

# WATER ENVIRONMENT CONSERVATION ACT

Act No. 14532, Jan. 17, 2017

Amended by Act No. 15194, Dec. 12, 2017

Act No. 15832, Oct. 16, 2018

## Article 1 (Purpose)

The purpose of this Act is to prevent harm to citizens' health and environmental hazards due to water pollution and to appropriately manage and conserve the water environments of public waters, including rivers, lakes and marshes, in order to enable citizens to enjoy benefits accruing from such endeavors, and to leave such benefits to future generations. *<Amended by Act No. 14532, Jan. 17, 2017>*

## Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017; Act No. 15832, Oct. 16, 2018>*

1. The term "water environment" means the general term for water quality (hereinafter referred to as "water quality") related to the lives of human beings and the growth of organisms, and aquatic ecosystems including all organisms in public waters and abiotic components surrounding them (hereinafter referred to as "aquatic ecosystems");

1-2. The term "point pollution source" means any single source of pollution from which water pollutants are discharged to a certain point through conduits, waterways, etc., which includes, but not limited to, a wastewater discharge facility, sewage-generating facility, and a pen;

2. The term "non-point pollution source" means any source from which water pollutants at unspecified places, such as a city, road, farmland, mountainous area, and a construction site, are discharged in an unspecified manner;

3. The term "other water pollution source" means other facilities or places discharging water pollutants, which are not managed as point pollution sources and non-point pollution sources and are prescribed by Ordinance of the Ministry of Environment;

4. The term "wastewater" means water mixed with liquid or solid water pollutants, which cannot be used as it is for any purpose;

4-2. The term "wastewater pipeline" means a wastewater pipeline and its appurtenant facilities that a person constructing and operating a public wastewater treatment facility constructs and manages pursuant to Article 48 (1) in order to send wastewater from a business establishment to the public wastewater treatment facility under subparagraph 17;

5. The term "stormwater runoff" means rainwater, snowmelt, etc. mixed with water pollutants discharged from non-point pollution sources that flows over the ground;
6. The term "impervious surface" means any asphalt or concrete-paved road, parking lot, sidewalk, etc. that prevents rainwater, snowmelt, etc. from soaking into the ground;
7. The term "water pollutant" means any substance prescribed by Ordinance of the Ministry of Environment, which causes water pollution;
8. The term "specific substance harmful to water quality" means any water pollutant prescribed by Ordinance of the Ministry of Environment, which is likely to harm, either directly or indirectly, human health, property, or the growth of animals and plants;
9. The term "public waters" means rivers, lakes, marshes, harbors, coastal seas, other waters used for public purposes, and waterways prescribed by Ordinance of the Ministry of Environment, which are connected to the aforesaid waters and used for public purposes;
10. The term "wastewater discharge facility" means any facility, machine, equipment, and other objects prescribed by Ordinance of the Ministry of Environment, which discharge water pollutants: Provided, That excluded herefrom are ships and maritime facilities, under subparagraphs 16 and 17 of Article 2 of the Marine Environment Management Act;
11. The term "wastewater non-discharge facility" means any wastewater discharge facility which does not discharge wastewater to public waters by treating wastewater generated by wastewater discharge facilities using water pollution prevention facilities in the relevant place of business, or by reusing wastewater for the same wastewater discharge facilities;
12. The term "water pollution prevention facility" means any facility prescribed by Ordinance of the Ministry of Environment, which removes or reduces water pollutants discharged from point pollution sources, non-point pollution sources, and other water pollution sources;
13. The term "non-point pollution reduction facility" means any facility prescribed by Ordinance of the Ministry of Environment, which removes or reduces water pollutants discharged from non-point pollution sources, among water pollution prevention facilities;
14. The term "lake and marsh" means water and land in any of the following full-water-level places or areas (referring to a planned flood level in cases of a dam):
  - (a) A place where the flowing water of a river or valley is stored by a dam, reservoir, dike, etc. (excluding any erosion control facilities installed under the Erosion Control Work Act);
  - (b) A place where the flowing water of a river is naturally stored;
  - (c) A caved-in-area by any volcanic activity and filled with water;
15. The term "water manager" means any person who manages a lake and marsh pursuant to other statutes and regulations. In such cases, where at least two persons manage the same lake and marsh, the person, other than the river management authority designated under the River Act, shall be the water manager;

15-2. The term "health of aquatic ecosystems" means a state in which physical, chemical and biological factors prescribed by Ordinance of the Ministry of Environment, from among factors which consist of aquatic ecosystems, may perform their intended functions, respectively, without being impaired;

16. The term "lake and marsh serving as a water source" means any lake and marsh prescribed and publicly notified by the Minister of Environment, where water intake facilities referred to in subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act are established inside or outside such lake and marsh (hereinafter referred to as "water intake facilities") to use the water of that lake and marsh as potable water, among lakes and marshes located outside any water-source protection area designated pursuant to Article 7 of the Water Supply and Waterworks Installation Act (hereinafter referred to as "water source protection area") and any special-measures area designated pursuant to Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "special-measures area") to conserve water quality;

17. The term "public wastewater treatment facility" means any treatment facility to treat wastewater in a public wastewater treatment area and discharge treated wastewater into public waters, and ancillary facilities;

18. The term "public wastewater treatment area" means an area designated by the Minister of Environment pursuant to Article 49 (3), where wastewater can be discharged into public wastewater treatment facilities for treatment;

19. The term "water play facility" means any facility installed and made available to the general public for water play in direct contact with their body, among artificial structures, such as fountains, ponds, falls and streamlets, which artificially store, circulate and use tap water, ground water, etc.: Provided, That the following are excluded herefrom:

- (a) An amusement facility or structure for water play activities, which is installed by a person who has obtained permission or has reported to conduct amusement facility business pursuant to Article 5 (2) or (4) of the Tourism Promotion Act;
- (b) A swimming pool among sports facilities referred to in Article 3 of the Installation and Utilization of Sports Facilities Act;
- (c) A place in which a signboard and a fence is installed to inform that a facility is not for water play, or to which a warden is assigned to prevent people from playing in the water, as prescribed by Ordinance of the Ministry of Environment.

### **Article 3 (Responsibilities and Duties)**

(1) The State and local governments shall formulate policies to prevent the contamination or degradation of the water environments and to properly recover the contaminated or degraded water environments in order to manage and conserve the water environments of public waters, such as rivers, lakes and marshes, and further ensure that all citizens could live in a healthy and pleasant environment. <Amended by Act No. 14532, Jan. 17, 2017>

(2) All citizens shall reduce the production of water pollutants in their daily lives and business activities, and pro-actively participate and cooperate in policies implemented by the State or local governments to conserve the water environment. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 4 (Total Water Pollution Load)**

(1) The Minister of Environment may control the total load of water pollutants discharged in each sphere of influence of the river basin classified under Article 22 (2) with regard to any of the following regions: Provided, That in the case of a region subject to the Act on Water Management and Resident Support in the Geum River Basin, the Act on Water Management and Resident Support in the Nakdong River Basin, the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins, and the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin (hereinafter referred to as "Acts on four major River Basins"), the total water pollution load shall be controlled, as prescribed by the relevant provisions of the Acts on four major River Basins, and in the case of a region subject to the total pollution load control under the Marine Environment Management Act, the total water pollution load shall be controlled, as prescribed by the relevant provisions of the Marine Environment Management Act: <Amended by Act No. 14532, Jan. 17, 2017>

1. A region belonging to the basin of a river system where the target standards for water environment are not deemed to be achieved and maintained as a result of the evaluation of whether the target standards have been achieved pursuant to Article 10-2 (2) and (3);

2. A region belonging to the basin of a river system where water pollution is deemed likely to cause serious harm to the health or property of residents or aquatic ecosystems.

(2) The Minister of Environment shall designate and publicly notify regions subject to the total pollution load control pursuant to paragraph (1), as prescribed by Presidential Decree.

#### **Article 4-2 (Public Notice or Announcement of Target Water Quality to Be Achieved by Total Pollution Load Control and Formulation of Basic Guidelines for Total Pollution Load Management)**

(1) The Minister of Environment shall determine and publicly notify the target water quality to be achieved by the total pollution load control (hereinafter referred to as "target water quality to be achieved by the total pollution load control") for each section of a river system, as prescribed by Presidential Decree, in consideration of the status of use and water quality of the river system of the regions designated and publicly notified under Article 4 (2) (hereinafter referred to as "region subject to the total pollution load control"): Provided, That the foregoing shall not apply where the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, and a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") publicly announces the target water quality to be achieved by the total pollution load control for each section of a river system located within the jurisdiction of the relevant City/Do upon obtaining approval from the Minister of Environment, as prescribed by Presidential Decree, in order to achieve the target water quality by the total pollution load control at the boundary points of the Special Metropolitan City, the Metropolitan City, the Special Self-Governing City, the Do, and the Special Self-Governing Province (hereinafter referred to as

"City/Do") determined and publicly notified by the Minister of Environment.

(2) In order to achieve and maintain the target water quality by the total pollution load control, the Minister of Environment shall formulate basic guidelines for quantity regulation of pollutants (hereinafter referred to as "basic guidelines for the total pollution load management") including matters prescribed by Presidential Decree, in consultation with the related Mayor/Do Governor and related agencies, and notify the related Mayor/Do Governor thereof.

#### **Article 4-3 (Formulation of Master Plans for Total Pollution Load Management)**

(1) Every Mayor/Do Governor who has jurisdiction over a region subject to the total pollution load control shall formulate a master plan, including the following matters, (hereinafter referred to as "master plan for the total pollution load management") in accordance with basic guidelines for the total pollution load management, and obtain approval thereof from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to any alteration to the important matters prescribed by Presidential Decree in the master plan for the total pollution load management:

1. Details of the plan to develop the relevant region;
2. Allotment of pollution loads to each local government, and each section of the river system;
3. Total pollution loads discharged in his or her jurisdictional region and a reduction plan thereof;
4. Pollution loads additionally discharged based on the plan to develop the relevant region and a reduction plan thereof.

(2) Requirements for granting approval of master plans for the total pollution load management shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 4-4 (Formulation and Implementation of Action Plans for Total Pollution Load Management)**

(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City; hereafter the same shall apply in this Article) who has jurisdiction over the region which fails to achieve or maintain the target water quality, as prescribed by Ordinance of the Ministry of Environment, among the regions subject to the total pollution load control, shall formulate an action plan in accordance with the relevant master plan for the total pollution load management (hereinafter referred to as "action plan for the total pollution load management") and implement such action plan after obtaining approval from the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Presidential Decree. The same shall also apply to any alteration to the important matters prescribed by Presidential Decree in the action plan for the total pollution load management.

(2) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun who implements an action plan for the total pollution load management pursuant to paragraph (1) (hereinafter referred to as "head of a local government in charge of the total pollution load management") shall prepare an evaluation report of the action plan for the total pollution load management of the preceding year, and submit the report to

the head of a regional environment office, as prescribed by Ordinance of the Ministry of Environment. In such cases, the head of a Si/Gun shall submit such report via the competent Do Governor.

(3) Where the head of a regional environment office deems it necessary to smoothly implement an action plan for the total pollution load management after having reviewed the report submitted under paragraph (2), he or she may request the head of a local government in charge of the total pollution load management to formulate and implement necessary actions or measures. In such cases, the head of the local government shall comply therewith, except in exceptional circumstances.

#### **Article 4-5 (Allotment of Pollution Loads to Each Facility)**

(1) Where deemed necessary to achieve and maintain the target water quality by the total pollution load control, the Minister of Environment may allot the pollution load or designate the discharge quantity, by final discharge outlet, and by unit period, to facilities prescribed by Presidential Decree, to which any of the following standards or limits applies, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult with the head of the competent local government in charge of the total pollution load management in advance:

1. Standards for effluent water quality established under Article 12 (3);
2. Permissible discharge limits set under Article 32;
3. Standards for effluent water quality established under Article 7 of the Sewerage Act;
4. Standards for effluent water quality established under Article 13 of the Act on the Management and Use of Livestock Excreta.

(2) Where deemed necessary to achieve and maintain the target water quality by the total pollution load control, the head of a local government in charge of the total pollution load management may allot the pollution load or designate the discharge quantity, by final discharge outlet, and by unit period, to facilities prescribed by Ordinance of the Ministry of Environment to which the standards or limits referred to in paragraph (1) apply, other than the facilities prescribed by Presidential Decree under paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment or the head of a local government in charge of the total pollution load management allots the pollution load or designates the discharge quantity pursuant to paragraph (1) or (2), he or she shall hear the opinions of interested persons in advance, and take necessary measures to inform interested persons of the details thereof.

(4) Any person who installs or operates facilities to which the pollution load or the discharge quantity has been allotted or designated pursuant to paragraph (1) or (2) (hereinafter referred to as "business entity, etc. who has been allotted pollution load") shall have such facilities equipped with a device that can measure the pollution load and the discharge quantity, and conscientiously record and keep the measurement readings, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to business entities, etc. who have installed measuring instruments under Article 38-3.

#### **Article 4-6 (Disposition Orders to Persons Who Have Discharged Water Pollutants in Excess of Alloted Pollution Load)**

(1) The Minister of Environment or the head of a local government in charge of the total pollution load management may order any person who discharges water pollutants in excess of the pollution load or the discharge quantity allotted or designated under Article 4-5 (1) or (2) (hereinafter referred to as "allotted pollution load, etc.") to improve the relevant water pollution prevention facilities or take other necessary dispositions.

(2) A person in receipt of a disposition order under paragraph (1) shall implement such order after submitting a plan for improvement to the Minister of Environment or the head of a local government in charge of the total pollution load management, as prescribed by Ordinance of the Ministry of Environment.

(3) Article 45 shall apply mutatis mutandis to the reporting and confirmation of implementation of a disposition order under paragraph (2). In such cases, "improvement order, order to suspend operation, order to suspend use, or order for closure under Article 38-4 (2), 39, 40, 42, or 44" shall be construed as "disposition order under Article 4-6 (1)", and "the Minister of Environment" as "the Minister of Environment, or the head of a local government in charge of the total pollution load management", respectively.

(4) Where any person in receipt of a disposition order issued under paragraph (1) fails to comply with such order, or continues exceeding the allotted pollution load, etc. based on the inspection despite his or her compliance with the order within the given period, the Minister of Environment or the head of a local government in charge of the total pollution load management may order him or her to fully or partially suspend the operation of the relevant facilities for a prescribed period not exceeding six months, or to close such facilities: Provided, That the Minister of Environment or the head of a local government in charge of the total pollution load management shall order the closure of the relevant facility in circumstances prescribed by Ordinance of the Ministry of Environment, where it is deemed impossible to reduce the discharge of pollutants below the allotted pollution load, etc. even if the relevant person improves water pollution prevention facilities or take necessary measures.

(5) Article 43 shall apply mutatis mutandis to penalty surcharges imposed in lieu of the suspension of operation under paragraph (4). In such cases, "the Minister of Environment" shall be construed as "the Minister of Environment or the head of a local government in charge of the total pollution load management"; "business entity" as "business entity, etc. who has been allotted pollution load"; "Article 42" as "Article 4-6 (4)"; and "in the same manner as delinquent national taxes are collected" as "in the same manner as delinquent national or local taxes are collected," respectively.

#### **Article 4-7 (Penalty Surcharges for Excess of Total Pollution Load)**

(1) The Minister of Environment or the head of a local government in charge of the total pollution load management shall impose and collect penalty surcharges (hereinafter referred to as "penalty surcharge for excess of total pollution load") from persons who have discharged pollutants in excess of the allotted pollution load, etc. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) A penalty surcharge for excess of the total pollution load shall be calculated by multiplying benefits earned from discharging pollutants in excess of the total pollution load (referring to expenses incurred in treating pollutants, which were not defrayed because pollutants were discharged in excess of the total pollution load) by an imposition coefficient by excess rate, an imposition coefficient by region, and an imposition coefficient by the number of times violations are committed, respectively. *<Amended by Act No. 14532, Jan. 17, 2017>*

(3) Matters necessary for the calculation, etc. of an imposition coefficient under paragraph (2) and penalty surcharges for excess of the total pollution load shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 14532, Jan. 17, 2017>*

(4) Upon imposing a penalty surcharge for excess of total pollution load pursuant to paragraph (1), the Minister of Environment or the head of a local government in charge of the total pollution load management shall deduct an effluent charge referred to in Article 41 or a penalty surcharge (only applicable to a penalty surcharge imposed regarding water quality) under Article 12 of the Act on the Control and Aggravated Punishment of Environmental Offenses, etc. from the penalty surcharge for excess of total pollution load.

(5) Article 41 (4) through (8) shall apply mutatis mutandis to the payment, collection, etc. of penalty surcharges for excess of total pollution load. In such cases, "the Minister of Environment" shall be construed as "the Minister of Environment or the head of a local government in charge of the total pollution load management," and "effluent charge" shall be construed as "penalty surcharge for excess of total pollution load," respectively.

#### **Article 4-8 (Support to Local Governments Having Jurisdiction over Regions Subject to Total Pollution Load Control, Sanctions against Noncompliance)**

(1) The State may partially subsidize the expenses incurred in relation to the total pollution load management to local governments which formulate and implement an action plan for the total pollution load management.

(2) No head of any related administrative agency shall grant approval, permission, etc. to implement, develop or install any of the following in the jurisdiction of a local government which exceed the pollution load allotted for the local government or for each section of the river system pursuant to Article 4-3 (1) 2 or fail to formulate and implement a master plan for the total pollution load management or an action plan for the total pollution load management, without exceptional circumstances:

1. An urban development project defined in Article 2 (1) 2 of the Urban Development Act;
2. An industrial site defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
3. A tourist destination or a tourism complex defined in subparagraph 6 or 7 of Article 2 of the Tourism Promotion Act;
4. A structure, including a building, of at least the scale prescribed by Presidential Decree.

(3) Where the head of a related administrative agency violates paragraph (2) or the head of a local government in charge of the total pollution load management fails to comply with a request made under



Article 4-4 (3) without exceptional circumstances, the Minister of Environment or the heads of other related central administrative agency may suspend or reduce financial support, or take other necessary measures.

**Article 4-9 (Inter-Agency Cooperation and Operation of Survey and Research Teams for Total Pollution Load Management)**

(1) To build an information system for the efficient use of data necessary for total pollution load management, the Minister of Environment may request the submission of necessary information from the heads of related agencies, including related central administrative agencies, local governments, and public institutions referred to in Article 4 of the Act on the Management of Public Institutions. In such cases, the heads of related agencies shall comply therewith, except in exceptional circumstances.

(2) The Minister of Environment may operate a survey and research team comprised of relevant experts, as prescribed by Ordinance of the Ministry of Environment, to adjust pollutants subject to the total pollution load control, and the target water quality for each section of the river system to be achieved by the total pollution load control, and to conduct reviews, surveys, and research on the total pollution load control.

**Article 5 (Establishment and Operation of Comprehensive Water Environment Information Network)**

(1) The Minister of Environment shall build and operate a comprehensive national water environment information network for citizens to have easy access to the results of regular measurements of water quality under Article 9, the results of examination of the current status of aquatic ecosystems and evaluation of the health of aquatic ecosystems under Article 9-3, the results of surveys of pollution sources under Article 23, the level of pollution and the discharged quantity of wastewater generated from wastewater discharge facilities, and other information prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) The Minister of Environment may request related administrative agencies and public institutions referred to in Article 4 of the Act on the Management of Public Institutions to provide information necessary to build and operate the computer network under paragraph (1). In such cases, the head of each related administrative agency or public institution in receipt of such request shall comply therewith, except in exceptional circumstances.

(3) A Mayor/Do Governor may establish and operate a comprehensive regional water environment information network with respect to information on the water environment of an area under his or her jurisdiction. In such cases, the Mayor/Do Governor may link the comprehensive regional water environment information network to the comprehensive national water environment information network in consultation with the Minister of Environment. *<Newly Inserted by Act No. 14532, Jan. 17, 2017>*

**Article 6 (Support for Private Sector's Activities to Conserve Water Environments)**

(1) The State and local governments may support local residents and non-governmental organizations in their voluntary activities to conserve the water environment, and to monitor the pollution of or damage to the water environment. *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>*

(2) Each local government may fully or partially subsidize expenses incurred in establishing or operating a non-governmental organization referred to in paragraph (1). In such cases, standards for subsidies, eligible organizations, and other necessary matters shall be prescribed by municipal ordinance of such local government. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

#### **Article 6-2 (Support for Survey and Research Activities on Water Environment)**

The State or local governments may support survey and research activities on the water environment performed by companies, universities, non-governmental organizations, government-funded research institutes, national or public research institutes, etc. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 7 (Support for Environment-Friendly Goods)**

The Government may provide subsidies, etc. to the producers, sellers, or consumers of products that could prevent water pollution of rivers, lakes and marshes, etc. by saving water, reducing the use of synthetic compounds, including detergents, or reducing the generation of water pollutants, and may formulate policies for promoting technological development and related industries.

#### **Article 8 (Relationship to Other Statutes)**

(1) Except as otherwise provided for in other statutes, this Act shall apply to the conservation of the water environment.

(2) Where other statutes are enacted or amended concerning the conservation of the water environment, they shall be enacted or amended in conformity to this Act.

#### **Article 9 (Regular Measurement of Water Quality)**

(1) To ascertain the water conditions of rivers, lakes and marshes, and other public waters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "river, lake, and marsh") on a nationwide scale, the Minister of Environment shall build a measuring network; regularly measure the level of water pollution; and conduct a nationwide survey for such purposes as designating water pollutants and managing water quality. <Amended by Act No. 14490, Dec. 27, 2016>

(2) Deleted. <by Act No. 14532, Jan. 17, 2017>

(3) A Mayor/Do Governor, the head of a large city with a population of at least 500,000 (hereinafter referred to as "large city") under Article 175 of the Local Autonomy Act, or a water manager may establish a measurement network, regularly measure the level of water pollution, conduct surveys for the management of water quality in order to understand the current status of water quality of an area under his or her jurisdiction. In such cases, he or she shall report the findings of such regular measurements or surveys to the Minister of Environment. <Amended by Act No. 14532, Jan. 17, 2017>

(4) Matters necessary for regular measurements, surveys and reporting under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 9-2 (Determination and Public Notification of Plan to Establish Measurement Network)**

(1) Where the Minister of Environment intends to establish a measurement network pursuant to Article 9 (1), he or she shall determine and publicly notify a plan to establish a measurement network. The foregoing shall also apply where he or she intends to alter such plan.

(2) Where a Mayor/Do Governor or the head of a large city intends to establish a measurement network pursuant to the former part of Article 9 (3), he or she shall formulate a plan to establish a measurement network and obtain approval of such plan from the Minister of Environment. The foregoing shall also apply where he or she intends to alter the plan.

(3) Where a Mayor/Do Governor or the head of a large city obtains approval of a plan to establish a measurement network or approval for the alteration thereof pursuant to paragraph (2), he or she shall determine and publicly notify the plan to establish a measurement network.

(4) Where a water manager intends to establish a measurement network pursuant to the former part of Article 9 (3), he or she shall formulate a plan to establish a measurement network and obtain approval of such plan from the Minister of Environment. The foregoing shall also apply where he or she intends to alter the plan.

(5) Where the Minister of Environment approves a plan to establish a measurement network the water manager has formulated or the alteration of such plan pursuant to paragraph (4), he or she shall publicly notify the plan to establish the measurement network.

(6) Where the Minister of Environment, a Mayor/Do Governor, or the head of a large city determines and publicly notifies a plan to establish a measurement network pursuant to paragraph (1) or (3), he or she shall be deemed to have obtained any of the following permission:

1. Permission to perform river conservation work, etc. under Article 30 of the River Act, permission to occupy and use a river under Article 33 of the aforesaid Act, and permission to use river water under Article 50 of the aforesaid Act;
2. Permission to occupy and use a road under Article 61 of the Road Act;
3. Permission to occupy and use or to use public waters under Article 8 of the Public Waters Management and Reclamation Act.

(7) Where matters that require permission falling under any of the subparagraphs of paragraph (6) are included in a plan to establish a measurement network, the Minister of Environment, a Mayor/Do Governor, or the head of a large city shall hold consultations with the heads of the relevant agencies in advance before determining the plan to establish the measurement network.

(8) Matters that should be included in a plan to establish a measurement network and matters necessary to publicly notify the plan to establish a measurement network under paragraphs (1), (2) and (4) shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 9-3 (Examination of Current Status and Health Assessment of Aquatic Ecosystems)**

(1) The Minister of Environment shall examine the current status of aquatic ecosystems on a nationwide scale to formulate a plan for conserving aquatic ecosystems, and to predict changes in aquatic ecosystems due to development projects.

(2) Where it is necessary to understand the actual conditions of aquatic ecosystems, a Mayor/Do Governor or the head of a large city may examine the current status of aquatic ecosystems of an area under his or her jurisdiction. In such cases, the Mayor/Do Governor or the head of the large city shall report the results of

the examination thereof to the Minister of Environment.

(3) The Minister of Environment shall assess the health of aquatic ecosystems based on the results of the examination of the current status thereof under paragraphs (1) and (2), and disclose the results thereof.

(4) Matters necessary for the examination of the current status of aquatic ecosystems and reporting of the results of the examination thereof under paragraphs (1) and (2), and the health assessment of aquatic ecosystems and disclosure of the results thereof under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 9-4 (Formulation and Public Notification of Plan to Examine Current Status of Aquatic Ecosystems)**

(1) Where the Minister of Environment intends to examine the current status of aquatic ecosystems pursuant to Article 9-3 (1), he or she shall formulate and publicly notify a plan to examine the current status of aquatic ecosystems. The foregoing shall also apply where he or she intends to alter such plan.

(2) Where a Mayor/Do Governor or the head of a large city intends to examine the current status of aquatic ecosystems pursuant to Article 9-3 (2), he or she shall formulate a plan to examine the current status of aquatic ecosystems and obtain approval of such plan from the Minister of Environment. The foregoing shall also apply where he or she intends to alter the plan.

(3) Where the Minister of Environment approves a plan to examine the current status of aquatic ecosystems or approves the alteration of such plan pursuant to paragraph (2), he or she shall publicly notify the approval or alteration of the plan.

(4) Where the Minister of Environment, a Mayor/Do Governor, or the head of a large city intends to formulate a plan to examine the current status of aquatic ecosystems of a river area under subparagraph 2 of Article 2 of the River Act, he or she shall consult with the Minister of Land, Infrastructure and Transport.

(5) Matters that should be included in a plan to examine the current status of aquatic ecosystems under paragraphs (1) and (2) and matters necessary to publicly notify the plan to examine the current status of aquatic ecosystems under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 10 (Access to Land of Others)**

(1) Where it is necessary to conduct regular measurements, etc. of water quality under Article 9 or to examine the current status of aquatic ecosystems under Article 9-3, the Minister of Environment, a Mayor/Do Governor, the head of a large city, or a water manager may require a public official or examiner under his or her jurisdiction to have access to land of others, and where it is specially necessary, he or she may require the public official or examiner under his or her jurisdiction to alter or remove trees, soil, stones or other obstacles in the land. In such cases, the owner or occupant of the land shall neither interfere with nor refuse such alteration or removal without good cause.

(2) Where a public official or examiner has access to the land of others pursuant to paragraph (1), he or she shall notify the owner or occupant of the relevant land no later than three days prior to the date he or

she is scheduled to have access thereto, and where he or she intends to alter or remove obstacles, he or she shall obtain consent from the owner or occupant of the land.

(3) Where the Minister of Environment, a Mayor/Do Governor, the head of a large city, or a water manager is unable to give notification or to obtain consent under paragraph (2) due to the absence or the address unknown of the owner or occupant of the land, he or she shall notify such fact to the Special Self-governing City Mayor, the Special Self-governing Province Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) having jurisdiction over the land: Provided, That the water manager who is not an administrative agency shall obtain permission from the Special Self-governing City Mayor, the Special Self-governing Province Governor, or the head of a Si/Gun/Gu having jurisdiction over the land.

(4) No public official or examiner shall have access to a housing lot or land of others enclosed by walls without the consent of the owner or occupant of the relevant land before sunrise or after sunset.

(5) A person who intends to have access to the land of others pursuant to paragraph (1) shall carry a document indicating his or her authority and present it to the relevant persons.

#### **Article 10-2 (Determination and Evaluation of Target Standards for Water Environment)**

(1) The Minister of Environment shall determine and publicly notify the target standards for water environment (hereinafter referred to as "target standards for water environment") of each sphere of influence of the river basin under Article 22 and each lake and marsh subject to surveys and measurements under Article 28 (1) in consideration of the purpose of using the relevant river, lake and marsh, the current status of the water environment, the healthiness of aquatic ecosystems, the current status of and prospects for pollution sources, etc. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) The Minister of Environment shall evaluate the following and disclose the results of the evaluation to the general public: *<Amended by Act No. 14532, Jan. 17, 2017>*

1. Whether the target standards for water environment have been met;
2. Evaluation of hazards of potential harm to human health or the ecosystem caused by water pollution of a river, lake or marsh.

(3) The determination and public notification of the target standards for water environment, the evaluation as to whether the target standards for water environment have been met, the disclosure of the results of the evaluation thereof under paragraphs (1) and (2), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

**Article 10-3 Deleted.** *<by Act No. 13879, Jan. 27, 2016>*

**Article 11 Deleted.** *<by Act No. 14532, Jan. 17, 2017>*

#### **Article 12 (Installation and Management of Public Facilities)**

(1) Where deemed specifically necessary to prevent water pollution in public waters, the Minister of Environment may require a Mayor/Do Governor or the head of a Si/Gun/Gu to install and maintain sewer lines, a public wastewater treatment facility, a public sewage treatment facility defined in subparagraph 9 of Article 2 of the Sewerage Act (hereinafter referred to as "public sewage treatment facility"), or a waste

disposal facility defined in subparagraph 8 of Article 2 of the Wastes Control Act (hereinafter referred to as "waste disposal facility"), etc. within their jurisdictions. *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>*

(2) Where the quality of water discharged from a public wastewater treatment facility exceeds the standards for effluent water quality established under paragraph (3), the Minister of Environment may require a person who has installed and manages the facility to improve such facility or take other necessary measures. *<Amended by Act No. 13879, Jan. 27, 2016>*

(3) Quality standards of water discharged from public wastewater treatment facilities (hereinafter referred to as "standards for effluent water quality") shall be prescribed by Ordinance of the Ministry of Environment after consultation with the heads of related central administrative agencies, and quality standards of water discharged from public sewage treatment facilities or waste disposal facilities shall be governed by the Sewerage Act or the Wastes Control Act. *<Amended by Act No. 13879, Jan. 27, 2016>*

#### **Article 13 (Inclusion in National Land Planning)**

Where a Mayor/Do Governor or the head of a Si/Gun formulates a Do comprehensive plan or Si/Gun comprehensive plan pursuant to the Framework Act on the National Land, he or she shall include management measures referred to in Article 22 (1), and a plan for building public sewage treatment facilities, human excreta treatment plants defined in subparagraph 10 of Article 2 of the Sewerage Act (hereinafter referred to as "human excreta treatment plant"), etc. in the relevant comprehensive plan in order to prevent pollution of public waters, as prescribed by Presidential Decree.

#### **Article 14 (Inclusion in City/Gun Master Plans)**

Where the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun formulates a City/Gun master plan pursuant to Article 18 of the National Land Planning and Utilization Act, he or she shall consolidate the plans for establishing public sewage treatment facilities, human excreta treatment plants, etc. included in a Do comprehensive plan referred to in Article 13 and a multi-districts development project plan formulated under Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act, and include them in the relevant City/Gun master plan.

#### **Article 15 (Prohibition of Discharge)**

(1) No person shall engage in any of the following activities without good cause: *<Amended by Act No. 11862, Jun. 4, 2013; Act No. 12519, Mar. 24, 2014>*

1. Leaking, discharging, or dumping a specific substance harmful to water quality, designated wastes under the Wastes Control Act, a petroleum product, a fake petroleum product, petroleum substitute fuel, or crude oil defined in the Petroleum and Petroleum Substitute Fuel Business Act (excluding petroleum gas; hereinafter referred to as "oils"), a toxic substance under the Chemical Substances Control Act (hereinafter referred to as "toxic substance"), or a pesticide defined in the Pesticide Control Act (hereinafter referred to as "pesticide") into public waters;

2. Dumping excreta, livestock excreta, animal corpses, wastes (excluding the designated wastes under the Wastes Control Act), or sludge into public waters;
3. Washing a motor vehicle in a river, lake or marsh;
4. Discharging or dumping earth and sand into public waters, in excess of the scale prescribed by Ordinance of the Ministry of Environment.

(2) Where any activity provided for in paragraph (1) 1, 2 or 4 causes or is likely to cause water pollution, the offender, a corporation to whom such offender belongs, and an employer of such offender (hereinafter referred to as "offender, etc.") shall take measures to prevent and eliminate pollution (hereinafter referred to as "prevention and elimination measures"), such as removing the relevant substances, as prescribed by Ordinance of the Ministry of Environment.

(3) Where an offender, etc. fails to take prevention and elimination measures as required under paragraph (2), the relevant Mayor/Do Governor may order the offender, etc. to implement such prevention and elimination measures.

(4) In any of the following circumstances, the relevant Mayor/Do Governor may take the relevant prevention and elimination measures on his or her behalf or require the head of the competent Si/Gun/Gu to implement such prevention and elimination measures on his or her behalf:

1. Where it is deemed impracticable to prevent or eliminate water pollution upon taking the relevant prevention and elimination measures only;
2. Where he or she fails to comply with an order issued under paragraph (3);
3. Where it is deemed impracticable to prevent or eliminate water pollution through the prevention and elimination measures taken by a person in receipt of an order to take prevention and elimination measures under paragraph (3);
4. Where the relevant offender, etc. cannot take prompt prevention and elimination measures in circumstances requiring urgent prevention and elimination measures.

(5) Upon taking prevention and elimination measures on behalf of a person subject to an order to implement such measures under paragraph (4), the head of the Si/Gun/Gu may request support from the Korea Environment Corporation (hereinafter referred to as the "Korea Environment Corporation") established under the Korea Environment Corporation Act.

(6) Where the Korea Environment Corporation provides support in response to a request under paragraph (5), it shall consult the head of the relevant Si/Gun/Gu about the details of support.

(7) Where the Korea Environment Corporation has provided support at the request of the head of a Si/Gun/Gu under paragraph (5), the head of the Si/Gun/Gu shall reimburse expenses incurred in providing such support to the Korea Environment Corporation, as prescribed by Ordinance of the Ministry of Environment.

(8) The Administrative Vicarious Execution Act shall apply to taking prevention and elimination measures on behalf of a person subject to an order to implement such measures under paragraph (4). In such cases, an order issued by a Mayor/Do Governor under paragraph (3) shall be construed as an order issued by the

head of a Si/Gun/Gu (excluding vicarious execution by a Mayor/Do Governor).

#### **Article 16 (Reporting of Water Pollution Incidents)**

When a person who transports and stores oils, toxic substances, pesticides, or specific substances harmful to water quality pollutes water with the relevant substances, he or she shall immediately report thereon to related administrative agencies, such as a regional environment office, a City/Do or a Si/Gun/Gu (referring to an autonomous Gu).

#### **Article 16-2 (Inspections as to Whether Radioactive Materials Flow In)**

(1) The Minister of Environment shall inspect rivers, lakes, marshes, etc to ascertain whether radioactive materials or radioactive wastes defined in subparagraph 5 or 18 of Article 2 of the Nuclear Safety Act flow therein.

(2) If necessary for conducting inspections under paragraph (1), the Minister of Environment may request cooperation from the heads of administrative agencies, local governments, and other related institutions. In such cases, those in receipt of such request shall comply therewith, in the absence of good cause.

(3) Procedures and methods for conducting inspections under paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 16-3 (Operation of Water Pollution Prevention Center)**

(1) The Minister of Environment shall operate a water pollution prevention center (hereinafter referred to as "Prevention Center") to quickly and effectively respond to water pollution incidents in public waters. In such cases, the Minister of Environment may require the Korea Environment Corporation to operate the Prevention Center on his or her behalf, as prescribed by Presidential Decree.

(2) The Prevention Center shall perform the following tasks:

1. Monitoring water pollution incidents in public waters;
2. Supporting prevention and elimination measures under Article 15 (6);
3. Establishing and operating facilities for keeping and storing equipment, materials, chemical, etc. used for water pollution incidents;
4. Education, training, research and development, and public relations on technology against water pollution;
5. Collecting and treating water pollutants in the event of other water pollution incidents.

(3) The Minister of Environment may subsidize expenses incurred in operating the Prevention Center on his or her behalf, within budgetary limits.

#### **Article 16-4 (Establishment and Operation of Information System to Prevent Water Pollution)**

The Prevention Center may establish and operate an information system to prevent water pollution, with which it may collect, analyze and manage information on water quality of rivers, lakes and marshes throughout the country in real time, and promptly inform related administrative agencies of the occurrence of a water pollution incident. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 17 (Traffic Restrictions to Conserve Water Quality of Water Sources)**



(1) No driver of any motor vehicle transporting a substance that could pollute water sources if an accident, such as a rollover or fall, occurs, shall drive through a road or section prescribed by Ordinance of the Ministry of Environment pursuant to paragraph (4) among the following areas or zones or adjacent areas:

1. Water source protection areas;
2. Special-measures areas;
3. Riparian zones designated and publicly notified respectively under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on the Management of Water and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
4. Areas prescribed by Ordinance of the Ministry of Environment because such areas may cause serious pollution to water sources.

(2) "Substance that could pollute water sources" referred to in paragraph (1), with the exception of its subparagraphs, means any of the following substances:

1. Specific substances harmful to water quality;
2. Designated wastes under subparagraph 4 of Article 2 of the Wastes Control Act (limited to liquid wastes and wastes prescribed by Ordinance of the Ministry of Environment);
3. Oils;
4. Toxic substances;
5. Pesticides and technical concentrate defined in subparagraphs 1 and 3 of Article 2 of the Pesticide Control Act;
6. Radioactive materials and radioactive wastes defined in subparagraphs 5 and 18 of Article 2 of the Nuclear Safety Act;
7. Other substances prescribed by Presidential Decree.

(3) The Commissioner General of the National Police Agency shall take the following measures if deemed necessary for placing traffic restrictions of motor vehicles under paragraph (1):

1. Installation of signs indicating traffic restrictions of motor vehicles;
2. Crackdown on motor vehicles that violate traffic restrictions.

(4) Roads, sections and motor vehicles, subject to traffic restrictions under paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment after consultation with the Commissioner General of the National Police Agency.

#### **Article 18 (Prevention of Water Pollution Due to Occupancy and Use, or Reclamation of Land from Public Waters)**

(1) Any administrative agency that intends to permit or approve the occupancy and use of public waters or reclamation of land from public waters may attach conditions necessary to prevent the water pollution of such public waters.

(2) The details of the conditions attached under paragraph (1), methods for preventing water pollution, and other necessary matters, shall be prescribed by Presidential Decree.

**Article 19 (Recommendations on Cultivation of Specific Crops)**

(1) Where the Mayor/Do Governor or the head of a large city deems it necessary to conserve the water environment of public waters, he or she may recommend that a person who cultivates crops in a river, lake or marsh area change the kinds of crops intended for cultivation, and methods of cultivation, or to let such area lie fallow. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) The Mayor/Do Governor or the head of a large city may compensate for losses sustained by cultivators from growing crops or letting their land lie fallow upon the recommendation made under paragraph (1). *<Amended by Act No. 14532, Jan. 17, 2017>*

**Article 19-2 (Recommendation on Measures for Conserving Water Environment)**

(1) If it is found, as a result of the measurement and survey conducted under Article 9 or 9-3, that the water environment of a river, lake, and marsh could be substantially deteriorated if left neglected, the Minister of Environment may recommend any manager of public waters (referring to the water manager, the river management agencies provided for in Article 8 of the River Act, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, and the head of a Si/Gun/Gu; hereinafter referred to as "public waters manager") to take measures necessary for conserving the water environment. *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>*

(2) The Minister of Environment may partially subsidize expenses incurred in implementing any recommendation made under paragraph (1), within budgetary limits.

(3) The Minister of Environment may require a person in receipt of a recommendation to take measures to seek advice from a related specialized institution prescribed by Ordinance of the Ministry of Environment if deemed necessary for the person to implement the recommendation made under paragraph (1).

**Article 19-3 (Purchase and Creation of Riparian Ecological Zones)**

(1) Where the Minister of Environment deems it necessary to conserve the water environment of rivers, lakes and marshes, he or she may purchase parcels of riparian wetland and riparian land meeting the standards prescribed by Presidential Decree (hereinafter referred to as "riparian ecological zone") or ecologically create and manage such riparian wetland and riparian land, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) In cases prescribed by Presidential Decree, where it is inevitable to protect water sources in the jurisdictional area, the Mayor/Do Governor or the head of a large city may purchase a riparian ecological zone in compliance with the standards under paragraph (1) or ecologically create and manage it, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

(3) Any land constituting a river area defined in subparagraph 2 of Article 2 of the River Act shall be excluded from land subject to purchase under paragraph (1) or (2).

(4) The Minister of Environment shall first consult with the heads of related central administrative agencies and the heads of competent local governments when selecting land subject to purchase or

creation under paragraph (1).

(5) In purchasing land pursuant to paragraphs (1) and (2), criteria for selecting land subject to purchase, calculation of the purchase price, methods and procedures for purchase, and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 19-4 (Investigation of Discharging Facilities about Vulnerability to Climate Change and Recommendations)**

(1) The Minister of Environment may investigate wastewater discharge facilities, non-point pollution reduction facilities, public wastewater treatment facilities about their vulnerability to climate change, and recommend the improvement of facilities if such facilities are found vulnerable to climate change as a result of the investigation. *<Amended by Act No. 13879, Jan. 27, 2016>*

(2) Specific items of investigations conducted under paragraph (1), methods and procedures therefor, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may partially subsidize costs necessary for, or expenses incurred in, implementing the recommendation made under paragraph (1) for wastewater discharge facilities, non-point pollution reduction facilities, and public wastewater treatment facilities, within budgetary limits. *<Amended by Act No. 13879, Jan. 27, 2016>*

#### **Article 20 (Restrictions on Fishing)**

(1) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may designate “no-take” zones or fishing-restricted zones, considering the purposes and the water quality of rivers (excluding national rivers and local rivers under Article 7 (2) and (3) of the River Act), lakes and marshes, and other factors, as prescribed by Presidential Decree. In such cases, he or she shall consult with the relevant water manager.

(2) A person who intends to fish in any fishing-restricted zone designated under paragraph (1) shall comply with matters prescribed by Ordinance of the Ministry of Environment, such as methods of and allowed periods for fishing. In such cases, the Minister of Environment shall consult with the Minister of Oceans and Fisheries when determining Ordinance of the Ministry of Environment.

(3) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may collect fees from persons who intend to fish in fishing-restricted zones designated under paragraph (1), as prescribed by municipal ordinance, to cover the expenses incurred in collecting litters, etc. for prevent water pollution in the fishing-restricted zones designated under paragraph (1) and surrounding areas thereof.

#### **Article 21 (Water Pollution Alert System)**

(1) Where the Minister of Environment or a Mayor/Do Governor deems that water pollution is likely to cause grave damage to the use of water in a river, lake and marsh, or serious harm to the health and property of residents, or the growth of animals and plants, he or she may issue a water pollution alert for the relevant river, lake and marsh. *<Amended by Act No. 11979, Jul. 30, 2013>*

(2) and (3) Deleted. <by Act No. 8466, May 17, 2007>

(4) The Minister of Environment may subsidize operating costs incurred in taking measures, etc. following the issuance of a water pollution alert within budgetary limits. <Amended by Act No. 11979, Jul. 30, 2013>

(5) Types of water pollution alerts, objects of the issuance of each type of alert, issuers of water pollution alerts, items subject to water pollution alerts, standards for issuing such alerts, phases of alerts, measures to be taken in each phase of alert, standards for canceling alerts, and other necessary matters, shall be prescribed by Presidential Decree. <Amended by Act No. 11979, Jul. 30, 2013; Act No. 14532, Jan. 17, 2017>

#### **Article 21-2 (Restricted Activities in Contaminated Public Waters)**

(1) Where the Minister of Environment deems that gathering or catching fishery products, playing in the water, or doing activities prescribed by Presidential Decree in a contaminated river, lake or marsh causes grave damage to the health or life of people, he or she may recommend the relevant Mayor/Do Governor to take measures prescribed by Ordinance of the Ministry of Environment, such as prohibiting or restricting people to do such activities, or directing them to refrain from doing the activities in the relevant river, lake, or marsh. <Amended by Act No. 15194, Dec. 12, 2017>

(2) Upon receipt of a recommendation pursuant to paragraph (1), the Mayor/Do Governor shall take measures as recommended, except in exceptional circumstances.

(3) Where any hazard may occur to the human life or body because measures taken by the Mayor/Do Governor under paragraph (2) are insufficient, the Minister of Environment may take necessary measures in consultation with the heads of the related administrative agencies. <Newly Inserted by Act No. 15194, Dec. 12, 2017>

(4) Criteria for selecting contaminated rivers, lakes, or marshes on which recommendations under paragraph (1) can be made, criteria for taking measures under paragraph (3), and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 15194, Dec. 12, 2017>

#### **Article 21-3 (Special Measures to Improve Water Quality of Water Sources)**

(1) Where any of the following applies to water pollution of a water source, the Minister of Environment may order special measures, such as prohibiting the discharge of pollutants, with regard to pollutants that cause water pollution:

1. Where it is expected that the standards for management of drinking water quality (referring to water quality standards provided for in Article 26 of the Water Supply and Waterworks Installation Act) are difficult to meet due to water pollution of the water source;
2. Where it is deemed that pollutants which are not included in the standards for water quality management referred to in subparagraph 1 are likely to cause serious harm to the health of residents.

(2) Procedures for taking the special measures pursuant to paragraph (1), the details of and standards for such special measures, and other necessary matters, shall be prescribed by Presidential Decree.

(3) The Minister of Environment may partially subsidize the expenses incurred in taking the special measures under paragraph (1), within budgetary limits.

#### **Article 21-4 (Installation and Management of Buffer Storage Facilities)**

(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) having jurisdiction over an area prescribed by Ordinance of the Ministry of Environment among industrial areas designated under Article 36 (1) of the National Land Planning and Utilization Act, or an industrial complex prescribed by Ordinance of the Ministry of Environment among industrial complexes defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act shall install and operate buffer storage facilities that can temporarily store wastewater, sewage, etc. discharged from such industrial area or industrial complex.

(2) The head of a local government responsible for installing and operating buffer storage facilities pursuant to paragraph (1) shall formulate a plan to install and operate the buffer storage facilities, including matters prescribed by Ordinance of the Ministry of Environment, such as an implementation schedule and a place where such buffer storage facilities will be installed, and consult with the Minister of Environment. The same shall also apply where he or she intends to amend important matters prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may fully or partially subsidize the expenses incurred in installing and operating buffer storage facilities, within budgetary limits.

(4) Matters necessary concerning standards for installation and operation of buffer storage facilities, such as standards for calculation of the capacity of buffer storage facilities, shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 21-5 (Prevention of Damage Caused by Algae)**

(1) Where the Minister of Environment deems the occurrence, etc. of algae adversely affects the water environment of a river, lake, and marsh, he or she may order a special measure to be taken in relation to the pollution source causing water pollution pursuant to Article 21-3; request public water managers or the heads of related central administrative agencies to take measures to prevent damage due to the occurrence, etc. of algae; or order managers of water intake facilities or water purification facilities whose water source is the river, lake, and marsh to take measures to prevent damage due to the occurrence, etc. of algae. <Amended by Act No. 14532, Jan. 17, 2017>

(2) Each person in receipt of a request or an order under paragraph (1) shall comply therewith, except in exceptional circumstances.

(3) Details of the measures referred to in paragraph (1), and other matters necessary for taking such measures shall be prescribed by Presidential Decree.

(4) The Minister of Environment may partially subsidize expenses incurred in taking measures under paragraph (1) within budgetary limits.

#### **Article 22 (Management of National Water Environments and Water Environment of Each Sphere of Influence of River Basin)**

(1) The Minister of Environment or the head of a local government shall ascertain the current status of water environments, and the healthiness of aquatic ecosystems in accordance with a master plan to manage the national water environment and a master plan to manage water environments for each sphere of influence of the river basin under Articles 23-2 and 24 through 26, and take adequate measures for the management thereof. <Amended by Act No. 14532, Jan. 17, 2017>

(2) The Minister of Environment shall classify the spheres of influence of the river system referred to in paragraph (1) into large spheres of influence, medium spheres of influence, and small spheres of influence in compliance with standards prescribed by Ordinance of the Ministry of Environment, based on the characteristics of catchment basins, such as the surface area and geographical features, and publicly notify them.

#### **Article 22-2 (Examination of Continuity of Aquatic Ecosystems)**

(1) The Minister of Environment may examine the continuity of aquatic ecosystems in order to ascertain whether the state in which the circulation of substances, such as water and soil, is smooth and the migration of organisms is natural (hereafter referred to as "continuity of aquatic ecosystems" in this Article) between the upper reaches and lower reaches of public waters or between public waters and riparian areas, ceases to exist or is damaged.

(2) Where the continuity of aquatic ecosystems has ceased to exist or has been damaged as a result of examination of the continuity of aquatic ecosystems, the Minister of Environment shall take measures necessary to secure the continuity of aquatic ecosystems in consultation with the heads of related central administrative agencies. In such cases, he or she may request the heads of related central administrative agencies or managers of the related facilities for cooperation in order to secure the continuity of aquatic ecosystems.

(3) Matters concerning the methods and procedures for examining the continuity of aquatic ecosystems, criteria for discontinuance of and damage to the continuity of aquatic ecosystems, procedures for determining the order of priority of securing the continuity of aquatic ecosystems, and requests for measures and cooperation necessary to secure the continuity of aquatic ecosystems shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 22-3 (Securing of Amount of Flow for Environmental Ecology)**

(1) In order to secure the minimum amount of flow necessary to maintain the health of aquatic ecosystems (hereafter referred to as "amount of flow for environmental ecology" in this Article), the Minister of Environment may determine and publicly notify the amount of flow for environmental ecology at the representative points of rivers in cooperation with the Minister of Land, Infrastructure and Transport.

(2) Where the Minister of Land, Infrastructure and Transport determines the amount of flow of rivers to be maintained pursuant to Article 51 (1) of the River Act, he or she shall take into account the amount of flow for environmental ecology.

(3) The Minister of Environment may determine and publicly notify the amount of flow for environmental ecology at representative points of small rivers (hereafter referred to as "small river" in this Article) under

subparagraph 1 of Article 2 of the Small River Maintenance Act, and other tributaries or affluents which have dried up.

(4) Where the amount of flow of a river or small river is noticeably less than the amount of flow for environmental ecology, the Minister of Environment may request the heads of related agencies, etc. for cooperation in securing the amount of flow for environmental ecology.

(5) Matters necessary to calculate the amount of flow for environmental ecology shall be prescribed by Presidential Decree.

#### **Article 23 (Survey on Sources of Pollution)**

The Minister of Environment shall regularly survey types of sources of pollution, the quantity of water pollutants generated, etc. for each area of the sphere of influence of the river basin, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 23-2 (Formulation of Master Plan for National Water Environment Management)**

(1) In order to manage and conserve the water environments of public waters, the Minister of Environment shall formulate a master plan for national water environment management every ten years, as prescribed by Presidential Decree.

(2) A master plan for national water environment management (hereinafter referred to as "master plan for national water environment management") under paragraph (1) shall include the following:

1. Changing trends in water environments and the target standards for water environment;
2. Changes in water environment pollution sources on a nationwide scale and the long-term prospects thereof;
3. Policy direction concerning the management and conservation of the water environments;
4. Measures to manage the water environments against climate change under subparagraph 12 of Article 2 of the Framework Act on Low Carbon, Green Growth;
5. Other matters prescribed by Ordinance of the Ministry of Environment.

(3) Where five years have elapsed from the date the Minister of Environment formulated a master plan for national water environment management or he or she deems it necessary to revise the plan, he or she may do so after reviewing the validity thereof.

(4) Where the Minister of Environment intends to formulate or revise a master plan for national water environment management, he or she shall consult with the heads of related central administrative agencies.

(5) Where the Minister of Environment formulates or revises a master plan for national water environment management, he or she shall notify such fact to the heads of related central administrative agencies.

#### **Article 24 (Formulation of Plans to Manage Water Environment of Large Spheres of Influence)**

(1) The head of a river basin environmental office shall formulate a plan to manage the water environment of each large sphere of influence (hereinafter referred to as "plan for the large sphere of influence") under Article 22 (2) every ten years in accordance with a master plan for national water environment management. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) A plan for the large sphere of influence shall include the following: *<Amended by Act No. 14532, Jan. 17, 2017>*

1. Changing trends in water environments and the target standards for water environment;
2. Current status of the use of water sources and water;
3. Current status of the distribution of point pollution sources, non-point pollution sources, and other water pollution sources;
4. Quantity of water pollutants discharged from point pollution sources, non-point pollution sources, and other water pollution sources;
5. Measures to prevent and reduce water pollution;
6. Direction-setting for implementing measures to conserve the water environments;
7. Measures to cope with climate change defined in subparagraph 12 of Article 2 of the Framework Act on Low Carbon, Green Growth;
8. Other matters prescribed by Ordinance of the Ministry of Environment.

(3) Where the head of a river basin environmental office formulates a plan for the large sphere of influence, he or she shall consult with the related Mayor/Do Governor and the related River Basin Management Committee under the Act on Water Systems of Four Major Rivers. The foregoing shall also apply where he or she revises the plan for the large sphere of influence. *<Amended by Act No. 14532, Jan. 17, 2017>*

(4) Where the head of a river basin environmental office formulates a plan for the large sphere of influence, he or she shall notify the related Mayor/Do Governor of such plan. *<Amended by Act No. 14532, Jan. 17, 2017>*

(5) Where five years have elapsed from the date on which a plan for the large sphere of influence was formulated or the head of a river basin environmental office deems it necessary to revise the plan, he or she may do so after reviewing the validity thereof. *<Amended by Act No. 14532, Jan. 17, 2017>*

#### **Article 25 (Formulation of Plans to Manage Water Environment of Medium Spheres of Influence)**

(1) In any of the following cases, the head of a regional environmental office shall formulate a plan to manage the water environment of each medium sphere of influence (hereinafter referred to as "plan for the medium sphere of influence") under Article 22 (2) in accordance with the plan for the large sphere of influence: *<Amended by Act No. 14532, Jan. 17, 2017>*

1. Where the medium sphere of influence under his or her jurisdiction fails to meet the target standards for water environment;
2. Where the related River Basin Management Committee under the Act on Water Systems of Four Major Rivers requests him or her to formulate a plan for the medium sphere of influence in order to manage and conserve the medium sphere of influence;
3. Other cases prescribed by Ordinance of the Ministry of Environment.

(2) Where the medium sphere of influence of the adjacent upper reaches has influence on the attainment of the target standards for water environment of the medium sphere of influence under the jurisdiction of the



head of a regional environmental office, he or she may formulate a plan for the medium sphere of influence intended for the medium sphere of influence under his or her jurisdiction and the medium sphere of influence of the adjacent upper reaches, in consultation with the head of a regional environmental office having jurisdiction over the relevant medium sphere of influence. <Amended by Act No. 14532, Jan. 17, 2017>

(3) The head of a regional environmental office shall consult with the related Mayor/Do Governor to formulate the plan for the medium sphere of influence. The foregoing shall also apply where he or she intends to alter the plan for the medium sphere of influence. <Amended by Act No. 14532, Jan. 17, 2017>

(4) Where the head of a regional environmental office formulates a plan for the medium sphere of influence, he or she shall notify the related Mayor/Do Governor of such plan. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 26 (Formulation of Plans to Manage Water Environment of Small Spheres of Influence)**

(1) The Special Self-governing City Mayor, the Special Self-governing Province Governor, or the head of a Si/Gun/Gu may formulate a plan to manage the water environment of each small sphere of influence (hereinafter referred to as "plan for the small sphere of influence") under Article 22 (2) in accordance with the plan for the large sphere of influence and the plan for the medium sphere of influence, and where the plan for the medium sphere of influence concerning the medium sphere of influence including the relevant small sphere of influence has not been formulated, he or she may formulate a plan for the small sphere of influence in consultation with the head of the regional environmental office having jurisdiction over the relevant small sphere of influence.

(2) Where the head of a Si/Gun/Gu formulates a plan for the small sphere of influence pursuant to paragraph (1), he or she shall obtain approval of such plan from the Mayor/Do Governor. In such cases, the Mayor/Do Governor shall consult on approval of the plan for the small sphere of influence with the head of the regional environmental office having jurisdiction over the small sphere of influence.

#### **Article 27 (Formulation of Plans for Small Spheres of Influence by the Minister of Environment or Mayor/Do Governor)**

(1) Notwithstanding Article 26, the Minister of Environment or the Mayor/Do Governor may formulate a plan for the small sphere of influence after hearing the opinions of the relevant Special Self-Governing City Mayor, the relevant Special Self-Governing Province Governor, or the head of a relevant Si/Gun/Gu according to the following classification:

1. Where an area subject to the formulation of a plan for the small sphere of influence stretches over at least two Sis/Guns within the jurisdiction of the same City/Do: The Minister of Environment or the Mayor/Do Governor shall formulate the plan for the small sphere of influence;
2. Where an area subject to the formulation of a plan for the small sphere of influence stretches over at least two Cities/Dos: The Minister of Environment shall formulate the plan for the small sphere of influence or at least two Mayors/Do Governors shall formulate the plan in consultation with each other;

3. Where the Minister of Environment or the Mayor/Do Governor deems it necessary to formulate a plan for the small sphere of influence: The Minister of Environment or the Mayor/Do Governor shall formulate the plan for the small sphere of influence.
- (2) Where the Mayor/Do Governor intends to formulate a plan for the small sphere of influence pursuant to paragraph (1), he or she shall consult with the Minister of Environment.
- (3) The Mayor/Do Governor and the head of a Si/Gun/Gu shall conscientiously implement a plan for the small sphere of influence formulated by the Minister of Environment or the Mayor/Do Governor.

#### **Article 27-2 (Formulation of Plans for Restoring Aquatic Ecosystems)**

- (1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may formulate and implement a plan for restoring the aquatic ecosystem (hereinafter referred to as "restoration plan") of an area which requires improvements in water quality or an area, the aquatic ecosystems within which has been substantially damaged, thus requires restoration as a result of the measurement and survey conducted under Article 9 or 9-3. *<Amended by Act No. 14532, Jan. 17, 2017>*
- (2) Where the Minister of Environment deems it certainly necessary to formulate a restoration plan for any of the areas referred to in paragraph (1), he or she may issue an order requiring a Mayor/Do Governor or the head of a Si/Gun/Gus to formulate and implement the restoration plan.
- (3) The Minister of Environment shall consult with the heads of relevant central administrative agencies and the heads of competent local governments to formulate or revise a restoration plan.
- (4) A Mayor/Do Governor or the head of a Si/Gun/Gu shall obtain approval from the Minister of Environment, as prescribed by Presidential Decree, to formulate a restoration plan for his or her jurisdiction. The foregoing shall also apply to the alternation of important matters prescribed by Presidential Decree.
- (5) A Mayor/Do Governor or the head of a Si/Gun/Gu may formulate or revise an action plan for a restoration plan in consultation with the Minister of Environment if deemed necessary to implement the restoration plan efficiently.
- (6) Contents of, procedures for formulating, restoration plans, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 28 (Regular Surveys, Measurements and Analyses)**

- (1) The Minister of Environment and the Mayors/Do Governors shall regularly survey, measure and analyze lakes and marshes prescribed by Presidential Decree, the status of the use of water flowing into such lakes and marshes, the current status of the water environments, the health of aquatic ecosystems, the distribution of water pollution sources, and the quantity of water pollutants generated, as prescribed by Presidential Decree, in order to conserve the water environments of lakes and marshes. *<Amended by Act No. 14532, Jan. 17, 2017>*
- (2) The Minister of Environment and each Mayor/Do Governor shall produce maps of each river basin concerning the current status of the water environments and the health of aquatic ecosystems according to the results of surveys, measurements and analyses under paragraph (1), prepare the results of analyzing

changing trends, etc., and disclose such maps and the results thereof to the public. <Amended by Act No. 14532, Jan. 17, 2017>

**Article 29 Deleted.** <by Act No. 13879, Jan. 27, 2016>

**Article 30 (Restrictions on Granting Licenses for Aquaculture)**

No head of any administrative agency shall grant a license for aquaculture that installs a floating fish cage in a lake and marsh serving as a water source among the aquaculture provided for in Article 6 (1) of the Inland Water Fisheries Act.

**Article 31 (Collection and Disposal of Litters in Lakes and Marshes)**

(1) The water manager shall collect litters in a lake and marsh, and the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu having jurisdiction over the lake and marsh shall transport and dispose of the litters collected.

(2) The water manager shall conclude an agreement for selecting a main agent to transport and dispose of litters under paragraph (1), and for apportioning expenses incurred in transporting and disposing of the litters collected, with the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu.

(3) Where the water manager, and the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu fails to conclude an agreement under paragraph (2), he or she may file an application for mediation with the Minister of Environment. In such cases, if the Minister of Environment makes mediation, an agreement under paragraph (2) shall be deemed concluded.

(4) Procedures for filing applications for mediation under paragraph (3), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

**Article 31-2 (Designation of Reservoirs with Priority Management)**

(1) The Minister of Environment may designate any of the following reservoirs as a reservoir with priority management through consultation with the heads of related central administrative agencies, and require the managers of the reservoir and the Mayor/Do Governor having jurisdiction over the location of the reservoir to control the water quality so that such reservoir can be used to provide water for domestic purposes as well as for tourism and leisure purposes:

1. A reservoir with the total water storage capacity of at least 10 million cubic meters;
2. A reservoir in which the level of pollution exceeds the standards prescribed by Presidential Decree;
3. Other cases deemed necessary by the Minister of Environment for conserving the water quality of relevant river systems, including water sources.

(2) Where the ground for designation of a reservoir with priority management under paragraph (1) has ceased, the Minister of Environment may cancel such designation.

(3) Matters necessary for designation of reservoirs with priority management and the cancellation thereof under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 31-3 (Improvement of Water Quality of Reservoirs with Priority Management)**

(1) The Minister of Environment shall require the managers of reservoirs with priority management and the Mayors/Do Governors having jurisdiction over the locations of such reservoirs to formulate and promote measures to prevent water pollution and improve water quality in the reservoirs with priority management.

(2) Each Mayor/Do Governor having jurisdiction over the location of any reservoir with priority management shall prepare reports on the outcomes of conducting activities to prevent water pollution and the outcomes of implementing the plans to improve water quality for the reservoir with priority management, and submit them to the Minister of Environment each year.

(3) The Minister of Environment may fully or partially subsidize expenses incurred in managing and improving water quality of reservoirs with priority management, within budgetary limits.

### **Article 32 (Permissible Discharge Limits)**

(1) Permissible limits for water pollutants discharged from wastewater discharge facilities (hereinafter referred to as "discharging facilities") shall be prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall consult with the heads of related central administrative agencies when determining Ordinance of the Ministry of Environment under paragraph (1).

(3) Where a City/Do (excluding a large City among areas under the jurisdiction of the City/Do; hereafter the same shall apply in this Article) or a large city is deemed difficult to maintain the local environmental standards under Article 12 (3) of the Framework Act on Environmental Policy, it may set permissible discharge limits more stringent than the ones under paragraph (1) by municipal ordinance: Provided, That the foregoing shall only apply where the authority of the Minister of Environment provided for in Articles 33, 37, 39, and 41 through 43 is delegated to the Mayor/Do Governor or the head of a large city pursuant to Article 74 (1). *<Amended by Act No. 14532, Jan. 17, 2017>*

(4) Where the permissible discharge limits under paragraph (3) have been set or altered, the Mayor/Do Governor or the head of a large city shall immediately report such fact to the Minister of Environment and take necessary measures for interested parties to be aware of it. *<Amended by Act No. 14532, Jan. 17, 2017>*

(5) Where the Minister of Environment deems it necessary to prevent water pollution in a special-measures area, he or she may set permissible discharge limits more stringent than the permissible discharge limits prescribed under paragraph (1) for discharging facilities installed in the special-measures area, and set special permissible discharge limits for new discharging facilities installed in such special-measures area.

(6) Where an area, to which permissible discharge limits set under paragraph (3) do not apply, exists in a City/Do or a large city subject to such permissible discharge limits, the permissible discharge limits set under paragraph (3) shall also apply to discharging facilities installed or to be installed in such area.

(7) Paragraphs (1) through (6) shall not apply to the following discharging facilities:

1. Wastewater non-discharge facilities, which are installed pursuant to the proviso of Article 33 (1), and Article 33 (2);

2. Discharging facilities prescribed by Ordinance of the Ministry of Environment, which do not discharge wastewater into public waters by fully reusing wastewater or entrusting the treatment of all wastewater.

(8) Notwithstanding paragraph (1), the Minister of Environment may otherwise set and publicly notify permissible discharge limits only for items that can be appropriately treated by public wastewater treatment facilities or public sewage treatment facilities in relation to discharging facilities that discharge all wastewater into such public wastewater treatment facilities or public sewage treatment facilities via drainage facilities. <Amended by Act No. 13879, Jan. 27, 2016>

### **Article 33 (Permission for, and Reporting on, Installation of Discharging Facilities)**

(1) Any person who intends to install discharging facilities shall obtain permission from the Minister of Environment or report thereon to the Minister of Environment, as prescribed by Presidential Decree: Provided, That any person who intends to install wastewater non-discharge facilities pursuant to paragraph (9) shall obtain permission from the Minister of Environment. <Amended by Act No. 15832, Oct. 16, 2018>

(2) Where a person who has obtained permission pursuant to paragraph (1) intends to alter any important matter prescribed by Presidential Decree among the terms and conditions of such permission, he or she shall obtain permission for alteration: Provided, That where he or she intends to alter or has altered any matter prescribed by Ordinance of the Ministry of Environment, he or she shall file a report thereon.

(3) Where a person who has reported pursuant to paragraph (1) intends to alter or has altered any matter prescribed by Ordinance of the Ministry of Environment among reported matters, he or she shall report on such alteration, as prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment shall notify a person who has filed a report of whether or not to accept such report or report on alteration pursuant to paragraphs (1) through (3) within the period specified by Ordinance of the Ministry of Environment from the date of receiving the report or report on alteration. <Newly Inserted by Act No. 15832, Oct. 16, 2018>

(5) If the Minister of Environment fails to notify a person who has filed a report of whether or not to accept such report or of the extension of the handling period under statutes and regulations concerning the handling of civil petitions, within the period specified in paragraph (4), the report shall be deemed accepted on the day following the end of the period (referring to the extended or re-extended period if the handling period is extended or re-extended under the statutes and regulations concerning the handling of civil petitions). <Newly Inserted by Act No. 15832, Oct. 16, 2018>

(6) Where a person who intends to obtain permission or permission for alteration or to file a report or a report on alteration pursuant to paragraphs (1) through (3) falls under the proviso of Article 35 (1), or intends to install or alter common prevention facilities under Article 35 (4), he or she shall submit documents prescribed by Ordinance of the Ministry of Environment.

(7) Where the Minister of Environment deems that it is impracticable to maintain environmental standards due to water pollutants discharged from discharging facilities in the upstream area of a water source protection area, a special-measures area and the upstream area thereof, an area in which water intake

facilities are located, and the upstream area thereof, or that water pollutants are likely to cause serious harm to the health and property of residents or the growth of animals and plants, he or she may restrict the installation (including alteration) of discharging facilities after hearing the opinions of the competent Mayor/Do Governor and consulting with the heads of related central administrative agencies.

(8) The range of areas in which the Minister of Environment may restrict the installation of discharging facilities pursuant to paragraph (7) shall be prescribed by Presidential Decree, and the Minister of Environment shall publicly notify facilities, the installation of which is restricted in each area. *<Amended by Act No. 15832, Oct. 16, 2018>*

(9) Notwithstanding paragraphs (7) and (8), facilities which discharge specific substances harmful to water quality prescribed by Ordinance of the Ministry of Environment may be installed as wastewater non-discharge facilities within an area in which the installation of such discharge facilities is restricted. *<Amended by Act No. 15832, Oct. 16, 2018>*

(10) The Minister of Environment shall determine and publicly notify areas and facilities in which wastewater non-discharge facilities may be installed in the areas in which the installation of discharging facilities is restricted pursuant to paragraph (9). *<Amended by Act No. 15832, Oct. 16, 2018>*

(11) Criteria for granting permission or permission for alteration under paragraphs (1) and (2) shall be as follows:

1. Discharging facilities shall be capable of treating pollutants discharged therefrom below the permissible discharge limits set under Article 32;
2. Discharging facilities shall not violate any of the provisions concerning restrictions on the installation of discharging facilities under other statutes and regulations;
3. Where a person intends to install wastewater non-discharge facilities, he or she shall install all the facilities prescribed by Presidential Decree in accordance with the standards prescribed by Presidential Decree to prevent flow or leak of wastewater into public waters.

#### **Article 33-2 (Reports on Alterations Deemed Filed under Other Statutes)**

(1) Where a person has filed a report on any alteration pursuant to the proviso of Article 33 (2) and paragraph (3) of the aforesaid Article, the person shall be deemed to have filed a report on any of the following alterations in relation to the discharging facilities: Provided, That the foregoing shall be limited to reports on alterations to the name of the place of business or the representative:

1. A report on any alteration to a specified facility subject to control of soil contamination referred to in the latter part of Article 12 (1) of the Soil Environment Conservation Act;
2. A report on any alteration to a discharging facility under Article 44 (2) of the Clear Air Conservation Act.

(2) A person who intends to be deemed to have filed a report on any alteration under paragraph (1) shall also submit related documents prescribed by the relevant statutes when he or she files a report on any alteration.

(3) Where the head of an administrative agency in receipt of a report on any alteration filed under paragraph (1) has processed the report on such alteration, he or she shall immediately notify the heads of administrative agencies having jurisdiction over the report on the alteration referred to in paragraph (1) of the details thereof.

(4) Where a person is deemed to have filed a report on any alteration pursuant to paragraph (1), the person is exempted from a fee imposed pursuant to related statutes.

**Article 34 (Permission to Install Wastewater Non-Discharge Facilities)**

(1) Any person who intends to obtain permission to install or to alter wastewater non-discharge facilities pursuant to the proviso of Article 33 (1) and paragraph (2) of the aforesaid Article shall submit documents prescribed by Ordinance of the Ministry of Environment, such as a plan to install the wastewater non-discharge facilities, to the Minister of Environment.

(2) Upon receipt of an application for permission under paragraph (1), the Minister of Environment shall hear the opinions of relevant specialized institutions prescribed by Ordinance of the Ministry of Environment as to whether wastewater non-discharge facilities and water pollution prevention facilities that treat water pollutants without discharging wastewater are appropriate.

**Article 35 (Installation of Prevention Facilities, Exemption from Installation, and Matters to Be Observed by Persons Exempt from Installation)**

(1) Where any person who has obtained permission or permission for alteration, or has filed a report or a report on alteration (hereinafter referred to as "business entity") pursuant to Article 33 (1) through (3) installs or alters discharging facilities, he or she shall install water pollution prevention facilities (in cases of wastewater non-discharge facilities, referring to water pollution prevention facilities capable of treating water pollutants without discharging wastewater; hereinafter the same shall apply) capable of treating water pollutants from such discharging facilities below the permissible discharge limits set under Article 32: Provided, That the foregoing shall not apply to discharging facilities (excluding wastewater non-discharge facilities) meeting the standards prescribed by Presidential Decree.

(2) Any person who uses discharging facilities without installing water pollution prevention facilities (hereinafter referred to as "prevention facilities") pursuant to the proviso of paragraph (1) shall observe matters prescribed by Ordinance of the Ministry of Environment concerning the management of discharging facilities (hereafter in this Article referred to as "matters to be observed"), such as the methods of treating and storing wastewater.

(3) Where a person who installs and operates discharging facilities without installing prevention facilities pursuant to the proviso of paragraph (1) violates any of the matters to be observed, the Minister of Environment may revoke permission or permission for alteration under Article 33 (1) through (3), or order him or her to close the discharging facilities, fully or partially improve the discharging facilities, or suspend the operation thereof for a prescribed period not exceeding six months.

(4) Business entities may install common prevention facilities (hereinafter referred to as "common prevention facilities") to commonly treat water pollutants discharged from discharging facilities

(excluding wastewater non-discharge facilities). In such cases, each business entity shall be deemed to have installed prevention facilities of water pollutants in each place of business.

(5) When business entities install and operate common prevention facilities, they shall establish an operating body of the relevant facilities and appoint the representative thereof.

(6) Other matters necessary for the installation and operation of common prevention facilities shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 36 (Succession to Rights and Duties)**

(1) Any of the following persons shall succeed to the former business entity's rights and duties vested or imposed under permission, permission for any alteration, a report or a report on any alteration:

1. Where the business entity dies, his or her heir;
2. Where the business entity transfers his or her discharging facilities or prevention facilities, the transferee of such facilities;
3. Where the business entity, which is a corporate, is merged with another corporation, the corporation surviving the merger or the corporation incorporated in the course of the merger.

(2) Any person who acquires discharging facilities and prevention facilities of a business entity through any of the following procedures shall succeed to the business entity's rights and duties vested or imposed under permission or permission for any alteration, a report or a report on any alteration: *<Amended by Act No. 14476, Dec. 27, 2016>*

1. Auction under the Civil Execution Act;
2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to any of the procedures referred to in subparagraphs 1 through 3.

(3) For the purposes of Articles 38, 38-2 through 38-5, 39 through 41, and 42 (excluding revocation of permission), 43, 46, 47, and 68 (1) 1, a lessee of discharging facilities and prevention facilities shall be construed as a business entity.

#### **Article 37 (Reporting on Startup Operation of Discharging Facilities)**

(1) Where a business entity intends to operate discharging facilities and prevention facilities after completing the installation of the discharging facilities or prevention facilities, or completing the alteration of discharging facilities (limited to alterations prescribed by Presidential Decree where he or she alters discharging facilities after reporting the alteration thereto), he or she shall report the startup operation thereof to the Minister of Environment in advance, as prescribed by Ordinance of the Ministry of Environment. Where he or she changes the reported date of the startup operation, he or she shall report such change to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) Any business entity who has reported startup operation under paragraph (1) shall operate prevention facilities to treat water pollutants discharged from the relevant discharging facilities (excluding wastewater non-discharge facilities) below the permissible discharge limits set under Article 32 within the period



prescribed by Ordinance of the Ministry of Environment. In such cases, Articles 39 through 41 shall not apply for the period prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall check the operation status of discharging facilities and prevention facilities within the period prescribed by Ordinance of the Ministry of Environment following the expiration of the period determined under paragraph (2), and require any testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution after collecting water pollutants.

(4) The Minister of Environment shall inspect whether a wastewater non-discharge facility, the startup operation of which has been reported pursuant to paragraph (1), meets criteria for permission or permission for alteration under Article 33 (11) within ten days from the date of the report. *<Amended by Act No. 15832, Oct. 16, 2018>*

### **Article 38 (Operation of Discharging Facilities and Prevention Facilities)**

(1) Neither a business entity (excluding a business entity who has obtained permission to install or permission to alter wastewater non-discharge facilities pursuant to the proviso of Article 33 (1) or Article 33 (2)) nor a person who operates prevention facilities (including the representative of the operating body of common prevention facilities referred to in Article 35 (5); hereinafter the same shall apply) shall engage in any of the following conduct:

1. Discharging water pollutants from discharging facilities without flowing them into prevention facilities, or installing facilities that can discharge water pollutants without flowing them into prevention facilities;
2. Discharging water pollutants that flow into prevention facilities without passing through the final discharge outlet, or installing facilities that can discharge water pollutants without passing through the final discharge outlet;
3. Treating water pollutants from discharging facilities by mixing with water not discharged during the process or unpolluted water discharged during the process, or discharging water pollutants exceeding the permissible discharge limits set under Article 32 by mixing with water to lower the pollution level before such water pollutants pass through the final discharge outlet: Provided, That the foregoing shall not apply where the Minister of Environment deems that water pollutants can be treated only when they are diluted, as prescribed by Ordinance of the Ministry of Environment, and other cases prescribed by Ordinance of the Ministry of Environment;
4. Discharging water pollutants exceeding the permissible discharge limits set under Article 32 due to the business entity's failure to normally operate discharging facilities and prevention facilities without good cause.

(2) No business entity who has obtained permission to install or permission to alter wastewater non-discharge facilities pursuant to the proviso of Article 33 (1) or paragraph (2) of the aforesaid Article shall engage in any of the following conduct:

1. Removing wastewater discharged from wastewater non-discharge facilities from the place of business, discharging it to public waters, or installing facilities that can discharge such wastewater into

public waters;

2. Treating wastewater discharged from wastewater non-discharge facilities by mixing it with sewage or wastewater discharged from other discharging facilities, or installing facilities that can treat the wastewater in the aforementioned manner;

3. Where wastewater discharged from wastewater non-discharge facilities is reused, reusing wastewater in other discharging facilities without reusing it in the same wastewater non-discharge facilities or using such wastewater for flushing toilets, landscaping, fire fighting, etc.

(3) Each business entity or prevention facility operator shall record and keep the operating status of the relevant discharging facilities and prevention facilities as they are, as prescribed by Ordinance of the Ministry of Environment, when operating discharging facilities and prevention facilities.

#### **Article 38-2 (Installation of Measuring Instruments)**

(1) The following persons shall install instruments prescribed by Presidential Decree (hereinafter referred to as "measuring instruments"), such as a wattmeter, a flow meter, and an automatic water quality tester, to ascertain whether the discharged water pollutants meet the permissible discharge limits set under Article 32, and standards for effluent water quality established under Article 12 (3) of this Act or Article 7 of the Sewerage Act: *<Amended by Act No. 13879, Jan. 27, 2016>*

1. A business entity who operates a place of business discharging wastewater in excess of the quantity of discharge prescribed by Presidential Decree: Provided, That excluded herefrom is a business entity who has obtained permission to install or permission to alter wastewater non-discharge facilities under the proviso of Article 33 (1) or Article 33 (2);

2. An operator of prevention facilities (including common prevention facilities) in excess of the treatment capacity prescribed by Presidential Decree;

3. A person who operates public wastewater treatment facilities or public sewage treatment facilities in excess of the treatment capacity prescribed by Presidential Decree.

(2) Methods for, and timing of, installing measuring instruments pursuant to paragraph (1), and other matters necessary for installing measuring instruments, shall be prescribed by Presidential Decree.

(3) A person who has installed measuring instruments (hereinafter referred to as "business entity, etc. who has installed measuring instruments") pursuant to paragraph (1) may require a person who has been registered pursuant to Article 38-6 (hereinafter referred to "measuring instruments management agency") to manage measuring instruments on his or her behalf. *<Newly Inserted by Act No. 13879, Jan. 27, 2016>*

#### **Article 38-3 (Prohibited Acts of Business Entities Who Have Installed Measuring Instruments and Standards for Operation and Management)**

(1) No business entity, etc. who has installed measuring instruments shall engage in any of the following conduct when operating the measuring instruments: *<Amended by Act No. 13879, Jan. 27, 2016>*

1. Intentionally defaulting on the operation of the measuring instruments, or on normal measurement;

2. Leaving the measuring instruments which do not work normally due to corrosion, wear and tear, breakdown, or damage, unattended without good cause;

3. Omitting or falsely keeping a measurement reading.

(2) Each business entity, etc. who has installed measuring instruments and each measuring instruments management agency shall observe standards for operation and management of measuring instruments prescribed by Ordinance of the Ministry of Environment to maintain the reliability and accuracy of the measurement readings of such measuring instruments. <Amended by Act No. 13879, Jan. 27, 2016>

**Article 38-4 (Orders to Business Entities Who Have Installed Measuring Instruments to Take Measures and Suspend Operation)**

(1) The Minister of Environment may order a business entity, etc. who has installed measuring instruments, who fails to observe any of the standards for operation and management referred to in Article 38-3 (2), to take measures necessary for operating and managing the measuring instruments in compliance with such standards within a prescribed period, as prescribed by Presidential Decree.

(2) The Minister of Environment may order any person who fails to comply with an order to take measures under paragraph (1) to fully or partially suspend the operation of the relevant discharging facilities, etc. for a prescribed period not exceeding six months.

**Article 38-5 (Support to Business Entities Who Have Installed Measuring Instruments, and Exemption from Reporting and Inspections)**

(1) The Minister of Environment may operate a computer network capable of electronically processing the measurement readings being connected with measuring instruments of business entities, etc. who have installed measuring instruments in order to manage and analyze measurement data.

(2) The Minister of Environment may provide technical support, etc. to business entities, etc. who have installed measuring instruments to normally install, maintain, and manage measuring instruments. In such cases, the Minister of Environment may require employees of a relevant specialized institution entrusted with the authority pursuant to Article 74 (2) to collect necessary water pollutants or inspect related documents, facilities, equipment, etc., upon gaining access to the relevant facilities or the place of business of a business entity, etc. who has installed measuring instruments, in order to adequately manage measuring instruments.

(3) An employee of a relevant specialized institution who intends to gain access or conduct inspections pursuant to the latter part of paragraph (2) shall carry a document indicating his or her authority, and present it to interested persons.

(4) The Minister of Environment may exempt business entities, etc. who have installed measuring instruments from reporting or undergoing inspections under Article 68 regarding items measured with measuring instruments, as prescribed by Presidential Decree.

**Article 38-6 (Registration of Measuring Instrument Management Services)**

(1) A person who intends to receive the outsourcing of measuring instrument management services shall be registered with the Minister of Environment upon meeting requirements, such as facilities, equipment and technical personnel prescribed by Presidential Decree. The foregoing shall also apply to any alteration to important matters prescribed by Presidential Decree among registered matters.

(2) Upon completing the registration of a measuring equipment management service, the Minister of Environment shall issue a certificate of registration to the relevant person, as prescribed by Ordinance of the Ministry of Environment.

(3) Procedures for registration under paragraph (1) and other matters necessary for registration shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 38-7 (Grounds for Disqualification)**

None of the following persons is entitled to be registered as a measuring instruments management agency:

1. A person under adult guardianship or person under limited guardianship;
2. A person declared bankrupt and not yet reinstated;
3. A person in whose case two years have not passed since his or her imprisonment with labor or greater punishment declared by a court for violating this Act was completely executed (including where the execution of his or her imprisonment is deemed completed) or exempted;
4. A person in whose case two years have not passed after his or her registration was revoked pursuant to Article 38-9 (excluding revocation of his or her registration on grounds of subparagraph 1 or 2 of this Article);
5. A corporation that has any of the persons referred to in subparagraphs 1 through 4 as its executive officers.

#### **Article 38-8 (Matters to Be Observed by Measuring Instrument Management Agencies)**

(1) No measuring instruments management agency shall engage in any of the following conduct:

1. Lending his or her certificate of registration to a third person, or outsourcing measuring instrument management services outsourced to him or her, to a third party;
2. Permitting any person other than registered technical personnel to provide measuring instrument management services;
3. Violating any of the matters to be observed, prescribed by Ordinance of the Ministry of Environment, in relation to measuring instrument management services.

(2) Each measuring instruments management agency shall require his or her technical personnel to receive education conducted by an educational institution prescribed by Ordinance of the Ministry of Environment.

(3) Curricula of the education referred to in paragraph (2) and other matters necessary for conducting such education shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 38-9 (Revocation of Registration)**

(1) Where a measuring instruments management agency falls under any of the following circumstances, the Minister of Environment may revoke its registration, or issue an order to fully or partially suspend its business for a specified period not exceeding six months: Provided, That the Minister of Environment must revoke its registration where a measuring instruments management agency falls under subparagraphs 1 through 3:

1. Where registration is made by fraud or other improper means;
2. Where measuring instrument management services are provided during the period of suspension of its business;
3. Where the ground for disqualification provided for in Article 38-7 occurs: Provided, That the foregoing shall not apply where the ground for disqualification provided for in subparagraph 5 of Article 38-7 ceases to exist within two months from the date of occurrence thereof;
4. Where measuring instrument management services are unconscientiously provided by intention or gross negligence;
5. Where any of the requirements for registration referred to in the former part of Article 38-6 (1) ceases to be met;
6. Where any alteration under the latter part of Article 38-6 (1) is not registered;
7. Where any of the matters to be observed under Article 38-8 (1) is violated.

(2) Detailed criteria for administrative dispositions provided for in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 38-10 (Evaluation and Public Announcement of Capabilities to Provide Management Services)**

(1) To assist business entities, etc. who have installed measuring instruments in selecting a proper measuring instruments management agency, the Minister of Environment shall, upon receipt of an application filed by a measuring instruments management agency, evaluate and publicly announce its capabilities to provide management services based on its management service performance and the status of administrative disposition imposed on it.

(2) A measuring instruments management agency that intends to undergo evaluation under paragraph (1) shall submit to the Minister of Environment its management service performance; the status of its technical personnel and equipment; the status of education its technical personnel received in the preceding year; and other matters prescribed by Ordinance of the Ministry of Environment.

(3) Methods for evaluating the capabilities to provide measuring instruments management services; materials to be submitted; and procedures for public announcement under paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 39 (Improvement Orders to Business Entities in Excess of Permissible Discharge Limits)**

Where the Minister of Environment deems that the level of water pollutants from discharging facilities (excluding wastewater non-discharge facilities) in operation after filing a report under Article 37 (1) exceeds the permissible discharge limits set under Article 32, he or she may order the relevant business entity (including the representative of the operating body of common prevention facilities under Article 35 (5)) to take measures (hereinafter referred to as "improvement order") necessary for lowering the level of such water pollutants below the permissible discharge limits within a prescribed period, as prescribed by Presidential Decree.

**Article 40 (Orders to Suspend Operation)**

Where a person subject to an improvement order pursuant to Article 39 fails to comply with such improvement order, or has complied with the improvement order within a given period, but the result of inspection shows that the level of waste pollutants still exceeds the permissible discharge limits set under Article 32, the Minister of Environment may order him or her to fully or partially suspend the operation of the relevant discharging facilities.

#### **Article 41 (Effluent Charges)**

(1) The Minister of Environment shall levy and collect an effluent charge on and from business entities discharging water pollutants (including those who operate facilities prescribed by Ordinance of the Ministry of Environment among public wastewater treatment facilities and public sewage treatment facilities) or persons who have installed or altered discharging facilities without obtaining permission or permission for alteration, or filing a report or a report on alteration under Article 33 (1) through (3), to prevent or reduce water pollution and damage to aquatic ecosystems due to water pollutants. In such cases, the effluent charge shall be levied as classified below, and methods and criteria for calculating such effluent charge, and other necessary matters, shall be prescribed by Presidential Decree: *<Amended by Act No. 13879, Jan. 27, 2016>*

1. Basic effluent charges:

- (a) Where water pollutants in wastewater discharged from discharging facilities (excluding wastewater non-discharge facilities) are below the permissible discharge limits set under Article 32, but exceed the standards for effluent water quality;
- (b) Where water pollutants in wastewater discharged from public wastewater treatment facilities or public sewage treatment facilities exceed the standards for effluent water quality;

2. Excess effluent charges:

- (a) Where water pollutants are discharged in excess of the permissible discharge limits set under Article 32;
- (b) Where water pollutants are discharged into public waters (limited to wastewater non-discharge facilities).

(2) The Minister of Environment shall take into account the following when levying effluent charges pursuant to paragraph (1):

- 1. Whether water pollutants exceed the permissible discharge limits set under Article 32;
- 2. Types of water pollutants discharged;
- 3. Period for which water pollutants are discharged;
- 4. Quantity of water pollutants discharged;
- 5. Whether self-measurements are performed under Article 46;
- 6. Other matters prescribed by Ordinance of the Ministry of Environment regarding the pollution and improvement of the water environment.

(3) No effluent charges referred to in paragraph (1) shall be levied on any business entity (excluding business entities who operate wastewater non-discharge facilities; hereafter the same shall apply in this

paragraph) who discharges water pollutants below the standards for effluent water quality, and the Minister of Environment may reduce effluent charges for business entities who discharge water pollutants below the quantity prescribed by Presidential Decree and business entities who have borne the cost of treatment of water pollutants pursuant to other statutes. In such cases, effluent charges for business entities who have borne the cost of treatment of water pollutants pursuant to other statutes shall be reduced by the amount not exceeding such cost.

(4) Where any person liable to pay effluent charges pursuant to paragraph (1) fails to pay such charges by the payment due date, the Minister of Environment shall collect a late-payment penalty from him or her.

(5) Article 21 of the National Tax Collection Act shall apply mutatis mutandis to late-payment penalties collected under paragraph (4).

(6) Effluent charges collected under paragraph (1) and late-payment penalties collected under paragraph (4) shall be deposited, as the revenue, into the special account for environmental improvement under the Framework Act on Environmental Policy.

(7) Where the Minister of Environment delegates his or her authority over the collection of effluent charges or late-payment penalties to a Mayor/Do Governor in his or her jurisdiction pursuant to Article 74, the Minister may pay some of the collected effluent charges and late-payment penalties to the Mayor/Do Governor as collection expenses, as prescribed by Presidential Decree.

(8) Where any person liable to pay effluent charges or late-payment penalties fails to pay the charges or penalties by the payment due date, the Minister of Environment or a Mayor/Do Governor referred to in paragraph (7) shall collect such charges or penalties in the same manner as delinquent national or local taxes are collected.

#### **Article 42 (Revocation of Permission)**

(1) Where a business entity or an operator of prevention facilities falls under any of the following cases, the Minister of Environment may revoke permission to install or to alter the relevant discharging facilities, or order him or her to close the relevant discharging facilities or suspend the operation thereof for a period not exceeding six months: Provided, That where he or she falls under subparagraph 2, the Minister of Environment shall revoke permission to install or to alter the relevant discharging facilities, or order him or her to close the relevant discharging facilities: <Amended by Act No. 15832, Oct. 16, 2018>

1. Where he or she exceeds the permissible discharge limits set under Article 32 (1);
2. Where he or she obtains permission or permission for alteration, or files a report or a report on alteration under Article 33 (1) through (3) by fraud or other improper means;
3. Where he or she fails to install discharging facilities or prevention facilities within five years after he or she obtained permission or filed a report under Article 33 (1) without exceptional circumstances, or where the destruction of discharging facilities or the closure of his or her business has been confirmed;
4. Where a person who has installed wastewater non-discharge facilities pursuant to the proviso of Article 33 (1) operates discharging facilities without installing prevention facilities;

5. Where he or she fails to obtain permission for alteration under Article 33 (2);
6. Where he or she installs or operates discharging facilities in the area in which the installation of discharging facilities is restricted under Article 33 (8), without obtaining permission to install such discharging facilities (including permission for alteration) or filing a report under Article 33 (1) through (3);
7. Where he or she installs, operates, or alters discharging facilities without installing prevention facilities under the main sentence of Article 35 (1);
8. Where a person exempted from installation of prevention facilities pursuant to the proviso of Article 35 (1) discharges pollutants in excess of the permissible discharge limits set under Article 32;
9. Where he or she operates discharging facilities without reporting startup operation or alteration under Article 37 (1);
10. Where he or she engages in any conduct referred to the subparagraphs of Article 38 (1) or the subparagraphs of paragraph (2) of the aforesaid Article;
11. Where he or she fails to install measuring instruments under Article 38-2 (1);
12. Where he or she engages in any conduct referred to in the subparagraphs of Article 38-3 (1);
13. Where he or she fails to comply with an order to suspend operation issued under Article 38-4 (2), 40, or this Article;
14. Where he or she fails to comply with an improvement order issued under Article 39;
15. Where a business entity who installed or operated discharging facilities dismantles the relevant discharging facilities to close his or her business.

(2) Where a business entity or an operator of prevention facilities falls under any of the following cases, the Minister of Environment may order him or her to suspend the operation for a period not exceeding six months:

1. Where he or she fails to report an alteration under Article 33 (2) or (3);
2. Where he or she falsely prepares or fails to keep management records regarding the operation of the discharging facilities and prevention facilities under Article 38 (3);
3. Where he or she fails to appoint an environmental engineer under Article 47 or appoints an environmental engineer not meeting qualification standards, or an environmental engineer does not work on a regular basis.

#### **Article 43 (Imposition of Penalty Surcharges)**

(1) Where the Minister of Environment must order a business entity who installs or operates any of the following discharging facilities (excluding wastewater non-discharge facilities) to suspend the operation thereof pursuant to Article 42, but such suspension of operation is deemed likely to substantially hinder the livelihood of residents, the national economy, including the nation's international credit rating, employment, and prices, or the public interest, the Minister may impose a penalty surcharge not exceeding 300 million won, in lieu of ordering the suspension of operation:



1. Discharging facilities of medical institutions referred to in the Medical Service Act;
2. Electricity-generating facilities and equipment of power plants;
3. Discharging facilities of schools referred to in the Elementary and Secondary Education Act and the Higher Education Act;
4. Discharging facilities of manufacturing businesses;
5. Other discharging facilities prescribed by Presidential Decree.

(2) Notwithstanding paragraph (1), the Minister of Environment shall order the suspension of operation for the following violations: *<Amended by Act No. 13879, Jan. 27, 2016>*

1. Where a person responsible for installing prevention facilities (including common prevention facilities) pursuant to Article 35 operates discharging facilities without installing the prevention facilities;
2. Where a person has engaged in any conduct referred to in the subparagraphs of Article 38 (1) and becomes subject to suspension of operation for at least 30 days;
3. Where a person has engaged in any conduct referred to in the subparagraphs of Article 38-3 (1) and becomes subject to suspension of operation for at least 5 days;
4. Where a person fails to comply with an improvement order issued under Article 39.

(3) Where a business entity fails to pay a penalty surcharge under paragraph (1) by the payment due date, the Minister of Environment shall collect the penalty surcharge in the same manner as delinquent national taxes are collected.

(4) Penalty surcharges collected under paragraph (1) shall be deposited, as the revenue, into the special account for environmental improvement under the Framework Act on Environmental Policy.

(5) Where the Minister of Environment delegates his or her authority over the imposition and collection of penalty surcharges to a Mayor/Do Governor pursuant to Article 74, Article 41 (7) and (8) shall apply *mutatis mutandis* to the payment of collection expenses.

(6) Types of violations subject to penalty surcharges under paragraph (1), the amount of penalty surcharges based on the severity of violations, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 44 (Orders to Close Illegal Facilities)**

The Minister of Environment shall order a person who installs or uses discharging facilities without obtaining permission or filing a report under Article 33 (1) through (3) to suspend the use of the relevant discharging facilities: Provided, That where the Minister of Environment deems that the improvement of the relevant discharging facilities or the installation or improvement of prevention facilities could not lower the level of water pollutants discharged from such discharging facilities below the permissible discharge limits set under Article 32 (referring to where wastewater discharged from wastewater non-discharge facilities is deemed likely to be discharged into public waters), or the place in which the discharging facilities are installed is a place subject to prohibition of the installation of the relevant discharging facilities pursuant to other statutes, the Minister of Environment shall order him or her to

close such discharging facilities.

**Article 45 (Reporting on, and Verification of, Compliance with Orders)**

(1) Where any person subject to an improvement order, an order to suspend operation, an order to suspend use, or an order of closure under Article 38-4 (2), 39, 40, 42, or 44 complies with such order, he or she shall immediately report thereon to the Minister of Environment.

(2) Upon receipt of a report under paragraph (1), the Minister of Environment shall immediately require relevant public officials to verify the compliance with the relevant order or the completion of improvement, and where he or she deems it necessary to test the level of pollution of wastewater, he or she shall require relevant public officials to collect samples, and instruct or request a testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution.

**Article 46 (Measurement of Water Pollutants)**

A business entity may conduct self-measurements of water pollutants released from discharging facilities and prevention facilities he or she operates, and may require any measuring agency business entity registered under Article 16 of the Environmental Testing and Inspection Act to measure the water pollutants, in order to properly operate his or her discharge facilities and prevention facilities. *<Amended by Act No. 10615, Apr. 28, 2011>*

**Article 46-2 (Examination of Discharge Quantity of Specific Substances Harmful to Water Quality and Verification of Results of Examination)**

(1) A person prescribed by Ordinance of the Ministry of Environment among those who have obtained permission to install a discharge facility (including permission to alter a discharge facility) pursuant to Article 33 (1) shall examine the kinds, handling quantity, and discharge quantity of specific substances harmful to water quality discharged from a business establishment (hereinafter referred to as "examination of the discharge quantity of specific substances harmful to water quality") every year, and submit the results thereof to the Minister of Environment: Provided, That the foregoing shall not apply where he or she submits data necessary to examine the discharge quantity of chemical substances pursuant to Article 11 (2) of the Chemical Substances Control Act.

(2) In order to secure the reliability of the results of examination of the discharge quantity of specific substances harmful to water quality, the Minister of Environment shall verify such results, as prescribed by Ordinance of the Ministry of Environment. In such cases, he or she may order a person prescribed by Ordinance of the Ministry of Environment to submit information necessary to verify the results.

(3) The details, methods, and timing of examination of the discharge quantity of specific substances harmful to water quality, the timing of submitting the results of examination, etc. shall be prescribed by Ordinance of the Ministry of Environment.

**Article 46-3 (Disclosure of Results of Examination of Discharge Quantity of Specific Substances Harmful to Water Quality)**

(1) Where the Minister of Environment has completed verification of the results of examination of the discharge quantity of specific substances harmful to water quality, he or she shall disclose the results of

such examination for each business establishment: Provided, That the foregoing shall not apply where the disclosure thereof falls under any of the followings:

1. Where the disclosure is deemed to cause a significant obstacle to national security, maintenance of order, or public welfare;
2. Where it is deemed to cause disruption in the use of the results, because the reliability of verification results is low;
3. Where the results fall under the category of trade secret under subparagraph 2 of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act: Provided, That the following information shall be excluded:

- (a) Information necessary to be disclosed to protect human life, body or health from the harm caused by business activities;
- (b) Information necessary to be disclosed to protect the property or life of people from illegal or unfair business activities.

(2) The Minister of Environment may establish and operate a computer network in order to manage and disclose information and statistics related to the examination of the discharge quantity of specific substances harmful to water quality and the verification thereof.

(3) Matters necessary for the disclosure of the results of examination of the discharge quantity of specific substances harmful to water quality and the establishment and operation of a computer network shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 46-4 (Conclusion of Voluntary Agreement)**

(1) The Minister of Environment or the head of a local government may enter into an agreement with a person who installs and operates a discharge facility or an organization which consists of such persons in order to promote endeavors to reduce the discharge of specific substances harmful to water quality.

(2) The Minister of Environment or the head of a local government may provide persons who enter into an agreement pursuant to paragraph (1) with support necessary for the voluntary implementation of the agreement.

#### **Article 47 (Environmental Engineers)**

(1) A business entity shall appoint environmental engineers to ensure the normal operation and management of discharging facilities and prevention facilities, as prescribed by Presidential Decree.

(2) Environmental engineers shall direct and supervise persons who work in discharging facilities and prevention facilities to comply with this Act or orders issued under this Act, and manage discharging facilities and prevention facilities to operate normally.

(3) Business entities shall oversee the matters managed by environmental engineers under paragraph (2).

(4) No business entity or person who works for discharging facilities and prevention facilities shall interfere with the business practices of any environmental engineer for the normal operation and management of discharging facilities and prevention facilities, and upon receipt of a request necessary to conduct business affairs from environmental engineers, he or she shall comply therewith, without good

cause.

(5) The scope of places of business required to employ environmental engineers pursuant to paragraph (1) and qualification standards for environmental engineers shall be prescribed by Presidential Decree.

#### **Article 48 (Installation of Public Wastewater Treatment Facilities)**

(1) To jointly treat water pollutants discharged from business establishments in an area where it is deemed impracticable to maintain environmental standards or that it is deemed necessary to conserve the water environments due to worsening water pollution, and discharge treated wastewater, the State, local governments, and the Korea Environment Corporation may install and operate public wastewater treatment facilities, and the State and local governments may outsource the installation or operation of public wastewater treatment facilities to any of the followings. In such cases, business entities or other persons who have directly caused water pollution (hereinafter referred to as "polluter") shall fully or partially bear expenses incurred in the installation and operation of the public wastewater treatment facilities: <Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>

1. The Korea Environment Corporation;

2. An undertaker of an industrial complex development project designated under Article 16 (1) (excluding subparagraphs 5 and 6) of the Industrial Sites and Development Act;

3. A project undertaker defined in subparagraph 7 of Article 2 of the Act on Public-Private Partnerships in Infrastructure;

4. Any person prescribed by Presidential Decree, who has the capability to install or operate wastewater treatment facilities, corresponding to those referred to in subparagraphs 1 through 3.

(2) Types of public wastewater treatment facilities to be installed under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 48-2 (Imposition and Collection of Charges for Installation of Public Wastewater Treatment Facilities)**

(1) Any person who installs and operates public wastewater treatment facilities (hereinafter referred to as "operator") pursuant to Article 48 may impose and collect charges for installation of public wastewater treatment facilities (hereinafter referred to as "charge for installation of public wastewater treatment facilities") on and from polluters to fully or partially cover expenses incurred in the installation of such public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(2) The total amount of charges for the installation of public wastewater treatment facilities shall not exceed the amount an operator spends in relation to the installation of such public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(3) A charge for installation of public wastewater treatment facilities imposed on a polluter shall be determined based on the type and scale of business of the polluter, and the quantity of pollutants, etc. discharged by the polluter. <Amended by Act No. 13879, Jan. 27, 2016>

(4) The State and local governments may take measures necessary to provide tax breaks or financial support to small and medium business entities so that their production activities and investment motivation

may not be discouraged due to their cost burdens under this Act.

(5) Methods for calculating charges for installation of public wastewater treatment facilities under paragraphs (1) through (3), methods and procedures for imposing and collecting such charges, and other necessary matters, shall be prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 48-3 (Imposition and Collection of User Fees of Public Wastewater Treatment Facilities)**

(1) An operator may impose and collect a fee for the use of public wastewater treatment facilities (hereinafter referred to as "user fee for public wastewater treatment facilities") on and from polluters to fully or partially cover the expenses incurred in operating the public wastewater treatment facilities.

(2) A user fee for public wastewater treatment facilities imposed on a polluter shall be determined based on the type and scale of business of the polluter, and the quantity of pollutants, etc, discharged by the polluter.

(3) No user fee for public wastewater treatment facilities collected pursuant to paragraph (1) shall be used for any purpose other than for the public wastewater treatment facilities.

(4) Methods for calculating user fees for public wastewater treatment facilities under paragraphs (1) and (2), methods and procedures for imposing and collecting such fees, and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 49 (Master Plans for Public Wastewater Treatment Facilities)**

(1) The Minister of Environment shall formulate a master plan to install public wastewater treatment facilities (including any alteration thereto) pursuant to Article 48 (1). <Amended by Act No. 13879, Jan. 27, 2016>

(2) An operator (excluding the Minister of Environment) who intends to install public wastewater treatment facilities (including any alteration thereto) pursuant to Article 48 (1) shall formulate a master plan for the public wastewater treatment facilities and obtain approval thereof from the Minister of Environment, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

(3) Upon having formulated or approved (including approval for any alteration; hereafter the same shall apply in this Article) a master plan for public wastewater treatment facilities pursuant paragraphs (1) and (2), the Minister of Environment shall designate a public wastewater treatment area and publicly notify the details of such designation and the master plan for public wastewater treatment facilities formulated or approved, and forward a copy of the master plan to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu having jurisdiction over the proposed project area. <Amended by Act No. 13879, Jan. 27, 2016>

(4) Upon receipt of a copy of the master plan for public wastewater treatment facilities forwarded under paragraph (3), the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu shall immediately allow interested parties to access it. <Amended by Act No. 13879, Jan. 27, 2016>

(5) Any person who intends to install public wastewater treatment facilities after obtaining approval of a master plan pursuant to paragraph (2) shall incorporate the conditions of the approval in the basic design

and detailed design of such facilities, as prescribed by Ordinance of the Ministry of Environment.  
<Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 49-2 (Cost Apportionment Plans)**

(1) Upon having formulated a master plan pursuant to Article 49 (1), the Minister of Environment shall formulate a plan regarding apportionment of costs (hereinafter referred to as "cost apportionment plan") necessary for the relevant project, and notify polluters of the cost apportionment plan, as prescribed by Presidential Decree.

(2) Upon having obtained approval of a master plan for public wastewater treatment facilities pursuant to Article 49 (2), an operator (excluding the Minister of Environment) shall formulate a cost apportionment plan and obtain approval thereof from the Minister of Environment, as prescribed by Presidential Decree. The same shall also apply to any alteration to such plan. <Amended by Act No. 13879, Jan. 27, 2016>

(3) To approve a cost apportionment plan or any alteration thereto pursuant to paragraph (2), the Minister of Environment shall determine a period for implementing the relevant project.

(4) Upon having obtained approval of a cost apportionment plan or approval for an alteration thereto pursuant to paragraph (2), an operator (excluding the Minister of Environment) shall notify polluters of such approval.

#### **Article 49-3 (Succession to Rights and Duties)**

A person who has acquired a factory, a place of business, or other establishment subject to the imposition of charges for installation of public wastewater treatment facilities shall succeed to the transferor's rights and duties regarding the charges for installation of public wastewater treatment facilities imposed pursuant to this Act prior to the transfer, unless otherwise expressly agreed upon between interested parties.

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

#### **Article 49-4 (Expropriation and Use)**

(1) Any operator may expropriate or use land, buildings or fixtures on such land necessary to install public wastewater treatment facilities, or rights, other than the ownership of the land, buildings, and fixtures.

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

(2) The Act on Acquisition of and Compensation for Land for Public Works Projects shall apply to expropriation or use under paragraph (1), except as otherwise expressly provided for in this Act.

(3) Where the Act on Acquisition of and Compensation for Land for Public Works Projects applies pursuant to paragraph (2), approval of a master plan for public wastewater treatment facilities under Article 49 of this Act or approval for any alteration thereto shall be construed as project approval under Article 20 (1) of the aforesaid Act; and notwithstanding Articles 23 (1) and 28 (1) of the aforesaid Act, an application for ruling shall be filed within the implementation period of the relevant project determined when a cost apportionment plan or any alteration thereto is approved under Article 49-2 of this Act.

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

#### **Article 49-5 (Payment of Charges for Installation of Public Wastewater Treatment Facilities and User Fees)**

Charges for installation of public wastewater treatment facilities (only applicable to where an operator is the State) or user fees for public wastewater treatment facilities (only applicable to where an operator is the State) shall be deposited, as the revenue, into the Special Account for Environmental Improvement under the Framework Act on Environmental Policy: Provided, That where the State outsources operation business of public wastewater treatment facilities to other entities pursuant to Article 48 (1), the State shall transfer the collected user fees for public wastewater treatment facilities to the entities to whom operation business is outsourced. <Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 49-6 (Compulsory Collection)**

(1) Where a person liable to pay charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities fails to do so by the payment due date, an operator shall issue a demand notice to the person, specifying a period of at least ten days. In such cases, the operator shall levy a late-payment penalty equivalent to three percent of unpaid charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(2) Where any person in receipt of the demand notice issued under paragraph (1) fails to pay charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities by the specified due date, an operator may collect such charges or user fees in the same manner as delinquent national or local taxes are collected. In such cases, the operator shall obtain a prior approval from the Minister of Environment if such operator is any of the entities referred to in Article 48 (1) (hereinafter referred to as the "Korea Environment Corporation, etc."). <Amended by Act No. 13879, Jan. 27, 2016>

(3) The Korea Environment Corporation, etc. may entrust the collection of charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities to the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree, and the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu entrusted with such collection shall collect the charges in the same manner as delinquent local taxes are collected. In such cases, the Korea Environment Corporation, etc. shall pay some of the collected charges to him or her as collection expenses, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 49-7 (Reporting)**

An operator may request the submission of necessary report or information from polluters of a public wastewater treatment area if deemed necessary to formulate a master plan under Article 49 and a cost apportionment plan under Article 49-2. In such cases, the polluters shall comply therewith, except in exceptional circumstances. <Amended by Act No. 13879, Jan. 27, 2016>

#### **Article 50 (Operation and Management of Public Wastewater Treatment Facilities)**

(1) No person who operates public wastewater treatment facilities shall engage in any of the following conducts unless good cause prescribed by Ordinance of the Ministry of Environment exists, such as

rainfall, an accident or otherwise necessary for the treatment process: <Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>

1. Discharging water pollutants that flow into wastewater pipelines under Article 51 (2) without flowing them into public wastewater treatment facilities, or installing facilities that can discharge water pollutants without flowing them into public wastewater treatment facilities;
2. Discharging water pollutants that flow into public wastewater treatment facilities without passing through the final discharge outlet, or installing facilities that can discharge water pollutants without passing through the final discharge outlet;
3. Treating water pollutants that flow into public wastewater treatment facilities by mixing them with unpolluted water, or discharging water pollutants by mixing them with water to lower the pollution level before water pollutants that exceed the standards for effluent water quality pass the final discharge outlet.

(2) Every operator of public wastewater treatment facilities shall operate such facilities appropriately in compliance with standards for maintenance and management prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13879, Jan. 27, 2016>

(3) The Minister of Environment may regularly evaluate the operation and management of public wastewater treatment facilities, and shall prescribe and publicly notify matters necessary for such evaluation, including evaluation indicators and methods. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

(4) Where the Minister of Environment deems that public wastewater treatment facilities are operated and managed not in compliance with the standards referred to in paragraph (2), he or she may order the operator of the public wastewater treatment facilities to take necessary measures, such as improving such facilities, within a specified period, as prescribed by Presidential Decree. <Amended by Act No. 13879, Jan. 27, 2016>

(5) The Minister of Environment may pay prize money to operators that have shown outstanding performance in an evaluation of the operation and management of their public wastewater treatment facilities under paragraph (3) within budgetary limits; and matters necessary for paying the prize money, including criteria and procedures for payment, shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13879, Jan. 27, 2016>

#### **Article 50-2 (Technical Diagnosis)**

(1) Every operator shall conduct a technical diagnosis of public wastewater treatment facilities every five years to inspect the management conditions of such facilities, and notify the Minister of Environment of the findings of such diagnosis.

(2) An operator may outsource a technical diagnosis referred to in paragraph (1) to the Korea Environment Corporation or an institution specializing in technical diagnosis under Article 20-2 of the Sewerage Act (hereinafter referred to as "institution specializing in technical diagnoses"): Provided, That upon outsourcing the operation of public wastewater treatment facilities, an operator shall not outsource a technical diagnosis.



(3) Where public wastewater treatment facilities are found to be managed inappropriately through the technical diagnosis conducted under paragraph (1), an operator shall take necessary measures, such as formulating and implementing an improvement plan.

(4) Articles 20-2 and 20-4 of the Sewerage Act shall apply mutatis mutandis where an institution specializing in technical diagnoses conducts a technical diagnosis of public wastewater treatment facilities.

(5) Public wastewater treatment facilities that should undergo the technical diagnosis under paragraph (1), the details of such technical diagnosis, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 51 (Installation and Management of Drainage Facilities)**

(1) An operator shall install and manage wastewater pipelines in order to send wastewater from a business establishment to a public wastewater treatment facility.

(2) A person prescribed by Presidential Decree, who intends to install a discharge facility or to discharge wastewater in a public wastewater treatment area, shall send wastewater discharged from the relevant business establishment to wastewater pipelines and shall install and manage a drainage facility, such as drainage pipelines, necessary for the discharge of wastewater.

(3) Installation methods, structural standards, etc. of wastewater pipelines and drainage facilities that should be installed pursuant to paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment: Provided, That if otherwise prescribed by other statutes and regulations, such provisions shall apply thereto.

(4) Where necessary for the management, etc. of wastewater which flows into public wastewater treatment facilities, the Korea Environment Corporation, etc. may request the Minister of Environment or the Mayor/Do Governor to conduct an inspection under Article 68 (1) on a person who discharges wastewater into public wastewater treatment facilities.

#### **Article 52 (Management of Domestic Sewage and Livestock Excreta)**

The management of domestic sewage and livestock excreta shall be governed by the Sewerage Act, and the Act on the Management and Use of Livestock Excreta, respectively.

#### **Article 53 (Reporting on Installation of Non-Point Pollution Sources, Matters to Be Observed, and Improvement Orders)**

(1) The following persons shall file a report to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he or she intends to alter any matters prescribed by Presidential Decree among the reported matters:

1. A person who intends to perform a project prescribed by Presidential Decree, which is to an urban development project or industrial complex creation project of at least the scale prescribed by Presidential Decree, or which causes pollution by non-point pollution sources;
2. A person who installs steelmaking facilities, fabric dyeing facilities, or other wastewater discharge facilities prescribed by Presidential Decree in a place of business of at least the scale prescribed by Presidential Decree;

3. A person who falls under subparagraph 1 or 2 due to the occurrence of circumstances prescribed by Presidential Decree, such as the resumption of business, or extension of a place of business.

(2) Where a person files a report or a report on alteration under paragraph (1), he or she shall submit documents prescribed by Ordinance of the Ministry of Environment, such as a plan for reducing non-point source pollution, including a plan for installing non-point pollution reduction facilities.

(3) The Minister of Environment shall notify a person who has filed a report of whether or not to accept such report or report on alteration pursuant to paragraph (1) within 20 days from the date of receiving the report or report on alteration. *<Newly Inserted by Act No. 15832, Oct. 16, 2018>*

(4) If the Minister of Environment fails to notify a person who has filed a report of whether or not to accept such report or of the extension of the handling period under the statutes and regulations concerning the handling of civil petitions within the period specified in paragraph (3), the report shall be deemed accepted on the day following the end of the period (referring to the extended or re-extended period if the handling period is extended or re-extended under the statutes and regulations concerning the handling of civil petitions). *<Newly Inserted by Act No. 15832, Oct. 16, 2018>*

(5) Any person who has filed a report or a report on alteration pursuant to paragraph (1) (hereinafter referred to as "business entity who reports the installation of non-point pollution source") shall install non-point pollution reduction facilities in accordance with standards prescribed by Ordinance of the Ministry of Environment by the time prescribed by Ordinance of the Ministry of Environment: Provided, That he or she need not install non-point pollution reduction facilities in any of the following circumstances: *<Amended by Act No. 12519, Mar. 24, 2014>*

1. Where the level of pollution of stormwater runoff at a place of business referred to in paragraph (1) 2 or 3 is always below the permissible discharge limits set under Article 32, which is acknowledged by the Minister of Environment, as prescribed by Presidential Decree;

2. Where he or she treats stormwater runoff by flowing it into buffer storage facilities installed under Article 21-4;

3. Where one site is occupied by at least two persons falling under any subparagraph of paragraph (1), deemed, by the Minister of Environment, capable of properly managing non-point pollution sources, as prescribed by Ordinance of the Ministry of Environment.

(6) Every business entity who has reported the installation of a non-point pollution source shall observe the following matters in conducting his or her business, or installing and operating facilities: *<Amended by Act No. 15832, Oct. 16, 2018>*

1. Implementing as specified in his or her plan for reducing non-point source pollution;

2. Operating and managing non-point pollution reduction facilities, as prescribed by Ordinance of the Ministry of Environment, including maintenance in compliance with standards for installation prescribed under paragraph (5);

3. Other matters prescribed by Ordinance of the Ministry of Environment in order to properly control non-point pollution sources.

(7) The Minister of Environment may order a person who has failed to comply with any of the matters to be observed under paragraph (6) to implement as specified in his or her plan for reducing non-point source pollution or to install or improve non-point pollution reduction facilities within a fixed period, as prescribed by Presidential Decree. <Amended by Act No. 15832, Oct. 16, 2018>

(8) Where the Minister of Environment intends to review a plan for reducing non-point source pollution submitted under paragraph (2) or to acknowledge a place of business which does not require non-point pollution reduction facilities pursuant to paragraph (5) 1 or 3, he or she may hear the opinions on the appropriateness thereof from relevant specialized institutions prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 15832, Oct. 16, 2018>

(9) Article 36 shall apply mutatis mutandis to succession to the rights and duties of a business entity who has reported the installation of a non-point pollution source. In such cases, "business entity" shall be construed as "business entity who has reported the installation of a non-point pollution source"; "discharging facilities and prevention facilities" as "non-point pollution source or non-point pollution reduction facilities"; "permission, permission for alteration, a report or a report on alteration" as "report or a report on alteration"; "lease" as "lease or replacement of the main agent of operation and management"; a "lessee" shall be construed as a "lessee or a replaced operation and management body"; and "Articles 38, 38-2 through 38-5, 39 through 41, 42 (excluding revocation of permission), 43, 46, 47, and 68 (1) 1" as "paragraphs (6) and (7) and Article 68 (1) 3," respectively. <Amended by Act No. 15832, Oct. 16, 2018>

(10) Matters necessary for the methods of preparing plans for reducing non-point source pollution under paragraph (2), etc. shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 53-2 (Installation of Non-Point Pollution Reduction Facilities to Ensure Water Quality of Water Sources)**

(1) The State or local governments shall install non-point pollution reduction facilities on a road prescribed by Presidential Decree among roads defined in subparagraph 1 of Article 2 of the Road Act, if such road is located in any of the following areas:

1. A water source protection area;
2. A certain area in the upstream or downstream of water intake facilities, which is within a distance prescribed by Ordinance of the Ministry of Environment in cases of areas not publicly notified as water source protection areas;
3. A special-measures area;
4. A riparian zone designated and publicly notified, respectively, under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on Water Management and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
5. An area prescribed by Ordinance of the Ministry of Environment as it could seriously pollute the water source.

(2) The State may provide subsidies to local governments that intend to install non-point pollution reduction facilities as prescribed in paragraph (1).

**Article 53-3 (Performance Testing of Non-Point Pollution Reduction Facilities)**

(1) Any person who manufactures or imports non-point pollution reduction facilities shall have the performance of the non-point pollution reduction facilities tested by the Minister of Environment before supplying the non-point pollution reduction facilities to those who intend to install them under the main sentence of Article 53 (5). If the person seeks to alter any of the matters prescribed by Ordinance of the Ministry of Environment concerning the performance of the non-point pollution reduction facilities that have undergone performance testing, it shall have the performance thereof retested.

(2) The certification in performance testing under paragraph (1) shall be valid for five years from the date the certification is granted.

(3) Upon completion of performance testing pursuant to paragraph (1), the Minister of Environment shall issue a certificate of performance testing, as prescribed by Ordinance of the Ministry of Environment.

(4) Any person who manufactures or imports non-point pollution reduction facilities shall provide a certificate of performance testing under paragraph (3) when supplying a non-point pollution reduction facility so that a person who intends to install such facility can confirm the performance test result.

(5) Matters necessary for the items of performance testing under paragraph (1), and the standards, methods and procedures therefor, shall be prescribed by Ordinance of the Ministry of Environment.

[Previous Article 53-3 moved to Article 53-5 <by Act No. 15832, Oct. 16, 2018>]

**Article 53-4 (Revocation of Performance Testing Certification)**

The Minister of Environment shall revoke his or her performance testing certification if a non-point pollution reduction facility that has undergone performance testing under Article 53-3 (1) falls under any of the following:

1. Where the performance testing is conducted by fraud or other improper means;
2. Where the non-point pollution reduction facility that has undergone performance testing and the non-point pollution reduction facility manufactured or imported are different from each other.

**Article 53-5 (Formulation of Comprehensive Plan to Manage Non-Point Pollution Sources)**

(1) For the comprehensive management of non-point pollution sources, the Minister of Environment shall formulate a comprehensive plan to manage non-point pollution sources (hereinafter referred to as "comprehensive plan") every five years in consultation with the heads of related central administrative agencies and relevant Mayors/Do Governors, as prescribed by Presidential Decree.

(2) A comprehensive plan shall include the following: <Amended by Act No. 15832, Oct. 16, 2018>

1. Status and outlooks of non-point pollution sources;
2. Status of the occurrence of, and outlooks of non-point source pollutants;
3. Basic goals of, and direction-setting for, the management of non-point pollution sources;
4. Mid- and long-term water cycle goals for each of the following:

(a) Impervious area ratio by City/Do and by small sphere of influence (referring to the ratio of impervious surface to the total area);

(b) Water cycle ratio by City/Do and by small sphere of influence (referring to the ratio of rainwater permeation, retention, and evaporation to the total rainfall);

5. Detailed implementation measures to reduce non-point source pollutants;

6. Other matters prescribed by Presidential Decree to manage non-point pollution sources.

(3) Upon formulating a comprehensive plan, the Minister of Environment shall notify the heads of related central administrative agencies and relevant Mayors/Do Governors of the comprehensive plan.

(4) The Minister of Environment may request the heads of related central administrative agencies and relevant Mayors/Do Governors to submit materials necessary to assess the implementation of their jurisdictional affairs in the comprehensive plan. In such cases, the heads of related central administrative agencies and relevant Mayors/Do Governors in receipt of a request for the submission of materials shall comply therewith, except in exceptional circumstances.

(5) The Minister of Environment shall annually compile results of the assessment conducted under paragraph (4) and evaluate them, as prescribed by Presidential Decree; and reflect the outcomes of such evaluation in the formulation and implementation of policies for the management of non-point pollution sources.

(6) For the effective evaluation under paragraph (5), the Minister of Environment may request a specialized institution to conduct necessary research, analysis, etc.

(7) Detailed methods for the calculation of the impervious area ratio and the water cycle ratio under subparagraph 4 of paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. <Newly

*Inserted by Act No. 15832, Oct. 16, 2018>*

*[Moved from Article 53-3 <by Act No. 13879, Jan. 27, 2016>]*

#### **Article 54 (Designation of Management Areas)**

(1) The Minister of Environment may designate an area, in which stormwater runoff released from a non-point pollution source compromise, or is likely to compromise, the purposes of rivers, lakes and marshes, or causes or is likely to cause serious harm to the health or property of residents, or the natural ecosystems, as a non-point pollution source management area (hereinafter referred to as "management area") in consultation with the competent Mayor/Do Governor.

(2) The Mayor/Do Governor may request the Minister of Environment to designate an area within his or her jurisdiction, in which non-point pollution sources need to be managed, as a management area.

(3) Where the Minister of Environment deems it necessary to cancel the designation of a management area as the ground for designation has ceased to exist or it is impracticable to accomplish the purposes of the designation thereof, he or she may wholly or partially cancel the designation of the management area.

(4) Criteria and procedures for designation of management areas, and other necessary matters, shall be prescribed by Presidential Decree.

(5) Where the Minister of Environment designates a management area or cancels the designation thereof, he or she shall publicly notify the location and surface area of the management area, the date of designation, the purposes of designation, the date of cancellation, grounds for cancellation, and other matters prescribed by Ordinance of the Ministry of Environment.

**Article 55 (Formulation of Management Measures)**

(1) Upon having designated or publicly notified a management area, the Minister of Environment shall formulate management measures for non-point pollution sources (hereinafter referred to as "management measures"), including the following matters, in consultation with the heads of related central administrative agencies and the Mayors/Do Governors:

1. Management objectives;
2. Types and quantity of water pollutants subject to management;
3. Prevention of the generation of water pollutants subject to management and a plan to reduce them;
4. Other matters prescribed by Ordinance of the Ministry of Environment to properly manage the management area.

(2) When the Minister of Environment has formulated management measures, he or she shall notify the Mayors/Do Governors of the management measures.

(3) The Minister of Environment may request the heads of related central administrative agencies, Mayors/Do Governors, and the heads of related institutions or organizations to submit materials necessary to formulate management measures.

**Article 56 (Formulation of Action Plans)**

(1) Upon receipt of notice of management measures from the Minister of Environment pursuant to Article 55 (2), a Mayor/Do Governor shall formulate a plan to implement the management measures (hereinafter referred to as "action plan") including the following matters, and implement the action plan after obtaining approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where the Mayor/Do Governor intends to alter matters prescribed by Ordinance of the Ministry of Environment in the action plan: *<Amended by Act No. 15832, Oct. 16, 2018>*

1. Current status of, and plans for, development of the management area;
2. Current status of the generation of water pollutants subject to management measures in the management area, and expected changes in the quantity of water pollutants to be generated due to a regional development plan;
3. Prevention of the generation of water pollutants subject to management measures, such as environment-friendly development;
4. A plan to reduce water pollutants subject to management measures, including installing and operating prevention facilities and reducing impervious surfaces;
5. Other matters prescribed by Ordinance of the Ministry of Environment to implement management measures.

(2) Each Mayor/Do Governor shall prepare a report assessing the outcomes of implementation of the action plan of the preceding year and submit the report to the Minister of Environment by the end of March each year, as prescribed by Ordinance of the Ministry of Environment.

(3) If deemed necessary for efficiently implementing the management measures and the action plan after reviewing the assessment report submitted pursuant to paragraph (2), the Minister of Environment may request a relevant Mayor/Do Governor to supplement or alter the action plan. In such cases, the relevant Mayor/Do Governors shall comply therewith, except in exceptional circumstances.

(4) Where the relevant Mayor/Do Governor fails to comply with a request made under paragraph (3), the Minister of Environment may take measures, such as suspending or curtailing financial support.

#### **Article 57 (Subsidies from Budget)**

The Minister of Environment may fully or partially subsidize expenses incurred in formulating or implementing action plans, within budgetary limits.

#### **Article 57-2 (Technical Development and Research)**

In order to develop and disseminate technology necessary to manage and reduce non-point pollution sources, the Minister of Environment may require a specialized research institution prescribed by Ordinance of the Ministry of Environment to promote the research and development of such technology, and provide the specialized research institution with financial support.

#### **Article 58 (Tolerances for Pesticide Residues)**

(1) The Minister of Environment may set tolerances for pesticide residues in water or soil, if deemed necessary to prevent the pollution of water or soil.

(2) When the Minister of Environment deems that levels of pesticide residues in water or soil exceed or are likely to exceed tolerances set under paragraph (1), he or she may request the heads of related administrative agencies to take necessary measures, such as prohibiting manufacturing or alteration of the relevant pesticide, or collecting and discarding the relevant products. In such cases, the heads of the related administrative agencies shall comply therewith, except in exceptional circumstances.

#### **Article 59 (Recommending on Methods of Cultivating Land in High Altitude Regions)**

(1) In order to conserve the water environments of public waters, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may recommend that persons who cultivate farmland with at least a gradient prescribed by Ordinance of the Ministry of Environment among farmland located in areas higher than the sea level prescribed by Ordinance of the Ministry of Environment change the methods of cultivation, reduce the use of pesticides and fertilizer, and let farmland lie fallow. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) The Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may compensate for losses incurred to farmers by cultivating crops, or by letting their farmland lie fallow upon recommendation under paragraph (1), as prescribed by Presidential Decree.

#### **Article 60 (Reporting on Installation of Other Water Pollution Sources)**

(1) Any person who intends to install or manage other water pollution sources shall report thereon to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he or she intends to alter any reported matter.

(2) The Minister of Environment shall notify a person who has filed a report of whether or not to accept such report or report on alteration, within five days of receiving the report pursuant to the former part of paragraph (1) or within four days of receiving the report on alteration pursuant to the latter part of the same paragraph. *<Newly Inserted by Act No. 15832, Oct. 16, 2018>*

(3) If the Minister of Environment fails to notify a person who has filed a report of whether or not to accept such report or of the extension of the handling period thereof under statutes and regulations concerning the handling of civil petitions, within the relevant period specified in paragraph (2), the report shall be deemed accepted on the day following the end of the period (referring to the extended or re-extended period if the handling period is extended or re-extended under the statutes and regulations concerning the handling of civil petitions). *<Newly Inserted by Act No. 15832, Oct. 16, 2018>*

(4) Any person who installs or manages other water pollution sources shall take necessary measures, such as installing facilities to prevent or control the discharge of water pollutants, as prescribed by Ordinance of the Ministry of Environment.

(5) Where the Minister of Environment deems that facilities or measures to control the discharge of water pollutants under paragraph (4) are inappropriate, he or she shall order the improvement of such facilities or measures within a fixed period, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 15832, Oct. 16, 2018>*

(6) Where a person who has filed a report pursuant to paragraph (1) violates an improvement order issued under paragraph (5), the Minister of Environment may order the suspension of operation or closure of the relevant water pollution source. *<Amended by Act No. 15832, Oct. 16, 2018>*

(7) Articles 36 and 44 shall apply mutatis mutandis to other water pollution sources.

#### **Article 61 (Restrictions on Use of Pesticides on Golf Courses)**

(1) No person who installs or manages a golf course shall use any pesticides prescribed by Presidential Decree, which are fatally or highly poisonous (hereinafter referred to as "fatally or highly poisonous pesticides"), among pesticides defined in subparagraph 1 of Article 2 of the Pesticide Control Act, on the lawn and trees of the golf course: Provided, That the foregoing shall not apply where the head of the competent administrative agency deems it inevitable to prevent and exterminate harmful insects and infectious tree diseases.

(2) The Minister of Environment shall ascertain whether fatally or highly poisonous pesticides are used on golf courses, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 61-2 (Reporting and Management of Water Play Facilities)**

(1) A person who intends to establish and operate the following water play facilities, shall report to the Minister of Environment or a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply where he or she intends to alter any of the important matters



prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 15832, Oct. 16, 2018>

1. Water play facilities (including those operated by a private business entity, etc. under an entrustment contract) established and operated by the State, a local government or any other public institution prescribed by Presidential Decree (hereinafter referred to as "public institution");
2. Water play facilities installed and operated by any person other than a public institution within any of the following facilities:
  - (a) An institution providing public health and medical services under subparagraph 4 of Article 2 of the Public Health and Medical Services Act;
  - (b) A tourist destination and a tourist complex under subparagraphs 6 and 7 of Article 2 of the Tourism Promotion Act;
  - (c) An urban park under subparagraph 3 of Article 2 of the Act on Urban Parks, Green Areas;
  - (d) A sports facility under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act;
  - (e) A children's amusement facility under subparagraph 2 of Article 2 of the Act on the Safety Control of Children's Amusement Facilities;
  - (f) Multi-family housing under subparagraph 3 of Article 2 of the Housing Act;
  - (g) A superstore under subparagraph 3 of Article 2 of the Distribution Industry Development Act;
  - (h) Other facilities prescribed by Ordinance of the Ministry of Environment.
- (2) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report of whether or not to accept such report or report on alteration, within ten days of receiving the report pursuant to the former part of paragraph (1), with the exception of its subparagraphs, or within five days of receiving the report on alteration pursuant to the latter part of the same paragraph, with the exception of its subparagraphs. <Newly Inserted by Act No. 15832, Oct. 16, 2018>
- (3) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report of whether or not to accept such report or of the extension of the handling period thereof under statutes and regulations concerning the handling of civil petitions, within the relevant period specified in paragraph (2), the report shall be deemed accepted on the day following the end of the period (referring to the extended or re-extended period if the handling period is extended or re-extended under the statutes and regulations concerning the handling of civil petitions). <Newly Inserted by Act No. 15832, Oct. 16, 2018>
- (4) Any person who operates water play facilities pursuant to paragraph (1) shall comply with water quality standards and management standards prescribed by Ordinance of the Ministry of Environment, and undergo water quality tests on a regular basis, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 62 (Registration of Wastewater Treatment Business)**

(1) Any person who intends to conduct business of treating wastewater upon entrustment (hereinafter referred to as "wastewater treatment business") shall be registered with the Minister of Environment, upon being equipped with technical capabilities, facilities, and equipment, as prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he or she alters any important matters

prescribed by Ordinance of the Ministry of Environment among the registered matters.

(2) The classification of business types and the operational details of wastewater treatment business shall be as follows: *<Newly Inserted by Act No. 14532, Jan. 17, 2017>*

1. Entrusted wastewater treatment business: The business of operating a wastewater treatment facility and treating wastewater upon entrustment through the method other than recycling or use;
2. Wastewater recycling business: The business of recycling and using wastewater into the raw materials, materials, etc. of products upon entrustment.

(3) A person who registered wastewater treatment business pursuant to paragraph (1) (hereinafter referred to as "wastewater treatment business entity") shall observe the following matters: *<Amended by Act No. 14532, Jan. 17, 2017>*

1. To receive entrustment, taking into consideration the capability and possibility for treating wastewater;
2. To ensure the proper operation of his or her wastewater treatment business by maintaining and inspecting technical capabilities, facilities, equipment, etc. under paragraph (1);
3. Not to install or operate facilities below the capability or capacity of treatment prescribed by Ordinance of the Ministry of Environment;
4. Not to entrust the treatment of wastewater with which he or she was entrusted to another wastewater treatment business entity: Provided, That the foregoing shall not apply where wastewater is left untreated for a period prescribed by Ordinance of the Ministry of Environment because it is impossible to normally treat wastewater due to an incident, etc.;
5. Other matters prescribed by Ordinance of the Ministry of Environment to properly treat the wastewater.

#### **Article 63 (Grounds for Disqualification)**

None of the following persons shall be registered to conduct the wastewater treatment business: *<Amended by Act No. 14532, Jan. 17, 2017>*

1. A person under adult guardianship or a person under limited guardianship;
2. A person declared bankrupt but yet to be reinstated;
3. A person in whose case two years have not passed since the registration of his or her wastewater treatment business was revoked (excluding cases where the registration was revoked because he or she fell under subparagraph 1 or 2 of Article 63 or Article 64 (1) 3) pursuant to Article 64;
4. A person in whose case two years have not passed since his or her imprisonment with labor declared by a court, for violation of this Act, the Clean Air Conservation Act, or the Noise and Vibration Control Act, was completely executed or exempted;
5. A corporation, any executive officer of which falls under any of subparagraphs 1 through 4.

#### **Article 64 (Revocation of Registration)**

(1) Where a wastewater treatment business entity falls under any of the following, the Minister of Environment shall revoke his or her registration:

1. Where he or she falls under any of the subparagraphs of Article 63: Provided, That the foregoing shall not apply where an executive officer of a corporation that falls under subparagraph 5 of Article 63 is replaced with another person within six months;
2. Where he or she has been registered by fraud or other improper means;
3. Where he or she fails to commence his or her business within two years from the date of registration or has had no business performance for at least two consecutive years;
4. Where he or she is unable to maintain the standards for technical capabilities, facilities, and equipment referred to in the former part of Article 62 (1) due to the expiration of the designated period of the waste discharge under the Marine Environment Management Act or the revocation of the ocean waste discharge business.

(2) Where a wastewater treatment business entity falls under any of the following, the Minister of Environment may revoke his or her registration or order him or her to suspend his or her business for a fixed period not exceeding six months:

1. Where he or she lends his or her registration certificate to any other person;
2. Where he or she has been subject to the suspension of business at least two occasions a year;
3. Where he or she conducts the wastewater treatment business unconscientiously, by intention or gross negligence;
4. Where he or she engages in business activities during the suspension period of business.

(3) Where a wastewater treatment business entity falls under any of the following, the Minister of Environment may order him or her to suspend business for a fixed period not exceeding six months:

*<Amended by Act No. 14532, Jan. 17, 2017; Act No. 15832, Oct. 16, 2018>*

1. Where he or she fails to register an alteration pursuant to the latter part of Article 62 (1);
2. Where he or she fails to comply with any of the matters to be observed under Article 62 (3);
3. Where he or she fails to enter information on the transfer and acquisition of wastewater treated upon entrustment in the electronic transfer and acquisition management system in violation of Article 66-2 (2), or makes any false entry in such system.

#### **Article 65 (Succession to Rights and Duties)**

(1) Any of the following persons shall succeed to the former wastewater treatment business entity's rights and duties vested or imposed under this Act. In such cases, a transferee, heir or corporation falling under any of subparagraphs 1 through 4 of Article 63 may transfer his or her or its business to a third person or corporation within three months:

1. Where a business entity dies, his or her heir;
2. Where a business entity has transferred his or her business, the transferee of the business;
3. Where a business entity, which is a corporate, is merged with another corporation, a corporation surviving the merger or the corporation incorporated in the course of the merger.

(2) A person who acquires wastewater treatment business facilities according to any of the following procedures shall succeed to the former wastewater treatment business entity's rights and duties vested or

imposed under this Act: Provided, That the foregoing shall not apply where the person who acquires facilities falls under any of the subparagraphs of Article 63: <Amended by Act No. 14476, Dec. 27, 2016>

1. Auction under the Civil Execution Act;
2. Conversion to cash under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to those referred to in subparagraphs 1 through 3.

**Article 66 (Imposition of Penalty Surcharges)**

(1) Where the Minister of Environment must order a person whose wastewater treatment business has been registered pursuant to Article 62 (1) to suspend his or her business pursuant to Article 64, and he or she deems that such suspension of business is likely to substantially hinder the livelihood of residents and the public interest, he or she may impose a penalty surcharge not exceeding 200 million won, in lieu of ordering the suspension of business: Provided, That the foregoing shall not apply where he or she falls under Article 64 (2) 1 through 3, (3) 1 or 2 (only applicable to where he or she fails to comply with any of the matters to be observed under Article 62 (3) 4). <Amended by Act No. 14532, Jan. 17, 2017>

(2) Article 43 (3) through (6) shall apply mutatis mutandis to the imposition, collection, etc. of penalty surcharges under paragraph (1).

(3) Types of violations subject to penalty surcharges under paragraph (1), the amount of penalty surcharges depending on the severity of violations, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Environment.

**Article 66-2 (Electronic Processing of Information on Wastewater Treated upon Entrustment)**

(1) The Minister of Environment shall establish and operate a system (hereinafter referred to as “electronic transfer and acquisition management system”) for the electronic management of information on the transfer and acquisition of wastewater treated by a wastewater treatment business entity upon entrustment (hereinafter referred to as “wastewater treated upon entrustment”).

(2) A business entity entrusting wastewater treatment (hereafter in this Article referred to as “business entity entrusting wastewater treatment”) and a wastewater treatment business entity shall enter the matters prescribed by Presidential Decree, such as information on the transfer and acquisition of the relevant wastewater, into the electronic transfer and acquisition management system, as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall preserve the details regarding the transfer and acquisition of wastewater treated upon entrustment, entered in the electronic transfer and acquisition management system for three years from the date of entry.

(4) The Minister of Environment shall allow a business entity entrusting wastewater treatment, a wastewater treatment business entity, or a relevant City/Do Governor or the head of a relevant Si/Gun/Gu to search, review or print out the data entered in the electronic transfer and acquisition management system.

(5) The Minister of Environment may recover all or some of the expenses incurred in using the electronic transfer and acquisition management system from any user of the system. In such cases, the specific standards for recovering expenses shall be determined and publicly notified by the Minister of Environment.

(6) Except as provided in paragraphs (1) through (5), details on the establishment, operation, use, etc. of the electronic transfer and acquisition management system shall be determined and publicly notified by the Minister of Environment.

#### **Article 67 (Education of Environmental Engineers)**

(1) Any person who employs technicians or environmental engineers engaged in the wastewater treatment business shall require the relevant persons to receive education conducted by the Minister of Environment, the Mayor/Do Governor, or the head of a large city, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

(2) The Minister of Environment, the Mayor/Do Governor, or the head of a large city may collect expenses incurred in conducting education under paragraph (1) from those who employ persons who should receive education, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 14532, Jan. 17, 2017>*

#### **Article 68 (Reporting and Inspections)**

(1) In circumstances prescribed by Ordinance of the Ministry of Environment, the Minister of Environment or a Mayor/Do Governor may require the following persons to submit necessary reports or materials, and require related public officials to access the relevant facilities, places of business, etc. to collect water pollutants and examine relevant documents, facilities, equipment, etc. to confirm whether such facilities, places of business, etc. meet the standards for effluent water quality, permissible discharge limits set under Article 32, and standards for permission or permission for alteration under Article 33; and normally operate their measuring instruments, verify the examination of the discharge quantity of specific substances harmful to water quality, comply with the matters to be observed under Article 53 (6), meet the water quality standards and management standards under Article 61-2 (4), and make entries in the electronic transfer and acquisition management system under Article 66-2 (2): *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017; Act No. 15832, Oct. 16, 2018>*

1. A business entity;
2. A person who installs or operates public wastewater treatment facilities (including public sewage treatment facilities prescribed by Ordinance of the Ministry of Environment);
- 2-2. A measuring instruments management agency;
3. A person who falls under Article 53 (1);
4. A person who has filed a report on the installation or management of other water pollution sources under Article 60;
- 4-2. A person who installs and operates water play facilities pursuant to Article 61-2 (1);

5. A wastewater treatment business entity registered under Article 62 (1);
6. A person entrusted with the affairs of the Minister of Environment or a Mayor/Do Governor pursuant to Article 74 (2).

(2) Where water pollutants are collected pursuant to paragraph (1) to verify whether the permissible discharge limits and standards for effluent water quality are met; whether water pollutants are discharged from wastewater non-discharge facilities; or whether water play facilities comply with water quality standards, the Minister of Environment shall request a testing institution prescribed by Ordinance of the Ministry of Environment to test the level of pollution: Provided, That the foregoing shall not apply where it can be judged on the spot whether water pollutants prescribed by Ordinance of the Ministry of Environment exceed permissible discharge limits, standards for effluent water quality, or water quality standards of water play facilities. <Amended by Act No. 13879, Jan. 27, 2016>

(3) Any public official who gains access or conducts inspections pursuant to paragraph (1) shall carry a document indicating his or her authority and present it to interested persons.

#### **Article 68-2 (Monetary Rewards for Reporting)**

(1) The Minister of Environment may pay a monetary reward to a person who reports a person who has engaged in any prohibited act in violation of Article 38-3 (1), or who has failed to meet any of the standards for operation and management, in violation of paragraph (2) of the aforesaid Article to an administrative agency or investigative agency within budgetary limits.

(2) Criteria, methods and procedures for paying monetary rewards for reporting under paragraph (1), a specific amount to be paid, and other related matters shall be prescribed by Presidential Decree.

#### **Article 69 (National Subsidies)**

The State may subsidize funds necessary for local governments to conduct projects for conserving the water environments, within budgetary limits. <Amended by Act No. 14532, Jan. 17, 2017>

#### **Article 70 (Cooperation from Related Institutions)**

The Minister of Environment may request the heads of related institutions to take the following measures where deemed necessary to accomplish the purposes of this Act. In such cases, the heads of the related institutions shall comply therewith, except in exceptional circumstances: <Amended by Act No. 13879, Jan. 27, 2016>

1. Improving methods for preventing and exterminating noxious insects;
2. Regulating the use of pesticides and fertilizer;
3. Regulating the use of water for farming;
4. Designating green areas and scenic areas;
5. Installing public wastewater treatment facilities or public sewage treatment facilities;
6. Dredging public waters;
7. Revoking permission to occupy and use a river, suspending the execution of river conservation works or an alteration thereto, or relocating or removing artificial structures thereof;

8. Revoking permission to occupy and use public waters, suspending or limiting the use of public waters, or rebuilding or removing facilities, etc.;
9. Preventing water pollution on facilities that could cause water pollution incidents, such as oil pipelines, oil storage facilities, pesticide storage facilities, and submitting information on the status of such facilities;
10. Other measures prescribed by Presidential Decree.

#### **Article 71 (Criteria for Taking Administrative Dispositions)**

Criteria for taking administrative dispositions for violations of this Act or any order issued under this Act shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 72 (Hearings)**

The Minister of Environment shall hold a hearing to issue any of the following dispositions: *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 15832, Oct. 16, 2018>*

1. Revoking permission or issuing an order to close discharging facilities under Article 35 (3), 42 or 44;
- 1-2. Revoking registration under Article 38-9;
2. Issuing an order to close other water pollution sources under Article 60 (6);
3. Revoking registration under Article 64.

#### **Article 72 (Hearings)**

The Minister of Environment shall hold a hearing to issue any of the following dispositions: *<Amended by Act No. 13879, Jan. 27, 2016; Act No. 15832, Oct. 16, 2018>*

1. Revoking permission or issuing an order to close discharging facilities under Article 35 (3), 42 or 44;
- 1-2. Revoking registration under Article 38-9;
- 1-3. Revoking performance testing certification under Article 53-4 (1);
2. Issuing an order to close other water pollution sources under Article 60 (6);
3. Revoking registration under Article 64.

#### **Article 73 (Fees)**

Any person who intends to obtain permission, etc. or file a report, etc. under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry of Environment:

1. Permission or permission for alteration, or reporting or reporting on alteration of discharging facilities under Article 33 (1) through (3);
2. Reporting or reporting on alteration under Article 53;
3. Reporting on installation of other water pollution sources or alteration thereto under Article 60 (1);
4. Registration of wastewater treatment business or alteration thereto under Article 62 (1).

#### **Article 73 (Fees)**

Any person who intends to obtain permission, receive a test, or file a report under any of the following subparagraphs shall pay fees, as prescribed by Ordinance of the Ministry of Environment: *<Amended by Act No. 15832, Oct. 16, 2018>*

1. Permission or permission for alteration, or reporting or reporting on alteration of discharging facilities under Article 33 (1) through (3);
2. Reporting or reporting on alteration under Article 53;
- 2-2. Performance testing under Article 53-3 (1);
3. Reporting on installation of other water pollution sources or alteration thereto under Article 60 (1);
4. Registration of wastewater treatment business or alteration thereto under Article 62 (1).

#### **Article 74 (Delegation and Entrustment)**

(1) The Minister of Environment may delegate part of his or her authority under this Act to the Mayor/Do Governor, the head of a large city, the head of a Si/Gun/Gu, the head of an environment research institution under the jurisdiction of the Ministry of Environment, or the head of a regional environment office, as prescribed by Presidential Decree. <Amended by Act No. 14532, Jan. 17, 2017>

(2) The Mayor/Do Governor to whom authority has been delegated pursuant to paragraph (1) may redelegate part of his or her authority to the head of a Si/Gun/Gu after obtaining approval from the Minister of Environment. <Newly Inserted by Act No. 14532, Jan. 17, 2017>

(3) The Minister of Environment or a Mayor/Do Governor may entrust part of his or her affairs under this Act to a relevant specialized institution, as prescribed by Presidential Decree.

#### **Article 74-2 (Deemed Public Officials for Purposes of Penalty Provisions)**

A person who performs affairs entrusted pursuant to Article 74 (2) shall be deemed a public official for the purposes of Articles 129 through 132 of the Criminal Act.

#### **Article 75 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than seven years, or by a fine not exceeding 70 million won: <Amended by Act No. 12519, Mar. 24, 2014; Act No. 15832, Oct. 16, 2018>

1. A person who installs or alters a discharging facility without obtaining permission under Article 33 (1) or permission for alteration under Article 33 (2), or upon obtaining permission or permission for alteration by fraud, or operates his or her business using such discharging facility;
2. A person who installs a restricted discharging facility in an area in which the installation of discharging facilities is restricted pursuant to Article 33 (7) and (8), or operates his or her business using such facilities;
3. A person who engages in any conduct referred to in the subparagraphs of Article 38 (2).

#### **Article 76 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won: <Amended by Act No. 12519, Mar. 24, 2014>

1. A person who fails to comply with an order to suspend operation or to close a facility under Article 4-6 (4);
2. A person who installs a discharging facility without filing a report under Article 33 (1), or upon filing a false report, or who operates using such discharging facility;



3. A person who engages in any conduct referred to in the subparagraphs of Article 38 (1);
4. A person who fails to take a measure to install measuring instruments pursuant to Article 38-2 (1) (excluding a person who fails to install a wattmeter, or flow meter);
5. A person who engages in any conduct referred to in Article 38-3 (1) 1 or 3;
6. A person who violates an order to suspend operation under Article 40;
7. A person who violates an order to suspend operation or to close a facility under Article 42;
8. A person who violates an order to suspend the use of, or to close a facility under Article 44;
9. A person who engages in any conduct referred to in the subparagraphs of Article 50 (1).

**Article 77 (Penalty Provisions)**

Any person who leaks, discharges, or dumps a specific substance harmful to water, etc., in violation of Article 15 (1) 1, 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. 12519, Mar. 24, 2014>

**Article 78 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 12519, Mar. 24, 2014; Act No. 13879, Jan. 27, 2016; Act No. 15832, Oct. 16, 2018>

1. A person who violates an order to take measures, such as improving facilities, under Article 12 (2);
2. A person who leaks or discharges a specific substance harmful to water due to professional negligence or by gross negligence, in violation of Article 15 (1) 1;
3. A person who dumps human excreta, livestock excreta, etc., in violation of Article 15 (1) 2;
4. Deleted; <by Act No. 13879, Jan. 27, 2016>
5. A person who violates an order to implement prevention and elimination measures under Article 15 (3);
6. A person who violates a traffic restriction imposed under Article 17 (1);
7. A person who violates an order to take special measures under Article 21-3 (1);
8. A person who operates without reporting startup operation under Article 37 (1);
9. A person who refuses, interferes with, or evades an inspection conducted under Article 37 (4);
10. A person who fails to comply with an order to suspend operation under Article 38-4 (2);
- 10-2. A person who provides measuring instrument management services for third parties without registration or registration of any alteration thereto, in violation of Article 38-6 (1);
11. A person who violates an order to take measures, such as improving facilities, under Article 50 (4);
12. A person who fails to install non-point pollution reduction facilities under the main sentence of Article 53 (5), with the exception of its subparagraphs;
13. A person who violates an order to implement a plan for reducing non-point source pollution, or an order to install or improve non-point pollution reduction facilities under Article 53 (7);
14. A person who installs or manages other water pollution sources without filing a report under Article 60 (1);

15. A person who violates an order to suspend the operation of facilities or close facilities under Article 60 (6) or (7);
16. A person who engages in wastewater treatment business without registration or registration of any alteration thereto under Article 62 (1);
17. A business entity who installs or operates wastewater non-discharge facilities, who refuses, interferes with, or evades the access and inspections of a related public official under Article 68 (1).

#### **Article 78 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 12519, Mar. 24, 2014; Act No. 13879, Jan. 27, 2016; Act No. 15832, Oct. 16, 2018>

1. A person who violates an order to take measures, such as improving facilities, under Article 12 (2);
2. A person who leaks or discharges a specific substance harmful to water due to professional negligence or by gross negligence, in violation of Article 15 (1) 1;
3. A person who dumps human excreta, livestock excreta, etc., in violation of Article 15 (1) 2;
4. Deleted; <by Act No. 13879, Jan. 27, 2016>
5. A person who violates an order to implement prevention and elimination measures under Article 15 (3);
6. A person who violates a traffic restriction imposed under Article 17 (1);
7. A person who violates an order to take special measures under Article 21-3 (1);
8. A person who operates without reporting startup operation under Article 37 (1);
9. A person who refuses, interferes with, or evades an inspection conducted under Article 37 (4);
10. A person who fails to comply with an order to suspend operation under Article 38-4 (2);
- 10-2. A person who provides measuring instrument management services for third parties without registration or registration of any alteration thereto, in violation of Article 38-6 (1);
11. A person who violates an order to take measures, such as improving facilities, under Article 50 (4);
12. A person who fails to install non-point pollution reduction facilities under the main sentence of Article 53 (5), with the exception of its subparagraphs;
13. A person who violates an order to implement a plan for reducing non-point source pollution, or an order to install or improve non-point pollution reduction facilities under Article 53 (7);
- 13-2. A person who supplies a non-point pollution reduction facility that has failed to undergo performance testing under Article 53-3 (1);
- 13-3. A person whose performance testing certification is revoked or who supplies a non-point pollution reduction facility the performance testing certification of which is revoked, under Article 53-4;
14. A person who installs or manages other water pollution sources without filing a report under Article 60 (1);
15. A person who violates an order to suspend the operation of facilities or close facilities under Article 60 (6) or (7);

16. A person who engages in wastewater treatment business without registration or registration of any alteration thereto under Article 62 (1);

17. A business entity who installs or operates wastewater non-discharge facilities, who refuses, interferes with, or evades the access and inspections of a related public official under Article 68 (1).

#### **Article 79 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding five million won: <Amended by Act No. 14532, Jan. 17, 2017>

1. A person who fails to comply with an order to take measures under Article 38-4 (1);
2. A wastewater treatment business entity who fails to observe any of the matters to be observed under Article 62 (3) 1 or 2;
3. A person who refuses, interferes with, or evades the access and inspections of a related public official under Article 68 (1) (excluding a business entity who installs or operates wastewater non-discharge facilities).

#### **Article 80 (Penalty Provisions)**

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

1. A person who fails to install a wattmeter or flow meter pursuant to Article 38-2 (1);
2. A person who interferes with the business practices of an environmental engineer or refuses a request of an environmental engineer without good cause, in violation of Article 47 (4).

#### **Article 81 (Joint Penalty Provisions)**

If the representative of a corporation, or an agent or employee of, or other persons employed by a corporation or an individual commits an offense referred to in Articles 75 through 80 in connection with the business affairs of the corporation or the individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense.

#### **Article 82 (Administrative Fines)**

(1) Any of the following persons shall be subject to an administrative fine not exceeding ten million won: <Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017>

1. A person who fails to install or to operate a measuring instrument under Article 4-5 (4);
2. A person who fails to record or to keep the measurement readings under Article 4-5 (4), or records or keeps false measurement readings;
- 2-2. A person who discharges or dumps earth and sand in excess of the scale prescribed by Ordinance of the Ministry of Environment, in violation of Article 15 (1) 4;
3. A person who fails to comply with any of the matters to be observed under Article 35 (2);
- 3-2. A person who does an act falling under Article 38-3 (1) 2;
- 3-3. A person who fails to meet the standards for operation and management, in violation of Article 38-3 (2);

- 3-4. A person who fails to submit the results of examination under Article 46-2 (1) or submits a false result;
- 3-5. A person who fails to comply with an order to submit information under Article 46-2 (2);
4. A person who fails to appoint an environmental engineer, in violation of Article 47 (1);
5. A person who fails to file a report under Article 53 (1);
6. A person who uses fatally or highly poisonous pesticides on the lawns and trees of the golf course, in violation of Article 61;
7. A wastewater treatment business entity who fails to comply with any of the matters to be observed under Article 62 (3) 4 or 5.

(2) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended by Act No. 13879, Jan. 27, 2016; Act No. 14532, Jan. 17, 2017; Act No. 15832, Oct. 16, 2018>

1. A person who violates the latter part of Article 10 (1);
- 1-2. A person who fishes in a “no-take” zone designated under Article 20 (1);
2. A person who fails to keep records on the operating status of discharging facilities, etc., or falsifies such records, in violation of Article 38 (3);
3. and 4. Deleted; <by Act No. 14532, Jan. 17, 2017>
- 4-2. A person who fails to conduct a technical diagnosis, in violation of Article 50-2 (1);
5. A person who fails to report an alteration under the latter part of Article 53 (1);
6. A person who fails to install facilities or to take other necessary measures, in violation of Article 60 (4);
7. A person who operates water play facilities without reporting the installation of such facilities or reporting any alteration thereto, in violation of Article 61-2 (1);
8. A person who fails to meet any of the water quality standards or management standards for water play facilities under Article 61-2 (4), or fails to undergo a water quality test.

(3) Any of the following persons shall be subject to an administrative fine not exceeding one million won: <Amended by Act No. 15832, Oct. 16, 2018>

1. A person who violates Article 15 (1) 3;
2. A person who fishes in a fishing-restricted zone, in violation of restrictions imposed under Article 20 (2);
3. A person who fails to report an alteration under the proviso of Article 33 (2) or paragraph (3) of the aforesaid Article;
4. A person who fails to report an alteration under the latter part of Article 60 (1);
- 4-2. A person who fails to make an entry under Article 66-2 (2) or makes a false entry;
5. A person who fails to require an environmental engineer, etc. to receive education, in violation of Article 67;
6. A person who fails to file a report under Article 68 (1) or files a false report, or fails to submit materials or submits false materials.

(4) The Minister of Environment, the Mayors/Do Governors, or the heads of Sis/Guns/Gus shall impose and collect administrative fines under paragraphs (1) through (3), 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 (Applicability to Levy of Discharge Imposition)**

The amended provisions of Article 41 shall apply, starting with the first discharge imposition levied after this Act enters into force.

##### **Article 3 (Applicability to Report on Non-Point Pollution Sources)**

The amended provisions of Article 53 concerning the report on the creation of non-point pollution sources shall apply, starting with the first business entity who files an application for permission for, or files a report on, the installation of the wastewater discharge facilities pursuant to the provisions of Article 33 (1) and with any business entity who submits an assessment statement pursuant to the provisions of Article 17 (1) or (2) of the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. after this Act enters into force.

##### **Article 4 (Transitional Measures concerning Application of Penalty Provisions, etc.)**

The application of the penalty provisions and administrative fines to any activities performed prior to this Act enters into force shall be governed by the former provisions.

##### **Article 5 Omitted.**

##### **Article 6 (Relationship with Other Acts)**

Where the provisions of the Water Quality Conservation Act are cited by other statutes and regulations at the time this Act enters into force, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions if the provisions corresponding thereto exist in this Act.

#### 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. 8209, Jan. 3, 2007>

##### **Article 1 (Enforcement Date)**

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

##### **Article 2 (Transitional Measures concerning Projects to Install Wastewater Terminal Treatment Facilities)**

The project to install terminal treatment facilities implemented in accordance with Article 12 of the Environment Improvement Expenses Liability Act at the time when this Act enters into force shall be

deemed the project to install terminal treatment facilities implemented in accordance with the amended provisions of Article 48.

**Article 3 (Transitional Measures concerning Basic Plan for Wastewater Terminal Treatment Facilities)**

Where the approval for the installment of wastewater terminal treatment facilities and the operational project plan in accordance with Article 15 of the former Environment Improvement Expenses Liability Act at the time when this Act enters into force, the approval for a basic plan for wastewater terminal treatment facilities under the amended provisions of Article 49 shall be deemed granted.

**Article 4 (Transitional Measures concerning Approval for Expense Funding Plan)**

Where the approval for an expense funding plan has been granted under Article 16 of the former Environment Improvement Expenses Liability Act at the time when this Act enters into force, it shall be deemed that approval has been granted for the expense funding plan under the amended provisions of Article 49-2.

**Article 5 (Transitional Measures concerning Basic Plan for Wastewater Terminal Treatment Facilities)**

The project to install the terminal treatment facilities, the establishment of, and approval for, a basic plan, the establishment of, and approval for, an expense funding plan, compulsory collection, etc. with regards to acts in progress at the time when this Act enters into force shall be deemed as being in progress in accordance with the amended provisions of Articles 48 (1), 49, 49-2 and 49-6.

**Article 6 Omitted.**

ADDENDA <Act No. 8260, Jan. 19, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 24 Omitted.**

ADDENDA <Act No. 8338, Apr. 6, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 17 Omitted.**

ADDENDA <Act No. 8370, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 20 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 (Transitional Measures concerning Submission of Reduction Plan for Non-Point Pollution)**

The reduction plan for non-point pollution submitted before this Act enters into force shall be deemed the reduction plan for non-point pollution submitted in accordance with the amended provisions of Article 53 (2): Provided, That any person who has filed a report on installing non-point pollution sources in accordance with the former provisions at the time this Act enters into force may newly submit the reduction plan for non-point pollution under the amended provisions of Article 53 (2) within three months from the date when this Act enters into force.

**Article 3 (Transitional Measures concerning Application of Penalty Provisions)**

The application of penalty provisions and administrative fines to any violation committed before this Act enters into force shall be governed by the former provisions.

**Article 4 Omitted.**

**Article 5 (Relationship with Other Statutes)**

Where the provisions of the Water Quality Conservation Act are cited by other statutes at the time this Act enters into force, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions if the provisions corresponding thereto exist in this Act.

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

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That ... <omitted> ... the amendments to the Acts to be amended pursuant to Article 6 of the Addenda, which were promulgated before this Act enters into force but the enforcement dates of which have yet to arrive, shall enter into force on the enforcement date of the relevant Act.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 8976, Mar. 21, 2008>

**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. 9433, Feb. 6, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 9697, May 21, 2009>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 10152, Mar. 22, 2010>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 10272, Apr. 15, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10599, Apr. 14, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 10615, Apr. 28, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 10616, Apr. 28, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**



ADDENDA <Act No. 10893, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 10911, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11020, Aug. 4, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 11258, Feb. 1, 2012>

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

ADDENDUM <Act No. 11670, Mar. 22, 2013>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 16-2, 17 (2) 6, and 53-2 shall enter into force on January 1, 2014.

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11862, Jun. 4, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2015.

**Articles 2 through 12 Omitted.**

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. 11979, Jul. 30, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 43 (6) and 66 (3) shall enter into force one year after the date of their promulgation.

**Article 2 (General Transitional Measures)**

An act done, by or against, an administrative agency under the former provisions as at the time this Act enters into force shall be deemed an act done by, or against, a corresponding administrative agency under this Act corresponding.

**Article 3 (Transitional Measures concerning Installation of Measuring Instruments)**

A device for measuring the discharge concentration of water pollutants installed under the former Article 38-2 as at the time this Act enters into force shall be deemed an automatic water quality tester installed under the amended provisions of Article 38-2.

**Article 4 (Transitional Measures concerning Incompetents)**

A person in whose case the declaration of incompetence or quasi-incompetence remains effective pursuant to Article 2 of Addenda to the Civil Act partly amended by Act No. 10429 shall be deemed included in an incompetent under adult guardianship or a quasi-incompetent under limited guardianship referred to in the amended subparagraph 1 of Article 63.

**Article 5 (Transitional Measures concerning Imposition of Penalty Surcharges)**

The former provisions shall apply where a penalty surcharge is imposed on a violation committed before this Act enters into force, in lieu of suspension of business, notwithstanding the amended proviso of Article 66 (1).

**Article 6 (Transitional Measures concerning Penalty Provisions)**

The former provisions shall apply where penalty provisions apply to violations committed before this Act enters into force, notwithstanding the amended provisions of Article 78.

**Article 7 Omitted.**

ADDENDA <Act No. 12248, Jan. 14, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 25 Omitted.**

ADDENDA <Act No. 12519, Mar. 24, 2014>

### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 75, 76, and 77 shall enter into force on the date of their promulgation, and the amended provisions of Article 15 (1) 4 and subparagraph 4 of Article 78 shall enter into force six months after the date of their promulgation.

### **Article 2 (Special Cases concerning Consultation about Installation and Operation of Buffer Storage Facilities in Existing Industrial Areas and Industrial Complexes, and Deadline for Installation)**

Notwithstanding the amended provisions of Article 21-4 (1) and (2), the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun within a Metropolitan City) having jurisdiction over the location of an industrial area or industrial complex (excluding an industrial area or industrial complex in which buffer storage facilities have been installed or are being installed) under the amended provision of Article 21-4 (1) shall survey site conditions, the characteristics of wastewater, possibility of the occurrence of water pollution incidents, etc., consult about the place to install the buffer storage facilities and the implementation schedule thereof with the Minister of Environment within one year after this Act enters into force, and install such buffer storage facilities by the deadline fixed at the time of consultation.

### **Article 3 (Transitional Measures concerning Installation and Operation of Buffer Storage Facilities)**

Notwithstanding the amended provisions of Article 21-4, the Minister of Environment shall operate buffer storage facilities he or she has installed pursuant to Article 5 of Addenda to the Act on Water Management and Resident Support in the Nakdong River Basin partly amended by Act No. 6606, and paragraph (2) of Addenda to the Act on Water Management and Resident Support in the Nakdong River Basin partly amended by Act No. 9310 before this Act enters into force, or he or she is installing as at the time this Act enters into force.

### **Article 4 Omitted.**

ADDENDUM <Act No. 13530, Dec. 1, 2015>

This Act shall enter into force six months after 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: Provided, That the amended provisions of Article 6 (2) shall enter into force on the date of its promulgation.

### **Article 2 (Transitional Measures concerning Registration of Measuring Instrument Management Services)**

Notwithstanding the amended provisions of Article 38-6 (1), a person who is providing measuring instruments management services for third parties as at the time this Act enters into force may provide

measuring instrument management services for third parties without registration required under such amended provision for the six-month period beginning on the date this Act enters into force.

**Article 3 (Transitional Measures concerning Incompetents)**

A person under adult guardianship or a person under limited guardianship referred to in amended subparagraph 1 of Article 38-7 shall be construed as including a person already declared incompetent or quasi-incompetent pursuant to Article 2 of Addenda to the Civil Act partly amended by Act No. 10429.

**Article 4 (Transitional Measures concerning Imposition of Penalty Surcharges)**

Notwithstanding the amended provisions of Article 43 (2), the former provisions shall apply where a business entity becomes subject to suspension of operation due to an offense committed before this Act enters into force.

**Article 5 (Transitional Measures concerning Installation and Operation of Wastewater Treatment Facilities)**

Wastewater treatment facilities installed and operated pursuant to the former provisions as at the time this Act enters into force shall be deemed public wastewater treatment facilities installed and operated pursuant to the amended provisions of Article 48.

**Article 6 (Transitional Measures concerning Charges for Wastewater Treatment Facilities and Late-Payment Penalties)**

Notwithstanding the amended provisions of Articles 48-2, 49-3, 49-5, and 49-6, the former provisions shall apply to charges for wastewater treatment facilities, the payment notice of which has been issued pursuant to the former Article 48-2 and late-payment penalties, the demand notice of which has been issued pursuant to the former Article 49-6 (1) before this Act enters into force.

**Article 7 (Transitional Measures concerning Master Plan for Wastewater Treatment Facilities)**

A master plan for wastewater treatment facilities approved, or the alteration of which has been approved, pursuant to the former provisions as at the time this Act enters into force shall be deemed a master plan for public wastewater treatment facilities approved pursuant to the amended provisions of Article 49 (2).

**Article 8 (Transitional Measures concerning Designation of Common Treatment Area)**

A common treatment area designated pursuant to the former provisions as at the time this Act enters into force shall be deemed a public wastewater treatment area designated pursuant to the amended provisions of Article 49 (3).

**Article 9 (Transitional Measures concerning Technical Diagnosis Agencies)**

Notwithstanding the amended provisions of Article 50-2 (2), a person who conducts technical diagnoses as at the time this Act enters into force may conduct technical diagnoses under such amended provisions for the six-month period beginning on the date this Act enters into force.

**Article 10 (Transitional Measures concerning Reporting on Water Play Facilities)**

Notwithstanding the amended provisions of Article 61-2, a person who has already installed and is operating water play facilities as at the time this Act enters into force may operate such water play

facilities without reporting for the six-month period beginning on the date this Act enters into force.

**Article 11 (Transitional Measures concerning Penalty Provisions)**

The former provisions shall apply to the imposition of penalty provisions for violations committed before this Act enters into force.

**Article 12 Omitted.**

ADDENDA <Act No. 14476, Dec. 27, 2016>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 14490, Dec. 27, 2016>

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

ADDENDA <Act No. 14532, Jan. 17, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That among the statutes amended pursuant to Article 6 of the Addenda, the amendments to the statutes, which were promulgated before this Act enters into force but whose enforcement dates have not arrived, shall enter into force on the enforcement dates of the respective statutes.

**Article 2 (Transitional Measures concerning Penalty Surcharge for Excess of Total Pollution Load)**

Charges for excess of the total pollution load imposed pursuant to the previous provisions at the time this Act enters into force shall be deemed penalty surcharges for excess of the total pollution load imposed pursuant to the amended provisions of Article 4-7.

**Article 3 (Transitional Measures concerning Approval of Plan to Establish Measurement Network)**

A plan to establish the measurement network altered or publicly notified by the Mayor/Do Governor pursuant to the previous provisions as at the time this Act enters into force shall be deemed a plan to establish the measurement network publicly notified by the Mayor/Do Governor after obtaining approval or approval for alteration from the Minister of Environment pursuant to the amended provisions of Article 9-2.

**Article 4 (Transitional Measures concerning Target Standards for Water Environment)**

The target criteria for water quality and aquatic ecosystem determined and publicly notified pursuant to the previous provisions as at the time this Act enters into force shall be deemed the target standards for water environment under the amended provisions of Article 10-2 (1).

**Article 5 (Transitional Measures concerning Formulation of Plans to Manage Water Environments of Large Spheres of Influence, Medium Spheres of Influence, and Small Spheres of Influence)**

(1) A master plan to conserve water quality and aquatic ecosystems of the large spheres of influence formulated by the Minister of Environment pursuant to the previous provisions as at the time this Act enters into force shall be deemed a plan to manage the water environments of the large sphere of influence formulated by the head of a river basin environmental office pursuant to the amended provisions of Article 24.

(2) A master plan to conserve water quality and aquatic ecosystems of the medium spheres of influence formulated pursuant to the previous provisions as at the time this Act enters into force shall be deemed a plan to manage the water environments of the medium spheres of influence formulated pursuant to the amended provisions of Article 25.

(3) A master plan to conserve water quality and aquatic ecosystems of the small spheres of influence formulated pursuant to the previous provisions as at the time this Act enters into force shall be deemed a plan to manage the water environments of the small spheres of influence formulated pursuant to the amended provisions of Articles 26 and 27.

**Article 6 Omitted.**

**Article 7 (Relationship to Other Statutes and Regulations)**

Where the previous Water Quality and Aquatic Ecosystem Conservation Act is or the provisions thereof are cited by other statutes and regulations (including statutes and regulations which were promulgated before this Act enters into force but whose enforcement dates have not arrived yet) as at the time this Act enters into force, this Act or the relevant provisions of this Act shall be deemed cited in lieu of the previous Water Quality and Aquatic Ecosystem Conservation Act or the provisions thereof, if the provisions corresponding thereto exist in this Act.

ADDENDUM <Act No. 15194, Dec. 12, 2017>

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

ADDENDA <Act No. 15832, Oct. 16, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 53-3 and 53-4, subparagraph 1-3 of Article 72, Article 73, and subparagraphs 13-2 and 13-3 of Article 78 shall enter into force two years after the date of its promulgation.

**Article 2 (Applicability to Reporting on Installation of Discharging Facilities)**

The amended provisions of Article 33 (4) and (5) shall begin to apply to a report on installation of a discharging facility or a report on alteration thereof that is filed after this Act enters into force.

**Article 3 (Applicability to Reporting on Installation of Non-Point Pollution Sources)**

The amended provisions of Article 53 (3) and (4) shall begin to apply to a report on installation of a non-point pollution source or a report on alteration thereof that is filed after this Act enters into force.

**Article 4 (Applicability to Performance Testing of Non-Point Pollution Reduction Facilities)**

The amended provisions of Article 53-3 shall begin to apply to a non-point pollution reduction facility that is manufactured or imported after the same amended provisions enter into force.

**Article 5 (Applicability to Comprehensive Plan to Manage Non-Point Pollution Sources)**

The amended provisions of Article 53-5 (2) 4 shall begin to apply to a comprehensive plan to manage non-point pollution sources that is formulated after this Act enters into force.

**Article 6 (Applicability to Reporting on Installation of Other Water Pollution Sources)**

The amended provisions of Article 60 (2) and (3) shall begin to apply to a report on installation or management of other water pollution sources or a report on alteration thereof that is filed after this Act enters into force.

**Article 7 (Applicability to Reporting on Establishment of Water Play Facilities)**

The amended provisions of Article 61-2 (2) and (3) shall begin to apply to a report on establishment of a water play facility or a report on alteration thereof that is filed after this Act enters into force.

**Article 8 (Applicability to Electronic Processing of Information on Wastewater Treated upon Entrustment)**

The amended provisions of Article 66-2 shall begin to apply to wastewater treated upon entrustment that is transferred or acquired after this Act enters into force.

**Article 9 (Transitional Measures concerning Reporting of Water Play Facilities)**

Any person who establishes and operates a water play facility as at the time this Act enters into force may establish and operate such facility without filing a report thereon unless six months do not pass from the enforcement date of this Act, notwithstanding the amended provisions of Article 61-2.

**Article 10 Omitted.**