water Quality and Aquatic Ecosystem Conservation Act or the reporting or revised reporting for the installation of a non-point pollution source under Article 53 (1) of the aforesaid Act: The Water Quality and Aquatic Ecosystem Conservation Act;
 4. The reporting or revised reporting of a facility emitting malodor under Article 8 (1) or 8-2 (2) of the Malodor Prevention Act: The Malodor Prevention Act;
 5. The reporting or revised reporting of a specified facility subject to the control of soil contamination under Article 12 (1) of the Soil Environment Conservation Act: The Soil Environment Conservation Act;
 6. The approval, reporting, revised approval, or revised reporting for the installation of a waste disposal facility under Article 29 (2) or (3) of the Wastes Control Act: The Wastes Control Act.
- (2) Where the Act referred to in any subparagraph of paragraph (1) shall apply under the former part of the same paragraph and the relevant statutes cite "standards for permission of discharges," the relevant Act shall apply, deeming that the statutes cite "permissible discharge standards."

Article 11 (Succession to Rights and Obligations)

- (1) When a business operator dies or transfers discharging facilities or prevention facilities or where a business operator in the form of a corporation is merged with another corporation, the heir, the transferee, the corporation surviving the merger, or the corporation newly established by the merger shall succeed to rights and obligations of the preceding business operator for permission, revised permission, or revised reporting.
- (2) A person who acquires discharging facilities and prevention facilities from a business operator through any of the following procedures shall succeed to rights and obligations of the preceding business operator

for permission, revised permission, or revised reporting:

1. An auction under the Civil Execution Act;
2. Realization under the Debtor Rehabilitation and Bankruptcy Act;
3. A sale of property seized under the National Tax Collection Act, the Customs Act, or the Framework Act on Local Taxes;
4. Other procedures equivalent to the procedures referred to in subparagraphs 1 through 3.

(3) Where discharging facilities or prevention facilities are leased, the lessee shall be deemed the business operator for the purpose of applying Articles 14 through 21, 22 (excluding provisions concerning the revocation of permission), 23, 25, 27, and 30 through 33.

(4) Where a business operator transfers discharging facilities or prevention facilities or is deceased or where a business operator in the form of a corporation is merged with another corporation, the effect of an administrative disposition taken against the preceding business operator under Article 12 (4), 14, 15, 20 (3) or (4), 21 (3), 22, or 23 shall be transferred to the transferee, the heir, or the corporation newly established or surviving after the merger for one year after the end of the period subject to the administrative disposition, and any proceeding pending for an administrative disposition may continue against the transferee, the heir, or the corporation newly established or surviving after the merger.

Article 12 (Reporting and Acceptance of Start of Operation)

(1) When a business operator intends to start the operation of discharging facilities or prevention facilities after completing the installation or alteration (limited to the cases specified by Presidential Decree, if facilities are altered after filing a revised report) of all or some of the discharging facilities or prevention facilities, he/she shall report the start of operation to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, when a waste disposal facility subject to an inspection conducted under Article 30 (1) of the Wastes Control Act is included in discharging facilities, the report on the start of operation shall be accompanied by a statement of results of the inspection.

(2) If discharging facilities or prevention facilities have been installed or altered according to a permit, revised permit, or revised report under Article 6, the Minister of Environment shall accept the report filed under the former part of paragraph (1) after conducting an on-site inspection within the period specified by Ordinance of the Ministry of Environment after the filing date of the report, as prescribed by Ordinance of the Ministry of Environment.

(3) Articles 14 and 15, subparagraph 1 of Article 41, and Article 47 (6) 1 shall not apply to the facilities specified by Presidential Decree, such as facilities for reducing nitrogen oxides in a power station and facilities for preventing water pollution, among the discharging facilities and prevention facilities on which a report has been accepted under paragraph (2), during the test operation period specified by Ordinance of the Ministry of Environment.

(4) If the Minister of Environment finds upon a result of an on-site inspection conducted under paragraph (2), that discharging facilities or prevention facilities, as installed or altered, do not conform to the permit or revised permit issued or to the revised report filed under Article 6, he/she may issue an order to make

improvements within the period specified by Ordinance of the Ministry of Environment.

Article 13 (Measurement of Pollution Level)

(1) The Minister of Environment shall ascertain the following matters with regard to facilities subject to test operation under Article 12 (3) by monitoring the status of operation of discharging facilities and prevention facilities within the period specified by Ordinance of the Ministry of Environment after the end of the test operation period and by measuring discharged pollutants, etc.:

1. Whether pollutants, etc. discharged from the relevant discharging facilities do not exceed the permissible discharge standards;
2. Whether pollutants, etc. not specified in the permit or revised permit issued or the revised report filed under Article 6 are discharged from the relevant discharging facilities.

(2) When the Minister of Environment intends to measure pollutants, etc. under paragraph (1), he/she shall request the testing agency specified by Ordinance of the Ministry of Environment to measure them: Provided, That the foregoing shall not apply to the pollutants, etc. specified by Ordinance of the Ministry of Environment as those that can be measured on the site.

Article 14 (Order of Improvement, etc.)

(1) If it is found that pollutants, etc. discharged from discharging facilities exceed the permissible discharge standards, in violation of Article 8 (3), the Minister of Environment may order the relevant business operator (including the persons who have installed and operate common-use prevention facilities under Article 35 (4) of the Water Quality and Aquatic Ecosystem Conservation Act and Article 29 (1) of the Clean Air Conservation Act) to take necessary measures to reduce discharged pollutants to the permissible discharge standards and to make improvements.

(2) If the person to whom an order of improvement was issued under paragraph (1) fails to perform as ordered or performs as ordered but the outcomes of measurement show that discharged pollutants, etc. remain in excess of the permissible discharge standards, the Minister of Environment may order the person to suspend the operation, or to discontinue the use, of the relevant discharging facilities, entirely or partially, for not more than six months, as prescribed by Ordinance of the Ministry of Environment.

Article 15 (Imposition and Collection of Effluent Charges)

(1) To prevent or reduce environmental pollution caused by pollutants, etc., the Minister of Environment may impose effluent charges upon the following persons and collect the charges from them:

1. A business operator who discharges air pollutants defined in subparagraph 1 (a) of Article 2 or water pollutants defined in subparagraph 1 (e) of Article 2 (including the persons who have installed and operate common-use prevention facilities under Article 35 (4) of the Water Quality and Aquatic Ecosystem Conservation Act and Article 29 (1) of the Clean Air Conservation Act);
2. A person who installs or alters a facility discharging air pollutants, as defined in subparagraph 2 (b) of Article 2, or a facility discharging wastewater, as defined in subparagraph 2 (g) of Article 2, without obtaining a permit or revised permit or filing a revised report under Article 6.

(2) Effluent charges shall be imposed in accordance with the following classification, but matters necessary for the method, criteria, etc. for calculating effluent charges shall be prescribed by Presidential Decree:

1. Basic effluent charge:

(a) Where air pollutants defined in subparagraph 1 (a) of Article 2 are emitted: The effluent charge shall be imposed according to the volume, concentration, etc. of air pollutants emitted not exceeding the permissible discharge standards (referring to the maximum discharge standards under Article 24 (4), if no permissible discharge standards are established; the same shall apply hereafter in this Article);

(b) Where water pollutants defined in subparagraph 1 (e) of Article 2 are discharged: The effluent charge shall be imposed according to the volume, concentration, etc. of water pollutants discharged not exceeding the permissible discharge standards but exceeding the quality standards of discharged water under Article 12 (3) of the Water Quality and Aquatic Ecosystem Conservation Act;

2. Excess effluent charge: The effluent charge shall be imposed according to the volume, concentration, etc. of air pollutants defined in subparagraph 1 (a) of Article 2 or water pollutants defined in subparagraph 1 (e) of Article 2, which are emitted or discharged in excess of the permissible discharge standards.

(3) The Minister of Environment shall consider the following matters when he/she imposes an effluent charge under paragraph (1):

1. Whether discharged pollutants exceed the permissible discharge standards;
2. The kinds of pollutants, etc. specified by Presidential Decree;
3. The duration of discharge of pollutants, etc.;
4. The volume of pollutants, etc. discharged;
5. Whether self measurements have been conducted in accordance with Article 31 (1);
6. Other matters specified by Ordinance of the Ministry of Environment as those relevant to pollution of air or water environment or improvement thereof.

(4) If a person obliged to pay an effluent charge fails to pay it by payment deadline, the Minister of Environment shall collect an additional charge. In such cases, Article 21 of the National Tax Collection Act shall apply *mutatis mutandis* to additional charges.

(5) Effluent charges and additional charges referred to in paragraph (4) shall be treated as revenue for the special account for environmental improvement under the Framework Act on Environmental Policy.

(6) If a person obliged to pay an effluent charge or an additional charge under paragraph (4) fails to pay it by payment deadline, the Minister of Environment shall collect the charge in the same manner as delinquent national taxes are collected.

Article 16 (Exemption or Reduction of Effluent Charges)

Notwithstanding Article 15 (1), any of the following persons is eligible for exemption or reduction of effluent charges, as prescribed by Presidential Decree: Provided, That the exempted or reduced amount of

an effluent charge against a business operator under subparagraph 6 shall not exceed the disposal expenses borne according to the relevant Act:

1. A person who falls within any subparagraph of Article 35-2 (1) of the Clean Air Conservation Act;
2. A person who falls within Article 35-2 (2) 1 of the Clean Air Conservation Act;
3. A business operator who has discharged water pollutants not exceeding the quality standards of discharged water under Article 12 (3) of the Water Quality and Aquatic Ecosystem Conservation Act;
4. A business operator who has discharged water pollutants not exceeding the volume specified by Presidential Decree;
5. A business operator subject to total volume control under Article 16 (3) of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;
6. A business operator who bears expenses incurred in disposing of air pollutants or water pollutants in accordance with other Acts.

Article 17 (Adjustment, etc. of Effluent Charges)

(1) If any of the events specified by Presidential Decree occurs, such as cases where the Minister of Environment finds that the volume of discharged pollutants is changed after initially measuring discharged pollutants, and the outcomes of the re-measurement show that there is a difference between the volume of currently discharged pollutants and the initially measured volume of discharged pollutants, the Minister of Environment shall impose or refund the difference in the effluent charge by calculating and adjusting the difference.

(2) Matters necessary for the method, procedure, etc. for calculating and adjusting effluent charges under paragraph (1) shall be prescribed by Presidential Decree.

Article 18 (Procedure for Deferment of Collection, Installment Payment, and Collection of Effluent Charges)

(1) If the Minister of Environment finds that a person obliged to pay an effluent charge is unable to pay the effluent charge by payment deadline due to any of the following events, he/she may defer the collection of the effluent charge or may permit the person to pay it in installments:

1. If a natural disaster or any other disaster causes serious damage to property of the relevant business operator;
2. If the relevant business operator sustains losses in business and his/her business is in a serious crisis;
3. If it is found inevitable to defer collection or permit payment in installments due to any cause or event equivalent to the event referred to in subparagraph 1 or 2.

(2) If the effluent charge imposed exceeds twice the capital or total equities (referring to total assets, if the payer is a sole proprietor) of the payer and the Minister of Environment finds that it is impracticable to collect it within the collection deferment period due to the event referred to in any subparagraph of paragraph (1), he/she may extend the collection deferment period or permit the payer to pay it in more installments.

(3) When the Minister of Environment defers the collection of an effluent charge under paragraph (1) or (2), he/she may demand that the payer shall provide an asset with a value equivalent to the deferred amount as security. In such cases, the Minister of Environment shall take measures necessary for safekeeping the security.

(4) In any of the following cases, the Minister of Environment may revoke the deferment of collection of an effluent charge and may collect the deferred charge from the payer whose effluent charge has been deferred:

1. If the payer fails to pay the deferred effluent charge by payment deadline;
2. If the payer fails to comply with an order issued by the Minister of Environment as necessary for replacing or safekeeping security;
3. If it is found that deferment of collection is unnecessary due to the status of property or any other change in circumstances.

(5) Matters necessary for the methods for deferment of collection and payment in installments of effluent charges and the extension of the collection deferment period shall be prescribed by Presidential Decree.

Article 19 (Installation of Measuring Instruments, etc.)

(1) A business operator shall install the instruments specified by Presidential Decree (hereinafter referred to as "measuring instruments"), such as automatic water quality measuring instruments, automatic stack measuring instruments, watt-hour meters, and integrating flow meters, in discharging facilities and prevention facilities in order to check the level of pollutants, etc. discharged from discharging facilities or the consumption of water, electricity, etc. used in prevention facilities: Provided, That, if the Minister of Environment or the Mayor of the Special Metropolitan City, a Metropolitan City, or a Metropolitan Autonomous City or the Governor of a Do or a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") shall install measuring instruments in discharging facilities so as to check whether air pollutants defined in subparagraph 1 (a) of Article 2, which are emitted from the discharging facilities, conform to the permissible discharge standards, he/may take measures, such as installing measuring instruments with consent of the relevant business operator (limited to where the business operator is a small or medium enterprise, as defined in Article 2 of the Framework Act on Small and Medium Enterprises).

(2) Matters necessary for installing measuring instruments that shall be installed under paragraph (1), including the facilities in which it is required to install such instruments, the method and timing for installation of such instruments, and matters necessary for measurement, including items and methods of measurement, shall be prescribed by Presidential Decree.

Article 20 (Operation, Management, etc. of Measuring Instruments)

(1) Any business operator who has measuring instruments installed under Article 19 (1) shall not commit any of the following acts:

1. Intentionally making any measuring instrument inoperative or fail to work in a normal condition;

2. Abandoning any measuring instrument (excluding measuring instruments installed and operated by the Minister of Environment or a Mayor/Do Governor under the proviso to Article 19 (1)) that does not work in a normal condition due to corrosion, wear-out, failure, or damage, without good cause;
3. Intentionally damaging any measuring instrument;
4. Omitting the outcomes of measurement or making false outcomes of measurement by tampering with any measuring instrument.

(2) The Minister of Environment, each Mayor/Do Governor, and each business operator shall operate and manage installed measuring instruments in accordance with the standards prescribed by Ordinance of the Ministry of Environment so as to ensure that the reliability and accuracy of outcomes of measurement by the measuring instruments can be constantly maintained.

(3) The Minister of Environment may order any business operator who fails to observe the standards under paragraph (2) to take measures necessary for operating and managing measuring instruments in accordance with the standards by the specified deadline, as prescribed by Presidential Decree.

(4) The Minister of Environment may order any person who fails to comply with an order issued under paragraph (3) to take measures to suspend operation, entirely or partially, for not more than six months, as prescribed by Ordinance of the Ministry of Environment.

(5) The Minister of Environment may operate a computer network that can computerize the outcomes of measurement by connecting measuring instruments to the network, and render technical assistance so that a Mayor/Do Governor or a business operator can maintain and manage measuring instruments in a normal condition.

(6) Expenses incurred in installing, operating, and managing measuring instruments by the Minister of Environment or a Mayor/Do Governor shall be borne by the State, if the instruments are installed, operated, and managed by the Minister of Environment; or by the Special Metropolitan City or the relevant Metropolitan City, Metropolitan Autonomous City, Do, Special Self-Governing Province, if the instruments are installed, operated, and managed by a Mayor/Do Governor.

Article 21 (Operation, Management, etc. of Discharging Facilities and Prevention Facilities)

(1) Any business operator (including the persons who have installed and operate common-use prevention facilities under Article 35 (4) of the Water Quality and Aquatic Ecosystem Conservation Act and Article 29 (1) of the Clean Air Conservation Act) who operates a facility emitting air pollutants defined in subparagraph 2 (b) of Article 2 or a facility discharging wastewater defined in subparagraph 2 (g) of the aforesaid Article and prevention facilities annexed thereto shall not commit any of the following acts:

1. Where a business operator operates facilities emitting air pollutants and prevention facilities annexed thereto:

(a) Omitting to operate prevention facilities, while operating a facility emitting air pollutants, or emitting air pollutants produced from a facility emitting air pollutants after mixing the pollutants with air in order to lower the level of pollution: Provided, That the cases recognized by the Minister of Environment as necessary to prevent accidents, such as fire and explosion, are excluded herefrom;

(b) Installing an air conditioning system or a branch pipeline through which air pollutants can be emitted without passing them through prevention facilities: Provided, That the cases recognized by the Minister of Environment as necessary to prevent accidents, such as fire and explosion, are excluded herefrom;

(c) Abandoning any facility emitting air pollutants or any prevention facility, from which air pollutants leak due to corrosion or wear-out without a just cause;

(d) Abandoning the failure or damage of a machine or instrument annexed to a prevention facility without a just cause;

2. Where a business operator operates facilities discharging wastewater and prevention facilities annexed thereto:

(a) Discharging water pollutants from a facility discharging wastewater without passing them through prevention facilities, or installing any facility through which such water pollutants can be discharged without passing them through prevention facilities;

(b) Discharging water pollutants flowing into prevention facilities without passing them through the final outlet, or installing a facility through which such water pollutants can be discharged without passing them through the final outlet;

(c) Disposing of water pollutants from facilities discharging wastewater by mixing them with water not produced during the relevant process or with unpolluted water produced during the relevant process, or discharging water pollutants in excess of the permissible discharge standards after mixing them with water in order to lower the level of pollution before passing them through the final outlet of prevention facilities: Provided, That the cases recognized by the Minister of Environment as those where water pollutants can be treated only by diluting as prescribed by Ordinance of the Ministry of Environment and other cases specified by Ordinance of the Ministry of Environment, are excluded herefrom;

3. Discharging pollutants, etc. in excess of the permissible discharge standards in any other manner without operating any facility emitting air pollutants or facility discharging wastewater and prevention facilities annexed thereto in a normal condition, without a just cause.

(2) Every business operator shall observe the following standards specified by Ordinance of the Ministry of Environment in order to totally reduce pollutants from discharging facilities:

1. Standards for the installation and management of discharging facilities and prevention facilities and measures therefor:

(a) Standards that shall follow in installing discharging facilities in order to control or reduce the discharge of pollutants, etc.;

(b) Standards concerning the control and reduction of pollutants directly discharged from discharging facilities to the environment without passing them through a stack or other outlets;

(c) Standards concerning appropriate management and measures for maintaining the reduction efficiency in reducing pollutants, etc. in accordance with items (a) and (b) above;

2. Standards for the measurement and survey of pollutants, etc.:

- (a) Standards concerning the measurement of pollutants directly discharged from discharging facilities to the environment without passing them through a stack or other outlets;
- (b) Standards concerning the scope, methods, etc. of survey on the impact that discharged pollutants, etc. have on the environs of discharging facilities.

(3) If any business operator fails to observe the standards referred to in any subparagraph of paragraph (2), the Minister of Environment may order the business operator to take measures for observing the standards. In such cases, when a business operator fails to comply with an order, the Minister of Environment may entirely or partially revoke the permit or revised permit issued under Article 6, or may order the business operator to suspend the operation or use of the relevant discharging facilities, entirely or partially, as prescribed by Ordinance of the Ministry of Environment.

Article 22 (Revocation, etc. of Permission)

(1) In any of the following cases, the Minister of Environment may, entirely or partially, revoke the permit or revised permit issued to a business operator or a person who has installed and operates discharging facilities (limited to cases falling under subparagraph 2) under Article 6 or may order the business operator or the person to close the discharging facilities, entirely or partially, or to suspend the operation or use of the discharging facilities, entirely or partially for not more than six months: Provided, That the Minister of Environment must revoke the permit or revised permit in cases of subparagraph 1:

- 1. If a business operator obtains a permit or revised permit or files a revised report under Article 6, deceitfully or otherwise fraudulently;
- 2. If a person has installed or operates discharging facilities without obtaining a permit under Article 6 (1);
- 3. If it is found that a business operator fails to install discharging facilities, demolishes the relevant facilities, or closes business without compelling cause, within five years after obtaining a permit or revised permit under Article 6;
- 4. If a business operator fails to obtain a revised permit under Article 6 (2);
- 5. If a business operator fails to fulfill the conditions of permission under Article 6 (3);
- 6. If a business operator operates discharging facilities without filing a report on the start of operation under Article 12 (1);
- 7. If a business operator fails to comply with an order issued to suspend operation or discontinue use under Article 14 (2);
- 8. If a business operator fails to install measuring instruments under Article 19 (1);
- 9. If a business operator commits any of the acts specified in Article 20 (1);
- 10. If a business operator fails to comply with an order issued to suspend operation under Article 20 (4);
- 11. If a business operator commits any of the acts specified in Article 21 (1);
- 12. If a business operator fails to comply with an order issued to suspend the operation of a facility or to discontinue the use of a facility under Article 21 (3);

13. If a business operator removes relevant discharging facilities in order to discontinue business;
 14. If a business operator continues the operation of a facility during the operation suspension period.
- (2) In any of the following cases, the Minister of Environment may order a business operator to suspend the operation of the relevant discharging facilities or to discontinue the use of the relevant discharging facilities, entirely or partially, for not more than six months:
1. If a business operator fails to file a revised report under Article 6 (2);
 2. If a business operator fails to measure pollutants, etc., in violation of Article 31 (1), or violates any of the methods of measurement in measuring pollutants, etc.;
 3. If a business operator makes false records of outcomes of measurement or fails to keep records of outcomes of measurement, in violation of Article 31 (1);
 4. If a business operator makes false records with regard to any of the matters referred to in Article 32 or fails to make and keep records of such matters.
- (3) When the Minister of Environment intends to revoke a permit or revised permit or to issue an order to close discharging facilities under paragraph (1) or revoke a permit or revised permit under the latter part of Article 21 (3), he/she shall hold hearings.
- (4) Matters concerning the criteria for administrative dispositions under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration the frequency of violation, the level of the impact on people's health or the environment, etc.

Article 23 (Penalty Surcharges)

- (1) If the Minister of Environment shall order a business operator to suspend the operation or use of a facility (limited to where it is ordered to suspend the use of a facility under Article 14 (2) by reason that persistent organic pollutants, which are defined in subparagraph 1 (g) and continuously discharged, exceed the permissible discharge standards for such pollutants) but the suspension of the operation or use of a facility is likely to seriously harm residents' lives, international credibility, the national economy, including employment and prices, or the public interests, he/she may impose a penalty surcharge of not more than 300 million won, in replacement of the order of suspension of the operation or use of the facility: Provided, That an order of suspension of the operation or use of a facility shall not be replaced by a penalty surcharge in any of the following cases:
1. Where a business operator is ordered to suspend the operation of a facility under Article 14 (2) (limited to where air pollutants defined in subparagraph 1 (a) of Article 2 or water pollutants defined in subparagraph 1 (e) of Article 2 have been discharged in excess of the permissible discharge standards);
 2. Where a business operator becomes subject to an order of suspension of the use of a facility for at least 30 days due to an act specified in any subparagraph of Article 21 (1).
- (2) Matters necessary for the amount of a penalty surcharge according to the type of violation subject to a penalty surcharge under paragraph (1) and the degree, etc. of violation shall be prescribed by Presidential Decree.

(3) Penalty surcharges imposed and collected under paragraph (1) shall be treated as revenue for the special account for environmental improvement under the Framework Act on Environmental Policy.

(4) If a person obliged to pay a penalty surcharge fails to pay it by payment deadline, the Minister of Environment shall collect it in the same manner as delinquent national taxes are collected.

Article 24 (Best Available Techniques)

(1) The Minister of Environment shall introduce techniques comprising technically and economically applicable control techniques (hereinafter referred to as "best available techniques") that can most effectively reduce discharge of pollutants as environmental control techniques for the designing, installation, operation, and management of discharging facilities and prevention facilities, considering the following matters:

1. Practicability in the relevant business establishment;
2. The effect of reducing the volume of pollutants, etc. produced and discharged;
3. Expenses incurred in applying and managing environmental control techniques;
4. Whether the techniques can promote the reduction or recycling of wastes;
5. Efficiency in the use of energy;
6. Whether it is possible to take preventive measures for the control of pollution by reducing pollutants, etc. from sources;
7. Matters specified by Ordinance of the Ministry of Environment, in addition to the matters specified in subparagraphs 1 through 6.

(2) The Minister of Environment shall formulate and distribute standards for best available techniques, which shall contain the following matters, so that best available techniques can be easily applied to each business establishment. In such cases, the Minister of Environment shall periodically review the standards for best available techniques, as prescribed by Presidential Decree, and may modify and supplement the standards, if necessary, considering the level of development of science and technology:

1. General status of each type of business, including characteristics of each category of industry;
2. Current status of production and discharge of major pollutants, etc.;
3. Best available techniques introduced in accordance with paragraph (1);
4. Matters concerning environmental control techniques newly developed in addition to the best available techniques introduced under paragraph (1);
5. The range of concentrations of pollutants, etc. that are likely to be discharged, if best available techniques are applied to discharging facilities and prevention facilities;
6. Matters the Minister of Environment deems necessary, in addition to the matters specified in subparagraphs 1 through 5.

(3) The best available techniques and the standards for best available techniques introduced or formulated under paragraphs (1) and (2), shall be brought to the Central Environmental Policy Committee under Article 58 (1) of the Framework Act on Environmental Policy for deliberation.

(4) The maximum discharge standards, which specify the maximum amounts of pollutants, etc. that may be discharged when best available techniques are applied to discharging facilities, shall be prescribed by Ordinance of the Ministry of Environment after consulting with the heads of relevant central administrative agencies thereon.

(5) The Minister of Environment may form and operate a technical workforce team for each type of business as prescribed by Ordinance of the Ministry of Environment in order to render working-level assistance in introducing best available techniques and formulating standards for best available techniques under paragraphs (1) and (2). In such cases, the Minister of Environment shall hear the opinion of the Minister of Trade, Industry and Energy on the formation of technical workforce teams.

(6) The Minister of Environment may render financial and technical support to business operators who apply best available techniques or any environmental control technique recognized as more efficient than best available techniques, considering the economic size of each of the business operators, the level of the environmental control technique to be applied, etc., as prescribed by Ordinance of the Ministry of Environment.

Article 25 (Situation Survey)

(1) The Minister of Environment may conduct situation surveys as prescribed by Presidential Decree in order to grasp the current status of technologies, etc. for introducing best available techniques.

(2) When the Minister of Environment conducts a situation survey under paragraph (1), he/she may request a business operator to submit necessary data or to allow relevant public officials (including persons appointed or commissioned as members of a technical workforce team under Article 24 (5)) to enter the relevant business establishment to conduct an inspection: Provided, That the member of a technical workforce team whom the business operator requests to restrict the entrance to the business establishment for the protection of trade secret, etc. shall be excluded.

(3) Upon receipt of a request for the submission of documents or for an on-site inspection of the relevant business establishment under paragraph (2), a person shall comply with such request, except in extenuating circumstances.

(4) The Minister of Environment may request the head of a related central administrative agency, the head of a local government, or the head of a public institution referred to in Article 4 of the Act on the Management of Public Institutions to submit necessary data in connection with the situation survey under paragraph (1).

Article 26 (Assistance in Development of Technology)

(1) The Minister of Environment shall promote research and development of technologies for developing and distributing best available techniques and take other necessary measures.

(2) The Minister of Environment may fully or partially subsidize the persons specified by Presidential Decree for the funds required for research and development of technologies under paragraph (1).

Article 27 (Disclosure of Information)

(1) The Minister of Environment shall disclose information about the following matters to the public, as prescribed by Ordinance of the Ministry of Environment:

1. The results of a review conducted by the specialized environmental assessment institute designated under Article 29 on an application for ex-ante consultation under Article 5 (1);
2. The results of a review on the ex-ante consultation under Article 5 (2);
3. Information about applications for a permit or revised permit under Article 6 and decisions thereon;
4. Annual reports prescribed in Article 33;
5. Information about the matters specified by Ordinance of the Ministry of Environment, in addition to the matters specified in subparagraphs 1 through 4.

(2) Notwithstanding paragraph (1), the Minister of Environment need not disclose information about the matters specified in the aforesaid paragraph in either of the following cases:

1. Where the Minister of Environment concludes that the disclosure of information will seriously harm national security, maintenance of public order, or public welfare;
2. Where the Minister of Environment concludes that it is necessary not to disclose part of information in connection with trade secret of any company.

(3) The deliberation committee for the disclosure of information about integrated environmental control shall be established to deliberate on whether to disclose information under paragraphs (1) and (2).

(4) The Minister of Environment shall give written notice to the persons whose information becomes subject to disclosure as a result of deliberation by the deliberation committee for the disclosure of information about integrated environmental control and shall give them opportunities to present their cases. In such cases, the persons whose information becomes subject to disclosure may request the protection of information, as prescribed by Presidential Decree.

(5) The disclosure referred to in paragraph (1) shall be done by posting information on the integrated environmental permission system defined in Article 28 (1) or the web-site approved by the Minister of Environment.

(6) Matters necessary for the method and procedure for the disclosure of information and the formation, operation, etc. of the deliberation committee for the disclosure of information about integrated environmental control shall be prescribed by Presidential Decree.

Article 28 (Establishment of Integrated Environmental Permission System)

(1) The Minister of Environment may establish and operate an integrated environmental permission system so as to electronically process the affairs specified by Presidential Decree, including applications filed for a permit or revised permit under Article 6.

(2) Matters necessary for the establishment of the integrated environmental permission system under paragraph (1) shall be prescribed by Presidential Decree.

Article 29 (Operation, etc. of Specialized Environmental Assessment Institute)

(1) The Minister of Environment may designate and operate an institution specialized in the assessment of the following affairs (hereinafter referred to as "specialized environmental assessment institute"), as

prescribed by Presidential Decree:

1. Review on applications filed for ex-ante consultation under Article 5 (2);
2. Review on plans for integrated environmental control under the main sentence of Article 6 (4);
3. On-site inspections under Article 12 (2);
4. Technical assistance for efficient operation, management, etc. of discharging facilities;
5. Affairs specified by Ordinance of the Ministry of Environment, in addition to the affairs specified in subparagraphs 1 through 4.

(2) Matters necessary for the specific scope of affairs that the specialized environmental assessment institute shall carry out, the designation and operation of the specialized environmental assessment institute, etc. shall be prescribed by Presidential Decree.

(3) The Minister of Environment may subsidize the specialized environmental assessment institute for expenses incurred in the operation, etc. of the institute, within budgetary limits.

Article 30 (Reporting, Inspection, etc.)

(1) The Minister of Environment may order any business operator or any person to whom the Minister of Environment entrusts affairs under Article 35 (2) to submit a necessary report or data or may instruct relevant public officials (including employees of a specialized institution to whom the Minister of Environment entrusts affairs under Article 35 (2)) to measure pollutants or to enter any place to inspect relevant documents, facilities, equipment, etc., as prescribed by Ordinance of the Ministry of Environment:

1. Whether the business operator or the person has conducted operation in accordance with the permit or revised permit issued or the revised report filed under Article 6;
2. Whether permissible discharge standards and conditions of permission under Article 6 (3) are appropriate;
3. Whether measuring instruments are installed and operated in a normal condition;
4. Whether the business operator or the person observes provisions of Article 21 concerning the operation, management, etc. of discharging facilities and prevention facilities;
5. Whether the business operator or the person observes Article 31 concerning measurement and the making and keeping of records;
6. Whether the business operator or the person observes Article 32 concerning the making and keeping of records.

(2) Public officials who intend to enter a place or conduct an inspection under paragraph (1) shall carry a certificate indicating their authority and present it to people involved.

(3) When the Minister of Environment intends to measure pollutants, etc. under paragraph (1), he/she shall request the testing institution specified by Ordinance of the Ministry of Environment to measure them: Provided, That the foregoing shall not apply to cases specified by Presidential Decree as those where pollutants, etc. can be measured on the spot.

(4) Matters necessary for the interval, methods, etc. of the measurement of pollutants, etc. and entrance and inspection of relevant documents, facilities, equipment, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Self Measurement)

(1) Each business operator shall measure pollutants by him/herself or request a measuring agency under Article 16 of the Environmental Testing and Inspection Act to measure pollutants and shall make and keep records of results thereof, as prescribed by Ordinance of the Ministry of Environment, to ensure proper operation of discharging facilities and prevention facilities.

(2) The objects, items, and methods of the measurement under paragraph (1) and other measures necessary for measurement shall be prescribed by Ordinance of the Ministry of Environment.

Article 32 (Making and Keeping of Records)

Each business operator shall make and keep records of the following matters, as prescribed by Ordinance of the Ministry of Environment:

1. Matters concerning the operation, management, etc. of discharging facilities and prevention facilities;
2. Matters concerning the performance of conditions of permission under Article 6 (3).

Article 33 (Annual Reports)

(1) Each business operator shall prepare an annual report on the operation and management of discharging facilities and prevention facilities and submit it to the Minister of Environment.

(2) The methods for preparing and submitting an annual report under paragraph (1), the timing of submitting an annual report, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 34 (Fees)

The following persons shall pay the fees specified by Ordinance of the Ministry of Environment:

1. A person who intends to obtain a permit or revised permit under Article 6;
2. A person who intends to file a report on the start of operation under Article 12 (1).

Article 35 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Environment under this Act may be partially delegated to each Mayor/Do Governor or the head of an affiliated agency, as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may entrust the following affairs to the Korea Environment Corporation incorporated under the Korea Environment Corporation Act or other specialized institution, as prescribed by Presidential Decree:

1. Installation of measuring instruments under the proviso to Article 19 (1);
2. Operation and management of measuring instruments under Article 20 (2);
3. Operation of the computer network and provisions of technical assistance under Article 20 (5);
4. Formation and operation of technical workforce teams under the former part of Article 24 (5);
5. Affairs prescribed in Article 29 (1).

Article 36 (Legal Fiction of Deeming Public Officials for Application of Penalty Provisions)

Members of technical workforce teams referred to in Article 24 (5) and executives and employees of related specialized institutions who carry out affairs entrusted under Article 35 (2) shall be deemed public officials for the purpose of applying Articles 129 through 132 of the Criminal Act.

Article 37 (Re-Examination of Regulations)

The Minister of Environment shall review the appropriateness of abolition, relaxation, maintenance, etc. of the following at an interval of two years from the relevant reference date specified in any of the following (referring to the date immediately before every second anniversary of the reference date):

1. A permit or revised permit prescribed in Article 6: January 1, 2017;
2. Permissible discharge standards prescribed in Article 8: January 1, 2017;
3. Situation surveys prescribed in Article 25: January 1, 2017;
4. Reporting and inspection prescribed in Article 30: January 1, 2017;
5. Administrative fines prescribed in Article 47: January 1, 2017.

Article 38 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than seven years or by a fine not exceeding 100 million won:

1. A person who installs or alters discharging facilities (limited to facilities emitting air pollutants, as defined in subparagraph 2 (b) of Article 2, or facilities discharging wastewater, as defined in subparagraph 2 (g) of the same Article) or who engages in a business using such discharging facilities, without a permit or revised permit issued under Article 6 or with a permit or revised permit obtained by committing fraud;
2. A person who fails to comply with an order issued under Article 14 (2) to suspend the operation of a facility or to discontinue the use of a facility;
3. A person who commits any act specified in Article 21 (1) 1 (a) or 21 (1) 3;
4. A person who fails to comply with an order issued under Article 22 (1) or (2) to close discharging facilities, suspend the operation of such facilities, or discontinue the use of such facilities.

Article 39 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than five years or by a fine not exceeding 50 million won:

1. A person who operates discharging facilities without filing a report on the start of operation in accordance with the forepart of Article 12 (1);
2. A person who fails to install measuring instruments in accordance with the main sentence of Article 19 (1);
3. A person who commits an act specified in Article 20 (1) 1, 3, or 4;
4. A person who commits an act specified in Article 21 (1) 1 (b) or 21 (1) 2.

Article 40 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won:

1. A person who installs or alters discharging facilities (limited to waste disposal facilities, as defined in subparagraph 2 (k) of Article 2) or who engages in a business using such discharging facilities, without a permit or revised permit issued under Article 6 or with a permit or revised permit obtained by committing fraud;
2. A person who fails to comply with an order issued under Article 14 (1) or (2) to make improvements or to discontinue the use of a facility (limited to cases where persistent organic pollutants defined in subparagraph 1 (g) of Article 2 are discharged in excess of permissible discharge standards);
3. A person who fails to comply with an order issued under Article 14 (2) to discontinue the operation of a facility (limited to where malodor is discharged in excess of permissible discharge standards for malodor defined in subparagraph 1 (f) of Article 2);
4. A person who fails to comply with an order issued under the latter part of Article 21 (3) to suspend the operation of a facility or to discontinue the use of a facility.

Article 41 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won:

1. A person who discharges persistent organic pollutants defined in subparagraph 1 (g) of Article 2 in excess of the permissible discharge standards established under Article 8 (1);
2. A person who violates the standards for the installation and management of discharging facilities and prevention facilities and measures therefor under Article 21 (2) 1 (excluding cases falling under Article 37 (6) 3).

Article 42 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won:

1. A person who installs or alters discharging facilities or who engages in a business using such discharging facilities, without a permit or revised permit issued under Article 6 or with a permit or revised permit obtained by committing fraud;
2. A person who fails to comply with an order issued under Article 14 (2) to suspend the operation of a facility (limited to where a person makes noise or vibration defined in subparagraph 1 (d) of Article 2 in excess of permissible discharge standards for noise and vibration);
3. A person who fails to comply with an order issued under Article 20 (4).

Article 43 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. A person who fails to comply with an order issued under Article 20 (3);
2. A person who denies, interferes with, or evades public officials' entrance and inspection under Article 30 (1).

Article 44 (Penal Provisions)

Any person who fails to comply with an order of improvement issued under Article 14 (1) (limited to where malodor defined in subparagraph 1 (f) of Article 2 is emitted in excess of permissible discharge standards) shall be punished by a fine not exceeding three million won.

Article 45 (Penal Provisions)

Any person who fails to install measuring instruments under the main sentence of Article 19 (1) (limited to the persons who fails to install a watt-hour meter or an integrating flow meter for ascertaining whether water pollutants defined in subparagraph 1 (e) of Article 2 meet permissible discharge standards) shall be punished by a fine not exceeding one million won.

Article 46 (Joint Penal Provisions)

If the representative of a corporation or an agent, employee, or servant who works for a corporation or for an individual commits an offense in violation of any provision of Articles 38 through 45 in connection with the business of the corporation or individual, not only such offender shall be punished accordingly, but the corporation or individual also shall be punished by the fine specified in the relevant Article: Provided, That the foregoing shall not apply where the corporation or individual has not neglected due care and supervision over the relevant business to prevent such offense.

Article 47 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine of not more than 15 million won:

1. A person who breaches any of the conditions of permission under Article 6 (3);
2. A person who breaches any of the standards for the measurement and survey of pollutants, etc. under Article 21 (2) 2.

(2) Any person who fails to file a revised report under the proviso to Article 6 (2) shall be subject to an administrative fine of not more than ten million won.

(3) Any of the following persons shall be subject to an administrative fine of not more than 7 million won:

1. A person who fails to submit a report or data in accordance with Article 30 (1) or submits a false report or document;
2. A person who fails to make or keep records of the matters under Article 32 or who makes false records of such matters.

(4) Any of the following persons shall be subject to an administrative fine of not more than five million won:

1. A person who commits an act referred to in Article 20 (1) 2;
2. A person who fails to observe the standards for the operation and management of measuring instruments under Article 20 (2);
3. A person who fails to measure pollutants, fails to make and keep records of outcomes of measurement, or makes and keeps false records of such outcomes, in violation of Article 31 (1).

(5) A person who fails to submit an annual report in accordance with Article 33 (1) or makes and submits a false annual report shall be subject to an administrative fine of not more than three million won.

(6) Any of the following persons shall be subject to an administrative fine of not more than two million won:

1. A person who makes noise or vibration defined in subparagraph 1 (d) of Article 2 in excess of the permissible discharge standards established under Article 8 (1);
2. A person who commits an act specified in Article 21 (1) 1 (c) or (d);
3. A person who transports any particulate material, such as cement, coal, soil, animal feed, and scrapped metal, in violation of the standards for the establishment and management of discharging facilities and prevention facilities and measures therefor under Article 21 (2) 1.

(7) Administrative fines prescribed in paragraphs (1) through (6) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2017.

Article 2 (Preparations for Enforcement of the Act)

- (1) If the Minister of Environment deems it necessary for the enforcement of this Act, he/she may form and operate technical workplace teams under Article 24 (5) before this Act enters into force.
- (2) If the Minister of Environment deems it necessary for the enforcement of this Act, he/she may conduct a situation survey under Article 25 before this Act enters into force.
- (3) If the Minister of Environment deems it necessary for the enforcement of this Act, he/she may designate a specialized environmental assessment institute under Article 29.

Article 3 (Applicability to Integrated Permission, etc.)

@Article 6 shall apply to the applications filed for permission after this Act enters into force.

Article 4 (Transitional Measures concerning Operators of Existing Discharging Facilities and Prevention Facilities)

- (1) Any person who operates a business establishment specified in any subparagraph of Article (6) 1 for any of the types of business specified by Presidential Decree, among the persons who has obtained a permit or approval or has filed a report in accordance with the Act referred to in any subparagraph of Article 10 (1) before this Act enters into force, shall obtain the permit under Article 6 (1) within four years after this Act enters into force. In such cases, when there is no change in discharging facilities and prevention facilities, the matters specified by Presidential Decree, among the matters that shall be described in the plan for integrated environmental control under Article 6 (4), may be omitted.
- (2) If any person who has obtained a permit issued under paragraph (1) violates the Act referred to in any subparagraph of Article 10 (1) concerning the permission for or the approval or reporting of discharging facilities and prevention facilities before issuing the permit, the permit may be revoked or

suspended under the relevant Act on the ground of such violation.

Article 5 Omitted.

