

## Law Viewer

## ENFORCEMENT DECREE OF THE WATER ENVIRONMENT CONSERVATION ACT

Presidential Decree No. 28583, Jan. 16, 2018

Amended by Presidential Decree No. 28964, Jun. 12, 2018

Presidential Decree No. 29950, Jul. 2, 2019

Presidential Decree No. 30126, Oct. 15, 2019

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Water Environment Conservation Act and matters necessary for enforcing said Act. <Amended on Jan. 16, 2018>

## Article 2 (Designation and Public Notice of Regions Subject to Total Pollution Load Control)

(1) When intending to designate and publicly notify an area, the total water pollution load of which is to be controlled (hereinafter referred to as "region subject to the total pollution load control") in accordance with Article 4 (2) of the Water Environment Conservation Act (hereinafter referred to as the "Act"), the Minister of Environment shall include the following matters: <Amended on Jan. 16, 2018>

1. The river system whose water pollutants are to be controlled on the basis of the total quantity and the river basin that may have influence on such river system;
2. The section of river system, for which the water quality that serves as the target for the total pollution load control (hereinafter referred to as "target water quality to be achieved by the total pollution load control") shall be determined and the river basin that may have influence on such section of river system (hereinafter referred to as "unit basin for the total pollution load control").

(2) When intending to designate and publicly notify a region subject to the total pollution load control in accordance with paragraph (1), the Minister of Environment shall hold a prior consultation with the heads of relevant local governments.

## Article 3 (Public Notice, Public Announcement, etc. of Target Water Quality to be Achieved by Total Pollution Load Control)

(1) When intending to give public notice of the target water quality in each section of a river system to be achieved by the total pollution load control in accordance with the main sentence of Article 4-2 (1) of the Act, the Minister of Environment shall include the following matters: <Amended on Jan. 28, 2014>

1. The target water quality at the lower end of the river system to be achieved by the total pollution load control under Article 2 (1) 1;
2. The target water quality at the border points of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province (hereinafter referred to as "City/Do") to be achieved by the total pollution load control;
3. The water quality targets in each section of a river system to be achieved by the total pollution load control under Article 2 (1) 2.

(2)When intending to give public notice of the target water quality to be achieved by the total pollution load control under paragraph (1), the Minister of Environment shall, before such publication, notify a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") of the deadline by which the Mayor/Do Governor can inform the Minister of Environment of his/her intention to establish the target water quality in each section of river systems in his/her jurisdictional area to be achieved by the total pollution load control (hereinafter referred to as "target water quality in the jurisdictional area to be achieved by the total pollution load control") and the deadline by which the Mayor/Do Governor can apply for approval to the Minister of Environment pursuant to the proviso to Article 4-2 (1) of the Act. <Amended on Jan. 28, 2014>

(3)When intending to publish the target water quality in the jurisdictional area to be achieved by the total pollution load control under the proviso to Article 4-2 (1) of the Act, the Mayor/Do Governor shall notify the Minister of Environment of his/her intention to establish the target water quality in his/her jurisdictional area to be achieved by the total pollution load control, by the deadline referred to in paragraph (2); determine the target water quality in his/her jurisdictional area to be achieved by the total pollution load control, taking into account the following matters, to achieve and maintain the target water quality referred to in paragraph (1) 1 and 2; and apply for approval to the Minister of Environment by the deadline for application referred to in paragraph (2), as prescribed by Ordinance of the Ministry of Environment:

- 1.Status of use of water for specific purposes and the quantity of flow by unit basins subject to the total pollution load control;
- 2.Status of, and prospect on the natural and geological sources of pollution of the unit basin subject to the total pollution load control;
- 3.The quantity of generating and discharging water pollutants by source of pollution of the unit basin subject to the total pollution load control;
- 4.Relation between the water quality and the pollutants.

(4)The Minister of Environment shall grant approval only where the target water quality referred to in paragraph (1) 1 and 2 may be achieved and maintained with the target water quality to be achieved by the total pollution load control in the jurisdictional area for which the Mayor/Do Governor applies for approval in accordance with paragraph (3).

(5)Upon obtaining approval from the Minister of Environment under paragraph (4), the Mayor/Do Governor shall immediately publish the approved target water quality in his/her jurisdictional area to be achieved by the total pollution load control.

(6)In any of the following cases, the Minister of Environment shall give public notice of the target water quality in each section of river systems of the relevant district to be achieved by the total pollution load control:

- 1.Where the Mayor/Do Governor has failed to inform his/her intention to establish the target water quality in his/her jurisdictional area to be achieved by the total pollution load

- control or to apply for approval by the deadline referred to in paragraph (2);
2. Where the Mayor/Governor has failed to publish the approved target water quality in his/her jurisdictional area to be achieved by the total pollution load control in accordance with paragraph (5).
- (7) The Minister of Environment shall measure the water quality of the lower end of the unit basin for the total pollution load control, as prescribed by Ordinance of the Ministry of Environment, in order to confirm whether the target water quality has been achieved or maintained by the total pollution load control.

#### Article 4 (Basic Guidelines for Total Pollution Load Management)

The basic guidelines for the total pollution load management under Article 4-2 (2) of the Act (hereinafter referred to as "basic guidelines") shall include the following matters:

1. The purposes of the total pollution load control;
2. The kinds of water pollutants subject to the total pollution load control;
3. Surveys on pollution sources and methods of calculating the loading quantity for contamination;
4. The subjects, contents, methods and deadline of a master plan for the total pollution load management pursuant to Article 4-3 of the Act;
5. The contents and methods of an action plan for the total pollution load control pursuant to Article 4-4 of the Act.

#### Article 5 (Matters Subject to Approval for Alteration in Master Plan for Total Pollution Load Management)

"Important matters prescribed by Presidential Decree" in the latter part of the main body of Article 4-3 (1) of the Act means the matters falling under Article 4-3 (1) 2 and 4 of the Act.

#### Article 6 (Approval, etc. on Action Plan for Total Pollution Load Management)

(1) A Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, or a Special Self-Governing Province Governor shall formulate an action plan for the total pollution load management (hereinafter referred to as "action plan for the total pollution load management") which includes the following matters in accordance with Article 4-4 (1) of the Act, and shall obtain approval thereof from the Minister of Environment: <Amended on Jan. 28, 2014>

1. Status of the river basin subject to an action plan for the total pollution load management;
2. Status of and forecast on pollution sources;
3. Pollution loads to be additionally discharged subsequent to the annual regional development plan and the detailed contents of the relevant annual development plan;
4. The annual targets for reduction of pollution loads and the specific scheme for reduction;
5. The reduction amount, by facility, of allotted pollution loads in accordance with Article 4-5 of the Act and the time for such reduction;
6. The calculated data for the forecast of the water quality and the plan for monitoring the implementations thereof.

(2) The head of a Si/Gun (excluding the head of a Gun in any Metropolitan City; hereafter the same shall apply in this Article and Article 12) shall formulate an action plan for the total

pollution load management, which includes matters referred to in paragraph (1), and obtain approval thereof from the competent Do Governor: <Amended on Jan. 17, 2012>

1.Deleted; <Jan. 17, 2012>

2.Deleted. <Jan. 17, 2012>

(3)Upon approving an action plan pursuant to paragraph (2), the Do Governor shall consult in advance with the Minister of Environment. <Newly Inserted on Jan. 17, 2012>

(4)Matters necessary for the procedures, criteria, etc. for approval under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment. <Amended on Jan. 17, 2012>

Article 7 (Matters Subject to Approval for Alteration in Action Plans for Total Pollution Load Management)

"Any alteration to important matters prescribed by Presidential Decree" in the latter part of Article 4-4 (1) of the Act means the following:

1.Increases in the annual pollution loads referred to in Article 6 (1) 3;

2.Decreases in the annual targets for reduction of pollution loads referred to in Article 6 (1) 4;

3.Changes in the reduction amount, by facility, of allotted pollution loads and the time for such reduction referred to in Article 6 (1) 5.

Article 8 (Facilities to which Pollution Loads are Allotted, Etc.)

"Facilities prescribed by Presidential Decree" in the former part of Article 4-5 (1) of the Act means the following facilities: <Amended on Jan. 17, 2017; Oct. 15, 2019>

1.Public wastewater treatment facilities;

2.Public sewage treatment facilities defined in subparagraph 9 of Article 2 of the Sewerage Act (hereinafter referred to as "public sewage treatment facilities") and excreta treatment facilities defined in subparagraph 11 of Article 2 of the same Act;

3.Public treatment facilities defined in subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

Article 9 (Measuring Instruments of Pollution Loads or Discharge Quantities)

(1)Any person who installs and operates a facility (hereinafter referred to as "business entity which has been allotted pollution loads, etc.") to which pollution loads or discharge quantities have been allotted or designated in accordance with Article 4-5 (4) of the Act shall have his/her facility equipped with any of the following measuring instruments:

1.Devices capable of automatically recording the water pollutants allotted in accordance with Article 4-5 (1) or (2) of the Act;

2.Mass flowmeters that can automatically measure discharge quantities;

3.Devices capable of automatically transmitting the results of measurement to the Tele-Monitoring System Control Center under Article 37.

(2)Business entities which have been allotted pollution loads, etc. shall install the measuring instruments pursuant to paragraph (1) by 90 days before the start of the period for which the pollution loads or the discharge quantities shall be met in accordance with Article 4-5

(1) and (2) of the Act, and measure the discharge quantities of the water pollutants, etc. and preserve the results of measurement for two years.

(3) Types of measuring instruments and methods of installing them under paragraph (1) and methods of recording and preserving the results of measurement under paragraph (2) shall be determined and publicly notified by the Minister of Environment.

#### Article 10 (Methods and Criteria for Calculating Penalty Surcharges for Excess of Total Pollution Load)

(1) Specific methods and criteria for calculating a penalty surcharge for excess of the total pollution load under Article 4-7 (1) of the Act (hereinafter referred to as "penalty surcharge for excess of the total pollution load") shall be as specified in attached Table 1. <Amended on Jan. 16, 2018>

(2) The frequency of violations under paragraph (1) shall be the frequency for receiving disposition orders, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) and (4) of the Act for the preceding two years and shall be calculated by place of business.

[Title Amended on Jan. 16, 2018]

#### Article 11 (Notice of Payment of Penalty Surcharges for Excess of Total Pollution Load)

(1) The payment of a penalty surcharge for excess of the total pollution load calculated in accordance with Article 10 shall be notified within 60 days from the date when the grounds for imposition arise. <Amended on Jan. 16, 2018>

(2) The payment of a penalty surcharge for excess of the total pollution load under paragraph (1) shall be notified in writing by prescribing the quantity of water pollutants, the amount imposed, the deadline and place for payment, and other necessary matters. In such cases, the deadline for payment of the penalty surcharge for excess of the total pollution load shall be 30 days from the date the notice of payment is issued. <Amended on Jan. 16, 2018>

[Title Amended on Jan. 16, 2018]

#### Article 12 (Application for Adjustment of Penalty Surcharges for Excess of Total Pollution Load)

(1) Any person who has been notified of the payment of a penalty surcharge for excess of the total pollution load in accordance with Article 11 may apply for an adjustment of the amount of the penalty surcharge for excess of the total pollution load to the Minister of Environment, or a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun who implements an action plan for the total pollution load management (hereinafter referred to as "head of a local government in charge of the total pollution load management") within 30 days from receipt of such notice. <Amended on Jan. 28, 2014; Jan. 16, 2018>

(2) Upon receipt of an application under paragraph (1), the Minister of Environment or the head of a local government in charge of the total pollution load management shall inform the relevant applicant of the decision on the matter under consideration within 30 days

after receipt of the application, and in cases falling under any subparagraph of Article 13 (1), the Minister or the head shall recalculate and adjust a penalty surcharge for excess of the total pollution load, and re-impose or refund the relevant difference. <Amended on Jan. 16, 2018>

(3)An application for adjustment filed under paragraph (1) shall not affect the payment deadline for a penalty surcharge for excess of the total pollution load. <Amended on Jan. 16, 2018>

[Title Amended on Jan 16, 2018]

#### Article 13 (Adjustment of Penalty Surcharges for Excess of Total Pollution Load)

(1)In any of the following cases, the Minister of Environment or the head of a local government in charge of the total pollution load management shall adjust a penalty surcharge for excess of the total pollution load: <Amended on Jan. 16, 2018>

- 1.Where the discharge period of water pollutants that serves as the basis for the computation of the penalty surcharge for excess of the total pollution load has been changed because disposition orders, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) or (4) of the Act, have not been completed until the scheduled completion date or have been completed before such date;
- 2.Where the discharge quantity of water pollutants has been changed from the originally measured quantity as a result of the improvement of relevant facilities after imposing the penalty surcharge for excess of the total pollution load;
- 3.Where an error is detected in the computation of the penalty surcharge for excess of the total pollution load.

(2)When the Minister of Environment or the head of a local government in charge of the total pollution load management intends to adjust a penalty surcharge for excess of the total pollution load in accordance with paragraph (1), he/she shall recalculate the penalty surcharge for excess of the total pollution load according to the following classifications: <Amended on Jan. 16, 2018>

- 1.In cases falling under paragraph (1) 1, the discharge period of water pollutants shall be recalculated by counting the number of days between the scheduled completion date and the actual completion date;
- 2.In cases falling under paragraph (1) 2, the discharge quantity of water pollutants shall be recalculated based on the water pollutants newly measured for the period after the relevant facilities was reinspected.

(3)When a penalty surcharge for excess of the total pollution load calculated under paragraph (2) differs from the amount already paid, the Minister of Environment or the head of a local government in charge of the total pollution load management shall reimpose or refund the relevant difference: Provided, That where the discharge period has been adjusted in accordance with paragraph (1) 1, the recalculated penalty surcharge for excess of the total pollution load shall be imposed or refunded within 30 days from the date when the implementation of disposition orders, orders for suspension of operation, or orders for closure has been confirmed. <Amended on Jan. 16, 2018>

(4)When the Minister of Environment or the head of a local government in charge of the total pollution load management intends to reimpose or refund the relevant difference after adjusting a penalty surcharge for excess of the total pollution load calculated in accordance with paragraph (3), he/she shall notify the person liable to pay such penalty surcharge in writing of the amount, grounds, place for payment or refund, and other necessary matters. <Amended on Jan. 16, 2018>

[Title Amended on Jan. 16, 2018]

Article 14 (Deferment of Collection, Installment Payments and Procedures for Collection of Penalty Surcharges for Excess of Total Pollution Load)

(1)In any of the following circumstances, a person liable to pay a penalty surcharge for excess of the total pollution load may file an application to defer the relevant collection or to pay the penalty surcharge for excess of the total pollution load in installments with the Minister of Environment or the head of a local government in charge of the total pollution load management: <Amended on Jan. 16, 2018>

- 1.Where a business entity suffers serious damage to its property due to natural disasters or other calamity;
- 2.Where a business entity faces a considerable crisis due to apparent business losses;
- 3.Where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.

(2)When the Minister of Environment or the head of a local government in charge of the total pollution load management, in receipt of an application provided for in paragraph (1), recognized that a penalty surcharge for excess of the total pollution load can not be paid on any of the grounds referred to in paragraph (1), he/she may allow the deferred collection of the penalty surcharge for excess of the total pollution load or their installment payments. In such cases, the grace period for collection shall be within one year from the date immediately following the date on which the deferment of collection is decided upon; the number of installments within the grace period shall not exceed six. <Amended on Jan. 16, 2018>

(3)Where the amount of a penalty surcharge for excess of the total pollution load which a person subject to the deferment of collection or the installment payments pursuant to paragraph (2) shall pay, exceeds at least two times the capital or the total equity investment (in cases of an individual business entity, referring to the total amount of assets) of a person liable to pay such penalty surcharge; and where deemed that such penalty surcharge cannot be paid within one year because the grounds referred to in paragraph (1) continue to exist, the Minister of Environment or the head of a local government in charge of the total pollution load management may prescribe the grace period for collection not exceeding three years from the day immediately following the date on which the deferment of collection is decided upon; the number of installments within the grace period shall not exceed 12, notwithstanding paragraph (2). <Amended on Jan. 16, 2018>

(4)When the Minister of Environment or the head of a local government in charge of the total pollution load management has decided upon the deferment of collection in

accordance with paragraph (2) or (3), he/she may order a person subject to the deferment of collection to provide collateral equivalent to the deferred amount or take measures necessary for the preservation of collateral.

(5) Where a person liable to pay a penalty surcharge for excess of the total pollution load falls under any of the following cases, the Minister of Environment or the head of a local government in charge of the total pollution load management may cancel the deferment of collection and collect the unpaid penalty surcharge: <Amended on Jan. 16, 2018>

1. Where the unpaid penalty surcharge has not been paid by the payment deadline;
2. Where any order to alter or preserve collateral, issued by the Minister of Environment or the head of a local government in charge of the total pollution load management, has not been completed;
3. Where there is no need to defer the collection as the property or other relevant circumstances change.

(6) Matters necessary for the imposition, collection, refund, deferment of collection, and installment payments of penalty surcharges for excess of the total pollution load shall be prescribed by Ordinance of the Ministry of Environment. <Amended on Jan. 16, 2018>

[Title Amended on Jan. 16, 2018]

Article 15 (Punishment on Local Governments which Fails to Formulate and Implement Master Plans for Total Pollution Load Management)

"Structures, including buildings, of at least the scale prescribed by Presidential Decree" in Article 4-8 (2) 4 of the Act means any of the following facilities, a project area of which exceeds the project area prescribed by region under attached Table 4 of the Enforcement Decree of the Environmental Impact Assessment Act: <Amended on Jan. 28, 2014>

1. Class 1 through 3 places of business classified by scale of each place of business under attached Table 13;
2. Facilities referred to in Article 3 of the Enforcement Decree of the Seoul Metropolitan Area Readjustment Planning Act.

## CHAPTER II PRESERVATION OF WATER ENVIRONMENTS OF PUBLIC WATERS

### SECTION 1 General Provisions

Article 16 Deleted. <Jan. 17, 2017>

Article 17 Deleted. <Jan. 17, 2017>

Article 18 Deleted. <Jan. 17, 2017>

Article 19 Deleted. <Jan. 17, 2017>

Article 20 Deleted. <Jan. 17, 2017>

Article 21 (Matters to be Included in National Land Planning)

When formulating a Do comprehensive plan or Si/Gun comprehensive plan pursuant to Article 13 of the Act, a Mayor/Do Governor or the head of a Si/Gun shall include a plan for installing any of the following facilities in such plan: <Amended on Jan. 17, 2017; Oct. 15, 2019>

1. Public wastewater treatment facilities;
2. Public sewage treatment facilities;
3. Excreta treatment facilities defined in subparagraph 11 of Article 2 of the Sewerage Act;

4. Public treatment facilities defined in subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.  
Article 21-2 (Submission, etc. of Business Management Plans for Water Pollution Prevention Center)

(1) Where the Korea Environment Corporation established under the Korea Environment Corporation Act performs management of the Water Pollution Prevention Center (hereinafter referred to as the "Prevention Center") on behalf of the Minister of Environment pursuant to Article 16-3 (1) of the Act, the Korea Environment Corporation shall submit a business management plan for the Prevention Center for the following year to the Minister of Environment by December 15 each year and obtain approval of such plan from him/her.

(2) The business management plan for the Prevention Center under paragraph (1) shall include:

1. Matters concerning the performance of tasks under the subparagraphs of Article 16-3 (2) of the Act;
2. Matters concerning a budget necessary to perform tasks under the subparagraphs of Article 16-3 (2) of the Act;
3. Matters concerning the establishment and operation of a water pollution prevention information system under Article 16-4 of the Act.

(3) Where the Korea Environment Corporation established under the Korea Environment Corporation Act performs management of the Prevention Center on behalf of the Minister of Environment, the Korea Environment Corporation shall submit a report on the management of the Prevention Center in the relevant year to the Minister of Environment by January 31 of the following year.

[This Article Newly Inserted on Jan. 28, 2014]

Article 22 (Details of Conditions for Preventing Water Pollution of Public Waters)

The following matters shall be included in the conditions attached to prevent water pollution of public waters as provided for in Article 18 (1) of the Act:

1. Wastes shall be treated in accordance with Article 13 of the Wastes Control Act;
2. If public waters are to be filled with wastes, such filling shall be carried out only after such wastes are disposed of in conformity with the criteria and methods for disposal of wastes as provided for in Article 13 of the Wastes Control Act.

Article 23 (Compensation for Loss from Recommendations, etc. for Growing Specific Agricultural Crops)

Where the Mayor/Do Governor or the Mayor 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 compensates for a loss suffered by any farmer in accordance with Article 19 (2) of the Act, he/she shall calculate the amount of such compensation according to the standards determined and publicly notified by the Minister of Environment, in consideration of the area of farmland, kinds of agricultural crops, income per unit of area, etc. <Amended on Jan. 16, 2018>

[Title Amended on May 26, 2015]

Article 24 (Standards, etc. for Preservation Measures of Water Environments)

Where the Minister of Environment intends to recommend a person who manages public waters (referring to a water manager, river management agency provided for in Article 8 of the River Act, Special Self-Governing City Mayor, Special Self-Governing Province Governor, and the head of a Si/Gun/Gu) pursuant to Article 19-2 (1) of the Act to take measures necessary for preserving the water environments, the following matters shall be included in the recommendation: <Amended on Jan. 17, 2017; Jan. 16, 2018>

- 1.Objectives to preserve the water environments;
- 2.Detailed methods for preserving the water environments;
- 3.Financing required for preserving the water environments;
- 4.Other matters necessary for preserving the water environments.

[Title Amended on Jan. 16, 2018]

Article 25 (Criteria, etc. for Purchase, etc. of Riverine Ecological Zone)

(1)The Minister of Environment may purchase or ecologically create and manage riverine wetlands and riverine land (hereinafter referred to as "riverine ecological zone") which satisfy all of the following subparagraphs in accordance with Article 19-3 (1) of the Act: <Amended on Mar. 9, 2010; Jun. 12, 2018>

- 1.It is to be located within one kilometer from the borderlines of rivers, lakes and marshes, and other public waters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "rivers, lakes, marshes, etc."); Provided, That forest protection zones under Article 7 of the Forest Protection Act and test forests under Article 47 of the Creation and Management of Forest Resources Act shall be excluded from the purchase, or creation and management, and forests under subparagraph 1 of Article 2 of the Act shall be excluded from creation and management;
- 2.It is to be falling under any of the following items, to purchase a riverine ecological zone or to ecologically create and manage such zone:
  - (a)Where riverine land is to be ecologically managed for the protection of water supply source;
  - (b)Where relevant riversides of rivers, lakes, marshes, etc. are to be systematically managed for the preservation or the restoration of aquatic ecology, etc. which are worthy of protection;
  - (c)Where riverine land is necessarily to be managed in order to control non-point pollutants, etc.

(2)In any of the following cases, the Mayor/Do Governor or the Mayor of a large city may purchase a riverine ecological zone or ecologically create and manage it in accordance with Article 19-3 (2) of the Act: <Amended on Jan. 16, 2018>

- 1.Where the Minister of Environment recognizes that the purchase, or the creation and management of land located on the fringe of relevant public waters is necessary to implement the measures for preservation of the water environments pursuant to Article 19-2 of the Act;

2. Where it is necessary for the implementation of a plan for reduction of water pollutants, including the installation or operation of reduction facilities for non-point pollution, from among implementation plans established in accordance with Article 56 of the Act.

Article 26 (Calculation of Purchase Price and Methods and Procedures for Purchase, etc.)

- (1) The owner of land or any fixture on such land (hereinafter referred to as "land, etc.") located in an ecological riparian zone, which the Minister of Environment, the Mayor/Do Governor, or the Mayor of a large city intends to purchase in accordance with Article 19-3 (1) and (2) of the Act, may request the purchase of land, etc. from the Minister of Environment, the Mayor/Do Governor, or the Mayor of the competent large city, as prescribed by Ordinance of the Ministry of Environment. <Amended on Jan. 16, 2018>
- (2) Upon receipt of a request for purchase under paragraph (1), the Minister of Environment, the Mayor/Do Governor, or the Mayor of a large city shall determine whether he/she purchases the relevant land, etc. according to the priority order for purchase he/she has given public notice or announcement, and inform the owner of the relevant land, etc. of such determination (the determination to purchase such land, etc. and the purchase price calculated under paragraph (3), if he/she determines the purchase). <Amended on Jan. 16, 2018>
- (3) The purchase price of land, etc. under paragraph (2) shall be appraised, based on the officially assessed individual land price under the Act on the Public Announcement of Real Estate Values, in consideration of the location, shape, environments, and current use of that land, etc.; and shall be calculated by taking an arithmetical average of the amounts appraised by at least two appraisers referred to in subparagraph 4 of Article 2 of the Act on Appraisal and Certified Appraisers. <Amended on Presidential Decree Nos. 27471 & 27472, Aug. 31, 2016>

Article 27 (Designation, etc. of Angling-Prohibited or Angling-Restricted Area)

- (1) Where the head of a Si/Gun/Gu (referring to autonomous Gu; hereinafter the same shall apply) intends to designate an angling-prohibited area or an angling-restricted area, he/she shall take into account the following matters:
1. The objective of water for a specific use;
  2. The current status of sources of pollution;
  3. The level of water pollution;
  4. The current presence of litter around angling areas and conditions for the disposal thereof;
  5. The number of people enjoying the fishing on a yearly basis;
  6. The current status of underwater ecosystem, such as the species and number of fish inhabiting the relevant water.
- (2) When the head of a Si/Gun/Gu shall designates an angling prohibited area or an angling-restricted area in accordance with Article 20 (1) of the Act, he/she shall immediately publish any of the following matters in the public bulletin of the relevant local government, prepare the drawing, etc. for public inspection, and install a signboard

making the details of such announcement known to the public in the relevant angling-prohibited area or the angling-restricted area:

- 1.The name and location of an angling-prohibited area or an angling restricted area;
- 2.Restricted matters, such as methods of and times for angling (limited to angling-restricted areas) under Article 20 (2) of the Act;
- 3.The administrative fines to be levied on any person who violates the prohibition of or restriction on angling under Article 82 (2) 1 or (3) 2 of the Act;
- 4.The amount of fees to be levied to meet costs involved in removing litter, etc., and the method of and the place for paying such fees under Article 20 (3) of the Act;
- 5.The method of disposing of litter, etc. accumulating from angling restricted areas;
- 6.Other matters necessary to prohibit or restrict angling.

(3)The standards and details for the signboard referred to in paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 28 (Warnings against Water Pollution)

(1)The types of warnings against water pollution under Article 21 (5) of the Act shall be as follows:

- 1.Warnings against algae;
- 2.Warnings to watch for water pollution.

(2)The objects for issuance of alerts for water pollution, persons who may issue alerts, and items subject to the issuance of alerts shall be as specified in attached Table 2. <Amended on Jan. 16, 2018>

(3)The phases by which alerts for water pollution are issued according to kind, and standards for issuing and canceling alerts, etc. shall be as specified in attached Table 3.

(4)Measures to take by kind of warning and at various stages of warnings against water pollution shall be as specified in attached Table 4.

Article 29 (Restrictions on Activities in Contaminated Public Waters)

(1)"Activities prescribed by Presidential Decree" in Article 21-2 (1) of the Act means any of the following acts: <Amended on Jun. 12, 2018>

- 1.Drinking water from the relevant rivers, lakes, marshes, etc. or using it for cooking;
- 2.Eating any aquatic produce, including fishes and sell fishes, of the relevant rivers, lakes, marshes, etc.;
- 3.Drawing water from the relevant rivers, lakes, marshes, etc. for agricultural use.

(2)The criteria for selecting rivers, lakes, marshes, etc. for which the restriction of activities may be recommended in accordance with Article 21-2 (1) of the Act shall be as follows: <Amended on Jun. 12, 2018>

- 1.Where it has exceeded the target quality of water by river system spheres of influence publicly notified by the Minister of Environment in accordance with Article 22 (2) of the Act and may hinder the intended purpose for use of water;
- 2.Where it has exceeded the criteria prescribed in attached Table 5 other than subparagraph 1 and may have a great effect on the health and livelihood of people.

(3)Where rivers, lakes, marshes, etc. exceed the criteria under paragraph (2) although the Mayor/Do Governor has taken measures under Article 21-2 (2), the Minister of Environment may take measures under Article 21-2 (3) of the Act. <Newly Inserted on Jun. 12, 2018>

[Title Amended on Jun. 12, 2018]

Article 29-2 (Procedures, Contents, etc. of Special Measures to Improve Water Quality of Water Supply Source)

(1)Where it is deemed necessary to order the special measures under Article 21-3 (1) of the Act (hereinafter referred to as "special measures" in this Article), the Minister of Environment may have the Mayor/Do Governor, the head of a river basin environmental office, or the head of a regional environmental office (hereinafter referred to as "Mayor/Do Governor, etc.") submit the data on pollution status, trend of increasing pollution which is expected in the future, countermeasure plan, etc. of the relevant water supply source.

(2)Matters to be included in the special measures shall be as follows:

- 1.Water pollutants subject to the special measures;
- 2.Method of the special measures, such as prohibition or limitation of discharge of water pollutants pursuant to subparagraph 1;
- 3.Matters concerning control measures of water pollutants discharged prior to ordering the special measures;
- 4.Matters concerning management of performance of the order of the special measures.

(3)The Mayor/Do Governor, etc. may, where water pollution falling under each subparagraph of Article 21-3 (1) of the Act is feared to occur in the competent jurisdiction, request the Minister of Environment to order the special measures. In such cases, the Mayor/Do Governor, etc. shall submit the data on pollution status, trend of increasing pollution which is expected in the future, countermeasure plan, etc. of the relevant water supply source.

(4)The Minister of Environment shall, where he/she has ordered the special measures, notify such fact by posting the relevant contents on the official gazette or through the website, etc.

(5)The Minister of Environment shall endeavor so that damage incurred to a business entity, etc. due to the special measures may be minimized.

[This Article Newly Inserted on Jun. 22, 2010]

Article 29-3 (Preventive Measures of Damage Caused by Algae)

The Minister of Environment may demand or order the following measures to be taken to prevent damage caused by the occurrence, etc. of algae pursuant to Article 21-5 (1) of the Act:

- 1.Discharging water from a dam, reservoir, dike, etc.;
- 2.Installing a facility for removing algae; spraying substances for removing algae; and taking any other measures to remove algae;

3. Blocking the inflow of algae into a raw water collection point and a water treatment plant, or strengthening water filtration and treatment;
4. Other measures to prevent the occurrence of algae, such as strengthening water treatment to improve the quality of effluent water.

[This Article Newly Inserted on Jan. 17, 2017]

[Previous Article 29-3 moved to Article 29-4 <Apr. 4, 2017>]

Article 29-4 (Calculation, etc. of Amount of Flow for Environmental Ecology)

- (1) Where the Minister of Environment designates the representative points (hereinafter referred to as "representative point") of rivers, small rivers under subparagraph 1 of Article 2, and other tributaries or affluents which have dried up in order to determine the minimum amount of flow necessary to maintain the health of aquatic ecosystems (hereinafter referred to as "amount of flow for environmental ecology") pursuant to Article 22-3 (1) and (3), he/she shall take into account the followings:
  1. Points where he/she can regularly examine the current status of aquatic ecosystems under Article 9-3 (1) of the Act;
  2. Points where he/she may select representative fish species;
  3. Points where the health of aquatic ecosystems has severely deteriorated due to dry rivers or rivers which have dried up;
  4. Other points where the Minister of Environment deems it necessary to secure the amount of flow for environmental ecology necessary in order to maintain the health of aquatic ecosystems.
- (2) Where the Minister of Environment calculates the amount of flow for environmental ecology for representative points designated pursuant to paragraph (1), he/she shall review the followings:
  1. Items and cycles of examination to identify the current status of rivers;
  2. Criteria and procedures for selecting representative fish species;
  3. Other matters publicly notified by the Minister of Environment, as deemed necessary to calculate the amount of flow for environmental ecology.
- (3) Where the Minister of Environment calculates the amount of flow for environmental ecology pursuant to paragraph (2), he/she shall consult with the heads of related administrative agencies in advance.

[This Article Wholly Amended on Jan. 16, 2018]

Article 29-5 (Procedures, etc. for Formulating Master Plan for National Water Environment Management)

- (1) If necessary to formulate or revise a master plan for national water environment management under Article 23-2 (1) or (3) of the Act, the Minister of Environment may request the heads of relevant central administrative agencies or Mayors/Do Governors to submit materials. In such cases, the heads of relevant central administrative agencies or Mayors/Do Governors upon receipt of such request to submit material shall comply with such request unless there is a compelling reason not to do so.

(2)Where the Minister of Environment intends to formulate or revise a master plan for national water environment management pursuant to Article 23-2 (1) or (3) of the Act, he/she shall refer it to the Central Environmental Policy Committee under Article 58 (1) of the Framework Act on Environmental Policy for deliberation after having consultation with the heads of relevant central administrative agencies.

(3)Where the heads of relevant central administrative agencies have been notified of the details of the formulation or revision of the master plan for national water environment management by the Minister of Environment pursuant to Article 23-2 (5) of the Act, they shall endeavor to implement such master plan notified in a smooth manner.

[This Article Newly Inserted on Jan. 16, 2018]

[Previous Article 29-4 Moved to Article 29-6 <Jan. 16, 2018>]

Article 29-6 (Contents, etc. of Plan for Restoring Aquatic Ecosystems)

(1)Each plan for restoring aquatic ecosystems formulated under Article 27-2 (1) of the Act (hereinafter referred to as "restoration plan") shall include the followings:

- 1.Objectives of, and direction-setting for, implementing the restoration plan;
- 2.Status of water quality or the status of destroyed aquatic ecosystems;
- 3.Its relevance to related plans that affect the restoration of aquatic ecosystems;
- 4.Priority order of aquatic ecosystem restoration projects (hereafter referred to as "restoration project" in this Article) and annual implementation plans;
- 5.Expenses incurred in performing restoration projects and a financing plan.

(2)Each action plan formulated under Article 27-2 (5) of the Act shall include the followings:

- 1.An area intended for a restoration project and goals for restoring water quality and aquatic ecosystems by that restoration project;
- 2.Its relevance to related projects that affect the restoration of aquatic ecosystems;
- 3.Status of the pollution sources distributed in an area intended for a restoration project, and the status of water quality and aquatic ecosystems in such area;
- 4.Basic design and detailed design for a restoration project;
- 5.A cost estimate of a restoration project by field and year and the basis of calculation of such cost;
- 6.Monitoring and post-management of a restoration project;
- 7.Improvements in water quality and aquatic ecosystems made by a restoration project.

[This Article Newly Inserted on Jan. 17, 2017]

[Moved from Article 29-5 and previous Article 29-6 Moved to Article 29-7 <Jan. 16, 2018>]

Article 29-7 (Approval, etc. of Restoration Plan)

(1)Where a Mayor/Do Governor or the head of a Si/Gun/Gu intends to obtain approval of a restoration plan pursuant to the former part of Article 27-2 (4) of the Act, he/she shall prepare and submit a draft restoration plan to the Minister of Environment by April 30 of the year preceding the year in which he/she implements that restoration plan.

(2)"Important matters prescribed by Presidential Decree" in the latter part of Article 27-2 (4) of the Act means matters provided for in Article 29-6 (1) 4 or 5. <Amended on Jan. 16, 2018>

- (3)Where a Mayor/Do Governor or the head of a Si/Gun/Gu intends to obtain approval of any alteration to a restoration plan pursuant to the latter part of Article 27-2 (4) of the Act, he/she shall prepare and submit a draft restoration plan containing such alteration to the Minister of Environment.
- (4)The Minister of Environment may request necessary materials from a Mayor/Do Governor or the head of a Si/Gun/Gu where necessary to review draft restoration plans submitted under paragraphs (1) and (3) or action plans submitted under Article 27-2 (5) of the Act.
- (5)The Minister of Environment may require the Korea Environment Corporation established under the Korea Environment Corporation Act to review technical matters where necessary to review draft restoration plans submitted under paragraphs (1) and (3) or action plans submitted under Article 27-2 (5) of the Act.

[This Article Newly Inserted on Jan. 17, 2017]

[Moved from Article 29-2 <Dec. 16, 2018>]

## SECTION 2 Conservation of Water Environments of Lakes and Marshes

Article 30 (Survey, Measurement, Analysis, etc. of Condition of Use of Water in Lakes and Marshes)

- (1)The Minister of Environment shall designate and publicly notify any of the following lakes and marshes which are required to preserve the water environments in accordance with Article 28 of the Act and shall survey, measure and analyze the water environments of such lakes and marshes on a regular basis: <Amended on Jan. 16, 2018>
- 1.Any lake or marsh from which raw water is collected in excess of 300,000 tons per day;
  - 2.Any lake or marsh which is a habit at for animals and plants, including migratory birds, or which is so rich in biological diversity that it specially needs to be conserved;
  - 3.Any lake or marsh, the water pollution of which is so severe to the extent that it specially needs to be managed.
- (2)The Mayor/Do Governor shall survey, measure and analyze the water environments of lakes and marshes on a regular basis, the area of which at the time of full water level is not less than 500,000 square meters, other than lakes and marshes designated and publicly notified by the Minister of Environment in accordance with paragraph (1). <Amended on Jan. 16, 2018>
- (3)Matters which shall be surveyed, measured and analyzed pursuant to paragraphs (1) and (2) shall be as follows: <Amended on Jan. 16, 2018>
- 1.Basic data necessary for managing a lake or a marsh, such as the year it came into being or was created, the area of basin and the quantity of water stored in the lake or marsh;
  - 2.The use of water in a lake or marsh, such as the objective for using the water of a lake or a marsh, the location of a place of intake and the quantity of water collected;
  - 3.The degree of water pollution, the current status of the distribution of sources of pollution, and the occurrence, treatment and influx of pollutants;
  - 4.The current status of aquatic ecosystems, such as the biological diversity and ecosystem of a lake or marsh.

(4)The Minister of Environment or the Mayor/ Do Governor shall investigate, measure, and analyze the matters in each subparagraph of paragraph (3) according to the following categories: Provided, That if it is necessary to preserve the water environment of the lake, it may be surveyed, measured and analyzed annually: <Amended on Jan. 16, 2018; Oct. 15, 2019>

1.Matters prescribed in paragraph (3) 1 and 2: Once every three years;

2.Matters prescribed in paragraph (3) 3: Once every five years;

3.Matters prescribed in paragraph (3) 4:

(a)Where the Minister of Environment investigates, measures and analyzes pursuant to paragraph (1): Once every three years;

(b)Where the Mayor/Do Governor investigates, measures and analyzes pursuant to paragraph (2): Once every five years.

(5)The Mayor/Do Governor shall submit the results of investigation, measurement and analysis pursuant to paragraph (2) to the Minister of Environment by the end of February of the following year. <Newly Inserted on Oct. 15, 2019>

[Title Amended on Jan. 16, 2018]

Article 30-2 (Standards for Designation of Reservoirs with Priority Management)

"Standards prescribed by Presidential Decree" in Article 31-2 (1) 2 of the Act means the standards as classified in the below:

1.Reservoirs for agricultural purpose: Slightly bad (IV) grade among the living environmental standards for lakes and marshes referred to in subparagraph 3 (b) (2) of attached Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy;

2.Other reservoirs: Ordinary (III) grade among the living environmental standards for lakes and marshes referred to in subparagraph 3 (b) (2) of attached Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy.

[This Article Newly Inserted on Jul. 5, 2012]

### CHAPTER III CONTROL OF POINT-POLLUTION SOURCES

#### SECTION 1 Regulation of Discharge of Industrial Wastewater

Article 31 (Scope, etc. of Wastewater Discharging Facilities Requiring Permission or Reporting for Installation)

(1)Wastewater discharging facilities which require permission for installation under the main sentence of Article 33 (1) of the Act (hereinafter referred to as "discharging facilities") are as follows: <Amended on Jul. 20, 2012; Nov. 24, 2014; Oct. 15, 2019>

1.Discharging facilities which discharge specific substances harmful to water quality in excess of the standards prescribed by Ordinance of the Ministry of Environment;

2.Discharging facilities installed within the special-measures area designated under Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "special-measures area");

3.Discharging facilities installed within an area in which the installation of the discharge facilities is restricted, publicly notified by the Minister of Environment in accordance with Article 33 (8) of the Act;

4. Discharging facilities installed within the water-source protection area designated under Article 7 of the Water Supply and Waterworks Installation Act (hereinafter referred to as "water-source protection area"), or within a 10km flow-distance upstream from its boundary;
  5. Discharging facilities installed within a 15km flow-distance upstream from raw water collection facilities, if such collection facilities are located in the area in which no water-source protection area has been designated;
  6. Discharging facilities, the installation of which has been reported under the main sentence of Article 33 (1) of the Act and which newly discharge specific substances harmful to water quality in excess of the standards referred to in subparagraph 1 due to a change in the raw material, sub-materials, manufacturing process, etc.
- (2) In any of the following cases, the installation of discharging facilities shall be reported pursuant to the main sentence of Article 33 (1) of the Act: <Amended on Nov. 24, 2014; Jan. 17, 2017>
1. Where discharging facilities, other than those which require permission for installation under paragraph (1), are installed;
  2. Where the treatment of wastewater discharged from discharging facilities referred to in paragraph (1), is fully outsourced and the outsourced wastewater treatment facilities are located outside the areas referred to in paragraph (1) 2 through 5;
  3. Where discharging facilities referred to in paragraph (1) 2 through 5, which do not discharge specific substances harmful to water quality in excess of the standards referred to in paragraph (1) 1, and flow the whole quantity of discharged wastewater into public wastewater treatment facilities or public sewage treatment facilities.
- (3) In any of the following cases, a person who has obtained permission for installation of discharging facilities shall obtain permission for alteration to the discharging facilities pursuant to the main sentence of Article 33 (2) of the Act: <Amended on Apr. 3, 2008; Nov. 24, 2014>
1. Where the quantity of discharged wastewater increases by not less than 50/100 (or 30/100 in cases of facilities which discharge specific substances harmful to water quality in excess of the standards referred to in paragraph (1)) of the quantity of discharged wastewater measured at the time of permission, or where the quantity of discharged wastewater increases by not less than 700 cubic meters per day;
  2. Where the discharging facilities or water pollution preventive facilities provided for in Article 35 (1) of the Act (hereinafter referred to as "prevention facilities") need improvement due to the generation of a new water pollutant in excess of the permissible discharge limits referred to in Article 32 of the Act (hereinafter referred to as "permissible discharge limits");
  3. Where an alteration is required for the method of treatment in the form of solid wastes under paragraph (7) 2 in wastewater non-discharge facilities permitted under the proviso to Article 33 (1) of the Act.

- (4) Notwithstanding paragraph (3), a report on an alteration may be filed in lieu of permission for an alteration required under paragraph (3) if both of the following conditions are met: <Amended on Jan. 17, 2017>
1. Where consultation with the representative of joint prevention facilities provided for in Article 35 (4) of the Act (hereinafter referred to as "joint prevention facilities") or a person who operates public wastewater treatment facilities has been held with regards to the treatment of wastewater and the cost-sharing method;
  2. Where discharge facilities are altered to the extent that does not exceed wastewater treatment capacity or treatment volume.
- (5) A person who intends to obtain permission for installation or alteration of discharging facilities or to report on installation thereof in accordance with Article 33 (1) or (2) of the Act, shall submit (including submission by means of information and communications network defined in subparagraph 10 of Article 2 of the Electronic Government Act) to the Minister of Environment an application for permission for installation or alteration of discharging facilities or written report on installation thereof, along with the following documents: <Amended on May 4, 2010>
1. A location map of the discharging facilities and a flow chart for the process of wastewater discharge;
  2. A detailed statement of raw materials to be used (including water to be used for specific purposes), the quantity of goods to be produced, and water pollutants anticipated to be generated;
  3. A detailed statement of the establishment of prevention facilities and a drawing thereof: Provided, That such drawing may be replaced by a plot-plan in cases of a report on installation;
  4. A certificate of permission for the installation of discharging facilities (limited to permission for alteration).
- (6) Upon having granted permission for the installation of discharging facilities or having accepted a written report on the installation of discharging facilities (including cases where the report is deemed to have been accepted pursuant to Article 33 (5) of the Act), the Minister of Environment shall issue to the relevant applicant a certificate of permission for the installation of such discharging facilities or a report certificate on the installation of such discharging facilities: Provided, That when the alteration of discharging facilities is permitted, the altered matters shall be stated on the existing certificate. <Amended on Oct. 15, 2019>
- (7) "Facilities prescribed by Presidential Decree" in Article 33 (11) 3 of the Act means the following facilities, and "standards prescribed by Presidential Decree" is as specified in attached Table 6: <Amended on Oct. 15, 2019>
1. Separation and collection facilities that prevent wastewater generated from wastewater non-discharge facilities from mixing with wastewater generated from other discharge facilities;

- 2.Prevention facilities that treat substances harmful to water quality in wastewater, in the form of solid wastes;
- 3.Interception or storage facilities that prevent wastewater from discharging or leaking out into public waters due to defects or accidents in facilities or rainwater, etc.

#### Article 32 (Areas where Installation of Discharging Facilities is Restricted)

Areas in which the Minister of Environment may restrict the installation of discharging facilities pursuant to Article 33 (8) of the Act are as follows: <Amended on Jan. 17, 2012; Jul. 20, 2012; Nov. 24, 2014; Jan. 17, 2017; Oct. 15, 2019>

- 1.An area where water collection facilities are installed;
- 2.A special-measures area designated and publicly notified to preserve water quality pursuant to Article 38 of the Framework Act on Environmental Policy;
- 3.An area where the establishment of factories is restricted pursuant to Article 7-2 (1) of the Water Supply and Waterworks Installation Act (only applicable to discharging facilities referred to in Article 31 (1) 1);
- 4.An area publicly notified by the Minister of Environment in consideration of discharging facilities' effects on the water quality of water sources, among upstream areas of the areas provided for in subparagraphs 1 through 3 (only applicable to discharging facilities referred to in Article 31 (1) 1).

#### Article 33 (Criteria for Exemption from Establishment of Prevention Facilities)

"Discharge facilities (excluding wastewater non-discharge facilities) which meet the criteria determined by Presidential Decree" in the proviso to Article 35 (1) of the Act means any of the following cases: <Amended on Oct. 15, 2019>

- 1.Where water pollutants are always discharged below the standards for permissible discharge owing to the function of and the work procedures for such discharge facilities;
- 2.Where the whole quantity of the wastewater prescribed by Ordinance of the Ministry of Environment is treated entirely under consignment by a person who has registered for a wastewater treatment business (hereinafter referred to as "wastewater treatment business operator") in accordance with Article 62 of the Act or a specialized agency that is acknowledged and publicly notified by the Minister of Environment;
- 3.Other cases where the proper treatment of water pollutants is possible, without installing prevention facilities, by such means as, for instance, recycling all of the wastewater to occur and, at the same time, which are determined by Ordinance of the Ministry of Environment.

#### Article 34 (Discharging Facilities, etc. Subject to Reporting on Startup Operation due to Reporting on Alterations)

"Alterations prescribed by Presidential Decree" in the former part of Article 37 (1) of the Act means any of the following cases:

- 1.Where quantity of the discharged wastewater increases by at least 50/100 of the quantity of wastewater discharged initially reported;
- 2.Where discharging facilities or prevention facilities need to be improved due to the generation of new water pollutants from the relevant discharging facilities in excess of the

standards for permissible discharge;

3. Where the method of wastewater treatment at prevention facilities established in discharging facilities is altered;
4. Where prevention facilities are newly established in the discharging facilities in which any prevention facilities have not been established pursuant to the proviso to Article 35 (1) of the Act.

[Title Amended on Jan. 28, 2014]

Article 35 (Object and Methods of, and Timing for Installing Measuring Instruments, etc.)

(1) Discharge quantities or treatment volumes of wastewater in the places of business, prevention facilities (including joint prevention facilities), public wastewater treatment facilities, and public sewage treatment facilities with which measuring instruments shall be equipped under Article 38-2 (1) of the Act (hereinafter referred to as "place of business, etc. equipped with measuring instruments"), and types of measuring instruments shall be as specified in attached Table 7. <Amended on Jan. 17, 2017>

(2) A person obliged to install measuring instruments pursuant to Article 38-2 (1) of the Act (hereinafter referred to as "business entity, etc. obliged to install measuring instruments") shall install the relevant measuring instruments by the methods stated in attached Table 8 within the time limit prescribed as follows: <Amended on Feb. 18, 2010; Jan. 28, 2014; Jan. 17, 2017>

1. A person who installs and operates public wastewater treatment facilities: Before the person completes the installation of public wastewater treatment facilities under Article 48 (1) of the Act: Provided, That where the person becomes a business entity, etc. obliged to install measuring instruments due to an increase in treatment quantity, he/she shall install the measuring instruments by the end of September of the following year;

2. A person who operates public sewage treatment facilities: Before the opening of the public sewerage system is announced under Article 15 of the Sewerage Act: Provided, That where the person becomes a business entity, etc. obliged to install measuring instruments due to an increase in treatment quantity, he/she shall install the measuring instruments within nine months from the date the opening of the public sewerage system is announced;

3. A person other than those referred to in subparagraphs 1 and 2: Before the report on startup operation pursuant to Article 37 of the Act in cases of mass wattmeter and mass flowmeter, and within two months after the report on startup operation pursuant to Article 37 of the Act in cases of automatic water quality tester and supplementary facilities: Provided, That where the person becomes a business entity, etc. obliged to install measuring instruments due to an increase in the quantity of discharged wastewater, he/she shall install the automatic water quality tester and supplementary facilities within nine months from the date he/she has obtained permission for alternation or has filed a report on alternation pursuant to Article 33 (2) and (3) of the Act.

(3) Upon having installed the measuring instruments under paragraph (2), a business entity, etc. obliged to install measuring instruments shall immediately notify the Mayor/Do Governor, etc. of such installation. In such cases, the Mayor/Do Governor, etc. shall verify

whether the measuring instruments are installed in compliance with the official testing standards for environmental pollution determined under Article 6 of the Environmental Testing and Inspection Act. <Amended on Jun. 22, 2010>

(4)The Mayor/Do Governor, etc. may use the data automatically transmitted from the relevant measuring instruments to the Tele-Monitoring System Control Center operated under Article 37 (hereinafter referred to as "automatically measured data") as any of the following administrative data, after six months from the date whether such measuring instruments have been properly installed is verified under paragraph (3): Provided, That where there are errors in the automatically measured data, due to intentional manipulation of measuring instruments, disorder, unexpected event, such as thunder, electromagnetic waves, or a malfunction in the computer network, the substitute data (hereinafter referred to as "alternative automatically measured data") may be created and used: <Amended on Jan. 17, 2017; Jan. 16, 2018>

- 1.Data for calculating penalty surcharges for excess of the total pollution load provided in the following items:
    - (a)Penalty surcharges for excess of the total pollution load provided for in Article 10;
    - (b)Penalty surcharges for excess of the total pollution load provided for in Article 13 of the Act on Water Management and Resident Support in the Geum River Basin;
    - (c)Penalty surcharges for excess of the total pollution load provided for in Article 13 of the Act on Water Management and Resident Support in the Nakdong River Basin;
    - (d)Penalty surcharges for excess of the total pollution load provided for in Article 13 of the Act on the Management of Water and Support of Residents in the Yeongsan and Seomjin River Basins;
    - (e)Penalty surcharges for excess of the total pollution load provided for in Article 8-5 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin;
  - 2.Data for verifying whether the standards for effluent water quality of public wastewater treatment facilities are exceeded in accordance with Article 12 (3) of the Act;
  - 3.Data for verifying whether the permissible discharge limits are exceeded in accordance with Article 32 of the Act;
  - 4.Data for calculating effluent charges in accordance with Article 41 of the Act;
  - 5.Data for verifying whether the standards for effluent water quality of the public sewage treatment facilities are exceeded in accordance with Article 7 of the Sewerage Act.
- (5)The procedures for, and methods of, verification under paragraph (3), the specific methods of using administrative data referred to in paragraph (4), the kinds, the ways of selection, and the ways of treating abnormal automatically measured data, and the ways of creating alternative automatically measured data, etc., shall be determined and publicly notified by the Minister of Environment.
- Article 36 (Period for Improvement by Person Subject to Disposition Order regarding Measuring Instruments, etc.)

- (1) When issuing disposition orders pursuant to Article 38-4 (1) of the Act, the Minister of Environment shall prescribe an improvement period not exceeding six months.
- (2) Where a person in receipt of a disposition order pursuant to Article 38-4 (1) of the Act fails to complete such order within the period for improvement due to natural disasters or other inevitable grounds, the Minister of Environment may, upon receipt of an application from the person who has received the disposition order, extend the period for improvement not exceeding six months.

#### Article 37 (Establishment and Operation of Tele-Monitoring System Control Center)

- (1) With the aim to operate the computer network under Article 38-5 (1) of the Act, the Minister of Environment may establish and operate the Tele-Monitoring System Control Center (hereinafter referred to as "Control Center") in the Korea Environment Corporation under the Korea Environment Corporation Act. <Amended on Dec. 24, 2009>
- (2) Matters necessary for the functions and operation of the Control Center, management of automatically measured data, etc. shall be determined and publicly notified by the Minister of Environment.

#### Article 38 (Exemption from Reporting or Inspection on Places of Business, etc. Equipped with Measuring Instruments)

Where the Minister of Environment may use automatically measured data as administrative data pursuant to Article 35 (4), the Minister may exempt business entities, etc. equipped with measuring instruments from the reporting or inspection to verify the following matters in accordance with Article 38-5 (4) of the Act: <Amended on Jan. 17, 2017>

1. Whether the standards for effluent water quality of public wastewater treatment facilities are exceeded in accordance with Article 12 (3) of the Act;
2. Whether the permissible discharge limits are exceeded in accordance with Article 32 of the Act.

#### Article 38-2 (Requirements, etc. for Registration of Measuring Instrument Management Services)

- (1) Requirements for facilities, equipment, and technical personnel that a person who intends to provide measuring instrument management services for third parties should have pursuant to the former part of Article 38-6 (1) of the Act shall be as specified in attached Table 8-2.
- (2) "Important matters prescribed by Presidential Decree" in the latter part of Article 38-6 (1) of the Act means the following:
1. Trade name or title, or the name of the representative;
  2. Location of the office or laboratory;
  3. Status of technical personnel registered in accordance with standards provided for in attached Table 8-2.

[This Article Newly Inserted on Jan. 17, 2017]

#### Article 39 (Improvement Period, etc.)

- (1) When the Minister of Environment intends to issue an order for improvement in accordance with Article 39 of the Act, he/she may determine the improvement period

within the range of one year, taking into consideration measures necessary for the improvement or installation period for necessary facilities.

(2) Where a person who has been served an order for improvement under Article 39 of the Act may not implement such order within the period due to natural disasters or other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

Article 40 (Improvement of Business Entities not Subject to Order for Measures or Improvement)

(1) Where a person who does not receive an order to take measures under Article 38-4 (1) of the Act or a business entity who does not receive an improvement order under Article 39 of the Act recognizes that the gauges may not be operated normally or the pollutants are likely to be discharged in excess of the standards for permissible discharge owing to any of the following reasons, and intends to improve the gauges, discharge facilities, or prevention facilities (hereafter referred to as "discharge facilities, etc." in this Article), he/she may improve his/her discharge facilities, etc. after filing a facility improvement plan stating the grounds for improvement, the improvement period, the details of such improvement, the anticipated quantity and concentration of the water pollutants to be discharged during the improvement period, with the Minister of Environment: Provided, That where abnormalities happen in measured data temporarily due to insignificant matters prescribed by Ordinance of the Ministry of Environment, such as correction of gauges or cleaning, he/she may improve the relevant discharge facilities, etc. after submitting a statement on the grounds of improvement to the Minister of Environment by using an electronic data processing program, as prescribed by Ordinance of the Ministry of Environment: <Amended on Jan. 17, 2012>

1. Where the following emergency measures have been taken after the relevant public officials collect pollutants of water quality under Article 68 (1) of the Act, and the improvement of discharge facilities, etc. is needed:

- (a) Measures to cease the discharge of water pollutants, where the operation of the discharge facilities, etc. has been completely suspended for the improvement, alteration or repair thereof or the operation of discharge facilities, etc. ceases completely due to force majeure, such as natural disaster, fire or sudden breakdown;
- (b) Measures to reduce the discharge of water pollutants by consigning the treatment of wastewater to be treated in the prevention facilities as provided for in subparagraph 2 of Article 33;

2. Any of the following cases, other than cases under subparagraph 1:

- (a) Where it is necessary to improve, alter or repair the discharge facilities, etc.;
- (b) Where he/she is unable to operate the discharge facilities, etc. properly due to a sudden breakdown in the main mechanical devices of such facilities, etc., a power outage, a suspension of water supply, or force majeure, such as natural disaster or fire;
- (c) Where he/she is unable to operate his/her discharge facilities, etc. properly due to weather changes or an inflow of abnormal substances when treating water pollutants

through the biochemical method.

(2) Where any person who files an improvement plan pursuant to the main sentence of paragraph (1) completes the improvement of the discharge facilities, etc. by the improvement period, he/she may file an improvement completion report with the Minister of Environment and commence operation: Provided, That where the measures for improvement may not be completed within the period for improvement due to natural disasters or other inevitable grounds, an application for extension of period for improvement may be submitted to the Minister of Environment before the prescribed period expires. <Amended on Jan. 17, 2012>

(3) With regard to a person who files an improvement plan pursuant to the main sentence of paragraph (1) or a person who files an improvement completion report pursuant to paragraph (2), the Minister of Environment shall, without delay, instruct the competent public officials to confirm the details and results of improvement, and quantity of discharged water pollutants, etc. and may collect samples to entrust the test of their pollution levels to a testing institution prescribed by Ordinance of the Ministry of Environment. <Amended on Jan. 17, 2012>

#### Article 41 (Criteria and Method for Computing Basic Effluent Charges)

(1) The amount of the basic effluent charges prescribed in Article 41 (1) 1 (a) and (b) of the Act (hereinafter referred to as "basic effluent charges") shall be computed by the following formula based on the quantity and concentration of water pollutants discharged:

Quantity discharged below the limits x Amount imposed per kilogram of water pollutants x Computation index of charges by year x Imposition coefficient by place of business x Imposition coefficient by area x Imposition coefficient by rate exceeding standards for effluent water quality.

(2) The quantity discharged below the limits, as referred to in paragraph (1), means the quantity discharged according to the following classifications: <Amended on Jan. 17, 2017>

1. Cases falling under Article 41 (1) 1 (a) of the Act: The quantity discharged in excess of the standards for effluent water quality of public wastewater treatment facilities referred to in Article 12 (3) of the Act within the permissible discharge limits;

2. Cases falling under Article 41 (1) 1 (b) of the Act: The quantity discharged in excess of the standards for effluent water quality of public wastewater treatment facilities referred to in Article 12 (3) of the Act.

(3) Article 45 (5) shall apply mutatis mutandis to the amount imposed per kilogram of water pollutants necessary for computing the basic effluent charges; Article 49 (1) shall apply mutatis mutandis to the computation index of charges by year; and the imposition coefficient by place of business shall be as specified in attached Table 9, the imposition coefficient by area shall be as specified in attached Table 10, and the imposition coefficient by rate exceeding standards for effluent water quality shall be as specified in attached Table 11.

- (4)The basic effluent charges for the joint prevention facilities shall be an aggregate of the amounts computed for respective places of business under paragraphs (1) through (3).
- (5)A place of business, etc., equipped with measuring instruments pursuant to Article 38-2 of the Act, which transmits the automatically measured data to the Control Center, shall calculate the quantity and concentration of water pollutants discharged under paragraph (1) according to the following classifications: <Amended on Feb. 18, 2010>
- 1.Where the automatically measured data has been measured and transmitted normally: Data obtained during three hours in accordance with the official testing standards for environmental pollution referred to in Article 6 of the Environmental Testing and Inspection Act (hereinafter referred to as "average value for each three-hour period");
  - 2.Where the automatically measured data has been measured and transmitted abnormally:
    - (a)Where the period for a disposition order under Article 38-4 of the Act or the improvement period prescribed in the improvement plan (only applicable to the improvement plan for measuring instruments) under Article 40 remains current: The value obtained by taking an arithmetical average value of the automatically measured data for each three-hour period for the last three months in which such data has been measured and transmitted normally: Provided, That where only the normally and automatically measured data for a period shorter than three months are available, it shall be obtained by taking an arithmetical average value for each three-hour period for the available period;
    - (b)Where the period for an improvement order under Article 39 of the Act or the improvement period prescribed in the improvement plan (only applicable to the improvement plan for discharge facilities or prevention facilities) under Article 40 remains current: The value obtained by taking an arithmetical average value of the automatically measured data for each three-hour period for the last three months in which such data has been measured and transmitted normally during the period for the improvement order or improvement period: Provided, That where no normally and automatically measured data exists, it shall be calculated based on the quantity and concentration of water pollutants discharged, prescribed in the improvement order or the quantity and concentration of water pollutants discharged, surveyed after collecting them in accordance with Article 40 (3) when the improvement plan has been filed pursuant to Article 40 (1).

#### Article 42 (Kinds of Water Pollutants Subject to Imposition of Basic Discharge Dues)

The kinds of water pollutants subject to imposition of basic discharge dues shall be as follows:

- 1.Organic substances;
- 2.Suspended solids;

#### Article 43 (Period for Imposition of Basic Discharge Dues, etc.)

Basic discharge dues shall be imposed on a semi-annual basis, and the reference date for imposition and imposition period shall be as specified in attached Table 12.

#### Article 44 (Calculation of Quantity Discharged below Criteria, etc.)

(1) Where it is necessary to confirm the quantity discharged below the criteria under Article 41 (1), the Minister of Environment may have the relevant business entity to submit (including submission by means of computer network under subparagraph 10 of Article 2 of the Electronic Government Act) any of the following data in accordance with Article 68 (1) of the Act within 30 days from the last day of the imposition period: <Amended on May 4, 2010>

1. Data on the quantity discharged below the criteria (hereinafter referred to as "fixed discharge quantity") that has been actually discharged during the relevant imposition period of the basic discharge dues;
2. Data on the quantity of the water pollutants discharged by business entities who send the wastewater into the joint prevention facilities (only the business entity who has established and operated the joint prevention facilities shall submit).

(2) The fixed discharge quantity shall be computed by any of the following methods:

1. The fixed discharge quantity shall be the quantity obtained by multiplying the average daily quantity discharged below the criteria during the imposition period by the actual days of operation during the relevant imposition period, and indicated in kilograms as a unit;
2. The average daily quantity discharged below the criteria under subparagraph 1 shall be computed by the methods defined in each of the following items on the basis of the result of measurement of the water pollutants under Article 46 of the Act:
  - (a) The discharge quantity discharged within the daily criteria shall be the remaining quantity obtained by deducting the quantity discharged, computed by multiplying the standard concentration of discharged water quality by the daily average volumes of flow, from the average daily quantity discharged;
  - (b) The average daily quantity discharged shall be computed by dividing the average daily quantity of pollutants discharged that has been measured by discharge openings in accordance with Article 46 of the Act, and this by the frequency of measuring the water pollutants: Provided, That where a notice on the results of inspection under Article 68 of the Act has been received during the imposition period, it shall be computed after adding the daily average quantity discharged, computed in accordance with the results of measuring water pollutants in accordance with Article 46 of the Act to the notified average daily quantity discharged of pollutants, and by dividing this by the value obtained from adding one to the number of inspections;
  - (c) The daily quantity discharged of pollutants shall be computed by multiplying the discharge concentration at the time of measurement by the total quantity of wastewater of that day (hereinafter referred to as "daily volumes of flow"), and Article 47 (4) shall apply mutatis mutandis to the computation of daily volumes of flow; however, where an operator of public sewer treatment facilities measures the quantity of wastewater that has flowed from places of business of Classes I through IV under attached Table 13 into such facilities from the zone of sewage treatment, the daily volumes of flow shall be the quantity of wastewater measured and in cases where an operator of public sewer

- treatment facilities does not measure, the daily volumes of flow shall be based on the data that have been submitted by places of business of Classes I through IV at the time when an application for a permit for installing or modifying the discharge facilities or a report or modification thereon has been filed under the provisions of Article 33 (1) through (3) of the Act, the recording books of operations of discharge facilities and prevention facilities under Article 38 (3) of the Act and the results of inspections under Article 68 of the Act;
- (d)The methods of computations under item (b) shall apply mutatis mutandis to the calculation of the average daily volume of flow;
- 3.The fixed discharge quantity of a place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (in cases of Article 41 (1) 1 (a) of the Act, referring to the excess concentration of standards for quality of discharged water under the standards for permissible discharge concentration) of the standards for quality of discharged water for three hours during which the average value of the relevant three hours of the imposition period exceeds the standards for quality of discharged water (including the alternative automatically measured data and data falling under each item of Article 41 (5) 2; hereafter the same shall apply in this Article and Article 47), by the relevant average discharge volumes of flow of the relevant three hours.
- (3)Matters necessary for the kinds of data to be submitted in accordance with paragraph (1) and ways of preparing them shall be prescribed by Ordinance of the Ministry of Environment.

#### Article 45 (Computation Criteria and Methods for Excess Discharge Dues)

- (1)The excess discharge dues under Article 41 (1) 2 of the Act (hereinafter referred to as "excess discharge dues") shall be the amount obtained from adding the amount classified under each subparagraph of paragraph (3) to the amount computed by the following formula on the basis of the quantity and concentration of water pollutants discharged: Provided, That where excess discharge dues under Article 41 (1) 2 (a) of the Act are to be imposed on the person operating gauge-installing business, etc. not subject to an order for improvement under Article 39 of the Act who has slightly exceeded the standards for permissible discharge, or on the business entity who has submitted a plan for improvement under Article 40 (1) 2 and has implemented any improvements, the imposition coefficients by excess rate of the standards for permissible discharge and the imposition coefficients by frequency of violations shall not be applied and the amount of paragraph (3) 1 shall not be added: <Amended on Feb. 18, 2010>

Quantity discharged in excess of standards×Amount imposed per kilogram of water pollutants×Computation index of dues by year×Imposition coefficients by area×Imposition coefficients by excess rate of the standards for permissible discharge (emission/leakage coefficients in cases of Article 41 (1) 2 (b) of the Act)×Imposition coefficients by frequency of violation of the standards for permissible discharge.

- (2)When the computation criteria under paragraph (1) applies to a business entity who has submitted the improvement plan and makes improvements under Article 40 (1) 1, he/she

shall be deemed to have been subject to an order for improvement under Article 39 of the Act.

(3)The amount to be added to the amount computed under the formula pursuant to paragraph (1) for the computation of the excess discharge dues shall be as follows:

- 1.In cases of excess discharge dues under Article 41 (1) 2 (a) of the Act, the amount to be added shall be four million won for Class- I place of business under attached Table 13, three million won for Class-II place of business, two million won for Class-III place of business, one million won for Class-IV place of business, and one half million won for Class-V place of business;
- 2.In cases of excess discharge dues under Article 41 (1) 2 (b) of the Act, the amount to be added shall be five million won.

(4)The quantity discharged in excess of the standards under the formula of paragraph (1) shall be the quantity discharged according to the following classifications:

- 1.In cases falling under Article 41 (1) 2 (a) of the Act: The quantity exceeding the standards for permissible discharge;
- 2.In cases falling under Article 41 (1) 2 (b) of the Act: The quantity of water pollutants discharged.

(5)The amount imposed per kilogram of the water pollutants, the imposition coefficients by excess rate of the standards for permissible discharge, the emission and leakage coefficients, and the imposition coefficients by area necessary for a computation of the excess discharge dues under paragraphs (1) and (4), shall be as specified in attached Table 14.

(6)Excess discharge dues of the joint prevention facilities shall be the total amount computed in accordance with the provisions of paragraphs (1) through (4) by respective place of business.

(7)Article 41 (5) shall apply *mutatis mutandis* to the discharge quantity and concentration of the water pollutants necessary for the calculation of excess discharge dues to be imposed on the place of business, etc. equipped with gauges.

#### Article 46 (Kinds of Water Pollutants Subject to Imposition of Excess Discharge Dues)

The kinds of water pollutants subject to the imposition of the excess discharge dues shall be as follows:

- 1.Organic substances;
- 2.Suspended solids;
- 3.Cadmium and its compounds;
- 4.Cyanide;
- 5.Organo posohoric compounds;
- 6.Lead and its compounds;
- 7.Hexavalent chromium compounds;
- 8.Arsenic and its compounds;
- 9.Mercury and its compounds;
- 10.Polychlorinated biphenyl;

11. Copper and its compounds;
12. Chrome and its compounds;
13. Phenols;
14. Trichloroacetic ethylene;
15. Tetrachloroethylene;
16. Manganese and its compounds;
17. Zinc and its compounds;
18. Total nitrogen;
19. Total phosphorous.

Article 46-2 (Standards for Imposing Penalty Surcharges)

- (1) The criteria for the imposition of penalty surcharges under Article 43 (1) of the Act shall be as specified in attached Table 14-2.
- (2) The deadline for payment of penalty surcharges under Article 43 (3) of the Act shall be 30 days from the date of issuance of a notice of the payment of penalty surcharges, and the notice of the payment of penalty surcharges shall be issued, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted on Jan. 28, 2014]

Article 47 (Computation of Quantity Discharged in Excess of Standards of Discharge Facilities)

- (1) The quantity discharged in excess of the standards under Article 45 (1) (excluding cases of discharge from wastewater non-discharge facilities) shall be the quantity of water pollutants discharged by making operations in excess of the standards for permissible discharge during the discharge period pursuant to the classification under any of the following subparagraphs, and the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period: Provided, That the quantity discharged in excess of the standards of the place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (referring to the value obtained by deducting the concentration of standards for permissible discharge from the average value during three hours during which the standards for permissible discharge has been exceeded) of the standards for permissible discharge for the three hours during which the average value of the relevant three hours exceeds the standards for permissible discharge by the relevant average discharge volumes of flow of the relevant three hours:
  1. Where an improvement has been made in accordance with Article 40 (1) 1 after an improvement plan has been submitted: The period from the date when the water pollutants begin being discharged (referring to the date when the relevant public officials collect water pollutants in accordance with Article 68 (1) of the Act, if the date when the water pollutants begin being discharged is unknown) to the date when the operation ceases or when the entire quantity is treated under consignment (where the treatment is made under consignment in accordance with Article 40 (1) 1 (b), but part of wastewater not designated by subparagraph 2 of Article 33 is partly discharged, the expiration date of

- the improvement period stipulated in the improvement plan) prescribed in the improvement plan;
2. Where an improvement has been made in accordance with Article 40 (1) 2 after the improvement plan has been submitted: The period from the date when the standards for permissible discharge clarified in the improvement plan has been exceeded to the expiration date of the improvement period;
  3. In cases other than those falling under subparagraphs 1 and 2: The period from the date a discharge of water pollutants has been commenced (referring the date when the relevant public officials collect water pollutants for examination as to whether the standards for permissible discharge have been exceeded, if the date when the water pollutants begin being discharged is unknown) to the scheduled date the order for improvement, the order for suspension of operation, the order for suspension of use, or the order for closure is completely fulfilled, or the date of revocation of permission under Article 39, 40, 42 or 44 of the Act, or the date when the infringing activities have been suspended where any subparagraph of Article 38 (1) of the Act has been violated.
- (2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the concentration of water pollutants discharged in excess of the standards for permissible discharge on the collection date of discharged pollutants forming grounds for the order for improvement, order for suspension of operation, revocation of permit, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act (where the improvement plan has been submitted in accordance with Article 40 (1) 1, referring to the date when the water pollutants are collected under Article 68 (1) of the Act by the relevant public officials. Where the improvement plan has been submitted in accordance with Article 40 (1) 2, referring to the date when the test samples are collected by the relevant public officials under Article 68 (3) of the Act) by the daily volumes of flow computed in accordance with the wastewater volumes of flow at the time of measuring the relevant concentration (hereinafter referred to as "measured volumes of flow").
- (3) The discharge period under paragraph (1) shall be indicated by the number of days, after calculating as prescribed in the Civil Act, including the first day.
- (4) The quantity discharged in excess of the daily standards and the daily volumes of flow under paragraph (2) shall be computed in accordance with attached Table 15. The measured volumes of flow shall be computed in accordance with the official testing method with respect to environmental pollution processes under Article 6 of the Environmental Testing and Inspection Act: Provided, That where the volume of flow cannot be measured or measured volumes of flow are deemed to be remarkably different from the actual volumes of flow, the volume of flow shall be computed by any of the following methods:
1. Computation by integrating flowmeters;
  2. Where the method under subparagraph 1 is deemed to be inadequate, it shall be computed by the average volumes of flow for 30 working days immediately preceding the

collection date of test samples on the daily record of operation of the prevention facilities;

3. Where the methods under both subparagraphs 1 and 2 are deemed to be inadequate, it shall be computed by reducing the quantity of water used for living, product contents and other water not generating any wastewater from the quantity of water used at the relevant place of business (including all water used at the relevant place of business, such as tap water, water used for industrial purposes, groundwater, river water, sea water, etc.).

Article 48 (Computation of Quantity Discharged in Excess of Standards for Wastewater Non-Discharge Facilities)

(1) The quantity discharged in excess of the standards under Article 45 (1) (limited to cases of discharges from wastewater non-discharge facilities) shall be the quantity of pollutants discharged by emissions or leakage from wastewater non-discharge facilities from the date when the discharge of water pollutants is commenced in contravention of Article 38 (2) of the Act (where the date the discharges commenced cannot be ascertained, referring to the collection date of water pollutants) until the date the said activities cease. However, the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period.

(2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the discharge concentration of the water pollutants on the collection date of discharged pollutants by the daily volumes of flow calculated by the measured volumes of flow.

(3) Article 47 (3) and (4) shall apply mutatis mutandis to the computation of the discharge period, quantity discharged in excess of the daily criteria and daily volumes of flow under paragraphs (1) and (2).

Article 49 (Computation Index of Dues by Year and Imposition Coefficients by Frequency of Violations)

(1) The computation index of dues by year under Article 45 (1) shall be derived by multiplying the computation index of dues of the preceding year by the price fluctuation index publicly notified by the Minister of Environment by taking into account the rates of price increase, etc. of the preceding year.

(2) The imposition coefficients by frequency of violations under Article 45 (1) shall be as specified in attached Table 16.

Article 50 (Adjustment of Quantity Discharged below Criteria)

Where the data referred to in Article 44 (1) are not submitted or the said data, having been submitted, are deemed to be unfair, for example, the fixed discharge quantity is remarkably different from that of other places of business with the similar size, the Minister of Environment may adjust the quantity discharged below the criteria as prescribed in the following:

1. Where the relevant business entity does not submit data concerning the fixed discharge quantity as provided for in Article 44 (1), the discharge quantity of water pollutants (hereinafter referred to as "discharge quantity of inspection") shall be computed as prescribed in the following items, deeming that pollutants have been, so far, discharged in

the same state as the discharge concentration and the daily volumes of flow at the time of inspection prescribed in Article 68 of the Act; and the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded as the quantity discharged below the criteria:

- (a) The daily discharge quantity of inspection shall be calculated by multiplying the discharge concentration at the time of inspection by daily volume of flow at the time of inspection;
  - (b) The average daily discharge quantity of inspection shall be calculated by, first, adding the daily discharge quantities of inspection, computed according to item (a), and then, dividing the sum thereof by the number of inspections carried out;
  - (c) The discharge quantity of inspection shall be calculated by, first, subtracting the quantity discharged within the standards for quality of discharged water from the average daily discharge quantity of inspection, and then, multiplying the valance thereof by the number of working days;
2. Where the fixed quantity of discharge submitted by the business entity in accordance with Article 44 (1) is less than the discharge quantity of inspection by not less than 20/100 of the latter, the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded as the quantity discharged below the criteria.

Article 51 (Request for Submission of Data on Adjustment of Quantity Discharged below Criteria, etc.)

- (1) Where necessary for the adjustment of the quantity discharged below the criteria pursuant to Article 50, the Minister of Environment may have the business entity submit related data in accordance with Article 68 (1) of the Act.
- (2) In order to confirm the matters concerning the discharge quantity of water pollutants, etc., submitted by the relevant business entity in accordance with Article 44 (1), or to adjust the quantity discharged below the criteria under Article 50, the Minister of Environment shall carry out an inspection on the level of pollution as prescribed by Ordinance of the Ministry of Environment or entrust the inspection on the level of pollution to an inspection agency designated by Ordinance of the Ministry of Environment.

Article 52 (Reduction or Exemption of Effluent Charges, etc.)

- (1) "Business entities who discharge water pollutants below the quantity prescribed by Presidential Decree" in the former part of Article 41 (3) of the Act means the following:  
<Amended on Feb. 18, 2010; Jan. 17, 2017>

1. A business entity whose place of business is Class-V specified in attached Table 13;
2. A business entity who discharges wastewater into public wastewater treatment facilities;
3. A business entity who discharges wastewater into public sewage treatment facilities;
4. A business entity who has not discharged any water pollutants in excess of the standards for effluent water quality for at least six months prior to the first day of the relevant imposition period;
5. A business entity who reuses wastewater discharged from discharge facilities prior to discharging such wastewater through the final outlet.

(2)Charges that can be reduced or exempted under Article 41 (3) of the Act are basic effluent charges, and the reduction or exemption rates are as follows:

- 1.The business entities referred to in paragraph (1) 1 through 3 are exempted from the basic effluent charges;
- 2.The business entity referred to in paragraph (1) 4 is granted a reduction of the basic effluent charges imposed at the following reduction rate applicable in the following periods during which he/she discharges water pollutants not exceeding the standards for effluent water quality, and the corresponding reduction rate:
  - (a)A period between six months and one year: 20/100;
  - (b)A period between one year and two years: 30/100;
  - (c)A period between two years and three years: 40/100;
  - (d)A period exceeding three years: 50/100;
- 3.The business entity referred to in paragraph (1) 5 is granted a reduction of the basic effluent charges imposed at the following reduction rate applicable based on the reuse rate of wastewater in the following periods:
  - (a)Where the reuse rate is between 10 percent and 30 percent: 20/100;
  - (b)Where the reuse rate is between 30 percent and 60 percent: 50/100;
  - (c)Where the reuse rate is between 60 percent and 90 percent: 80/100;
  - (d)Where the reuse rate exceeds 90 percent: 90/100.

(3)A business entity who seeks reduction in or exemption from the basic effluent charges in accordance with Article 41 (3) of the Act shall submit documents evidencing that he/she qualifies for such reduction or exemption, by no later than the last day of the month following the month in which the imposition period expires, as prescribed by Ordinance of the Ministry of Environment: Provided, That any business entity referred to in paragraph (2) 1 or 2 may elect not to submit such documents.

#### Article 53 (Payment Notices of Discharge Dues)

(1)Payment notices of discharge dues shall be served within the period falling under any of the following subparagraphs: Provided, That in cases of places of business, etc. equipped with gauges, payment notices may be served by summing up excess discharge dues on a quarterly basis:

- 1.In cases of basic discharge dues, within sixty days after the date on which the period for submission of documents concerning the fixed discharge quantity of the relevant imposition period expires;
- 2.In cases of excess discharge dues, at the time an incidence for imposition of excess discharge dues occurs.

(2)Where discharge dues are decided to be imposed in accordance with paragraph (1) (including cases where discharge dues are imposed after undergoing adjustment pursuant to Article 54), payment notices shall be issued by indicating the quantity of the water pollutants subject to imposition, the amount imposed, the deadline and place for payment, and other necessary matters therefor. In such cases, the payment period for discharge dues shall be 30 days from the date when the payment notice has been issued.

## Article 54 (Adjustment of Discharge Dues)

(1) In any of the following cases, the Minister of Environment shall recalculate and adjust the amount of discharge dues, and where there is a difference between the amount already paid and the adjusted amount, he/she shall re-impose or refund an amount equivalent to the difference:

1. Where the discharge period of water pollutants on the basis of which the computation of the excess discharge dues is made has changed due to the fact that, until the expiration date of the improvement period (including suspension of operation and treatment of the entire quantity on consignment), the scheduled date of fulfilling performance of orders, date of revoking permission or date of suspending infringing activities as provided for in Article 47 (1) 1 through 3, the relevant improvement, performance of the relevant order or suspension of infringing activities has not been fulfilled or the fact that, before the said periods expire, the relevant improvement, performance of the relevant order or suspension of violative activities has been fulfilled;
2. Where the discharge quantity of water pollutants or as turned out to have changed from the originally measured quantity as a result of the remeasurement thereof according to acknowledgement of the fact that the state of pollutants, etc. being discharged after imposition of the excess discharge dues changed from the state thereof at the time of the original measurement;
3. Where an error is detected in the computation of fixed discharge quantity submitted by the relevant business entity in accordance with Article 44 (1) or where an error is detected in the adjustment of quantity discharged below the criteria performed by the Minister of Environment in accordance with Article 50.

(2) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph (1) 1, the final day of the discharge period of water pollutants or discharged material necessary for a computation of excess discharge dues shall be as follows:

1. Where an improvement plan under Article 40 (1) has been submitted: The day of fulfillment of the relevant improvement as determined by Ordinance of the Ministry of Environment;
2. Where an order for improvement, order for suspension of operation, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act has been issued: The day on which the report on performance of the relevant order is made in accordance with Article 45 (1) of the Act (limited to cases where completion of improvement is confirmed under Article 45 (2) of the Act);
3. All cases other than subparagraphs 1 and 2: The day of ceasing infringing activities under any subparagraph of Article 38 (1) of the Act or the day of revoking permission under Article 42 of the Act.

(3) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph (1) 2, the amount of excess discharge dues shall be computed on the basis of the discharge quantity remeasured during the period following the day of reinspection.

- (4)The impositions subsequent to adjustment or refunds of excess discharge dues as prescribed in paragraph (1) 1 shall be made within 30 days following the date on which it is confirmed as to whether improvement of relevant discharge facilities or prevention facilities, the performance of the relevant order or the suspension of infringing activities has been fulfilled.
- (5)Where basic discharge dues must be adjusted for a reason prescribed in paragraph (1) 3, the basic discharge dues shall be computed on the basis of the documents submitted at the time the permit for the establishment or modification of discharge facilities was applied for or the report or modification report thereon was made in accordance with Article 33 (1) through (3) of the Act, the record on operation of the discharge facilities and prevention facilities as prescribed in Article 38 (3) of the Act, the results of the inspection as prescribed in Article 68 of the Act, etc.
- (6)Where the Minister of Environment shall has decided to impose or refund the difference in accordance with paragraph (1), he/she shall notify the relevant person in writing by indicating the relevant amount, date, place and other necessary matters.

#### Article 55 (Application for Adjustment of Discharge Dues)

- (1)Where any business entity for which a payment notice for discharge dues has been issued falls under any subparagraph of Article 54 (1), he/she may apply for the adjustment of the discharge dues. <Amended on Oct. 15, 2019>
- (2)An application for adjustment of discharge dues pursuant to paragraph (1) shall be filed within 60 days from the date when a payment notice of discharge dues has been served. <Amended on Jun. 22, 2010>
- (3)When the Minister of Environment has accepted an application for adjustment, he/she shall notify the applicant of his/her decision on the matter under consideration within 30 days following the date on which the application is received.
- (4)The application for adjustment referred to in paragraph (1) shall not affect the payment deadline for discharge dues.

#### Article 56 (Procedure for Deferral of Collection, Installment Payment, and Collection of Effluent Charges)

- (1)In any of the following cases, the payment obligor of discharge dues may file an application to the Minister of Environment to defer the collection thereof or to pay the dues in installments:
- 1.Where the property of a business entity is affected by serious harm due to a natural disaster or other calamities;
  - 2.Where a business entity faces a considerable crisis due to apparent losses;
  - 3.Where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.
- (2)When the Minister of Environment, upon receipt of an application provided for in paragraph (1), recognized that the discharge dues may not be paid due to any reason falling under any subparagraph of paragraph (1), he/she may allow the deferred collection of discharge dues or payment installments. In such cases, the period for deferral of collection shall be within two years from the day immediately following the date on which

the deferment of collection is decided upon and the number of installments into which the payment may be divided within the said period shall not exceed 12. <Amended on Jun. 30, 2009; Jun. 22, 2010>

- (3) Where the originally imposed amount to be paid by a person who is subject to deferment of collection of discharge dues or installment payments pursuant to paragraph (2), exceeds the capital or the total equity investment of the payment obligor (in cases of an individual business entity, referring to the total amount of assets) by not less than two times the latter, and where it is deemed that the said amount of discharge dues cannot be paid even within the period under paragraph (2) as a reason falling under any subparagraph of paragraph (1) continues, the Minister of Environment may prescribe the period for deferred collection within the scope of three years from the day immediately following the date on which the deferment of collection is decided upon; the number of installments into which the payment may be divided within the said period shall not exceed 18, notwithstanding paragraph (2). <Amended on Jun. 30, 2009; Jun. 22, 2010>
- (4) When the Minister of Environment has decided upon the deferment of collection in accordance with paragraph (1) or (3), he/she may order the provision of collateral or measures necessary for the preservation of collateral, the value of which corresponds to the deferred amount to a person for whom the deferment of collection has been decided.
- (5) Where a payment obligor falls under any of the following subparagraphs, the Minister of Environment may cancel the deferment of collection and collect the outstanding dues:
1. Where the relevant person has not paid the outstanding amount until the expiration date of the designated period;
  2. Where the relevant person has not complied with the order of the Minister of Environment necessary for an alteration of the relevant collateral or preservation of the relevant collateral;
  3. Where the deferment of collection is deemed to be unnecessary on account of a change in the property or other relevant circumstances.
- (6) Matters necessary for the imposition, collection, refund and installment payments of discharge dues shall be prescribed by Ordinance of the Ministry of Environment.  
Article 56-2 (Payment of Charges for Discharge by Credit Card, etc.)
- (1) A person liable to pay charges for discharge may pay such charges with a credit card, debit card, etc. (hereinafter referred to as "credit card, etc.").
  - (2) Where an emission charge is paid by credit card, etc., the date of acceptance by an emission charge payment agency shall be deemed the date of payment.
  - (3) An institution paying charges for discharge on behalf of others under paragraph (2) shall be any of the following persons:
    1. The Korea Financial Telecommunications and Clearings Institute established with the permission of the Financial Services Commission pursuant to Article 32 of the Civil Act;
    2. An entity designated and publicly notified by the Minister of Environment as an emission charge payment agency in consideration of its facilities, business performance capacity, capital size, etc.

(4)An institution paying charges for discharge on behalf of others may receive a fee for the payment thereof on behalf of others, within one percent of the charges for discharge paid by a person liable to pay the charges, in return for paying the relevant charges for discharge on his/her behalf with a credit card, etc., as prescribed by the Minister of Environment.

[This Article Newly Inserted on Jan. 16, 2018]

Article 57 (Grant of Collection Expenses)

(1)When entrusting affairs concerning the collection of effluent charges and late-payment penalties to a Mayor/Do Governor pursuant to Article 81 (1) 10, the Minister of Environment shall pay amounts classified below to the Mayor/Do Governor as collection expenses: <Amended on Jan. 17, 2017>

- 1.Where the percentage of the amount actually collected by the Mayor/Do Governor (hereafter referred to as "percentage of the amount collected" in this Article) is less than 60 percent of the effluent charges and late-payment penalties imposed by him/her pursuant to Article 41 of the Act or adjusted pursuant to Article 54: 10 percent of the effluent charges and late-payment penalties collected;
- 2.Where the percentage of the amount collected is not less than 60 percent and less than 80 percent: 15 percent of the effluent charges and late-payment penalties collected;
- 3.Where the percentage of the amount collected is not less than 80 percent: 20 percent of the effluent charges and late-payment penalties collected.

(2)When intending to grant the collection expenses under paragraph (1), the Minister of Environment shall calculate the collection expenses each month out of the effluent charges and late-payment penalties paid into the Special Accounts for Environment Improvement established under the Act on the Special Accounts for Environment Improvement, and pay such collection expenses to the Mayor/Do Governor by the end of each following month.

Article 58 (Discharge Facilities Subject to Disposition of Imposing Penalty Surcharge)

"Discharge facilities determined by Presidential Decree" in Article 43 (1) 5 of the Act means any of the following facilities:

- 1.Discharge facilities of the defence businesses under subparagraph 9 of Article 3 of the Defense Acquisition Program Act;
- 2.Discharge facilities acknowledged by the Minister of Environment to be susceptible to such accidents as an explosion or a fire due to the fact that raw materials, auxiliary raw materials, water for a specific purpose, products (including semi-finished goods), etc. placed into the said discharge facilities manifest chemical responses, etc., where the said discharge facilities cease operating;
- 3.Waterworks under subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act;
- 4.Facilities for reserving petroleum installed in accordance with the plan for reserving petroleum under Article 15 (1) of the Petroleum and Alternative Fuel Business Act;

5. Bases in which liquefied natural gases of gas supply facilities under subparagraph 5 of Article 2 of the Urban Gas Business Act are taken over.

Article 59 (Appointment of, Qualification Standard, etc. for Environmental Engineers, etc.)

(1) A business entity who intends to appoint an environmental engineer pursuant to Article 47 (1) of the Act shall appoint the environmental engineer according to the following classifications: <Amended on Jan. 28, 2014>

1. Where the business entity has installed new discharge facilities: At the same time he/she reports the startup operation of the discharge facilities;

2. Where an environmental engineer is to be replaced: Within five days from the date on which the grounds for such replacement have occurred.

(2) Qualification standards for environmental engineers who shall be employed at different types of places of business in accordance with Article 47 (5) of the Act shall be prescribed in attached Table 17.

[Title Amended on Jan. 28, 2014]

## SECTION 2 Public Wastewater Treatment Facilities

Article 60 (Matters, etc. to be Consulted on Installation and Operation Projects of Public Wastewater Treatment Facilities)

(1) Where the State or a local government intends to outsource the installation and operation of public wastewater treatment facilities to any of the entities referred to in Article 48 (1) of the Act, in accordance with Article 48 (1) of the Act, it shall consult with the person to install and operate such facilities on the following matters: <Amended on Jan. 17, 2017>

1. Scale of a project to install and operate public wastewater treatment facilities (hereinafter referred to as "project for public wastewater treatment facilities");

2. Financing and management of project costs;

3. A project period and project method;

4. Expenses to be paid subsequent to installation and operation;

5. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) "Person prescribed by Presidential Decree" in Article 48 (1) 4 of the Act means any of the following entities or persons. In such cases, the project for public wastewater treatment facilities is only applicable to the project for the operation of public wastewater treatment facilities: <Amended on Jun. 26, 2009; Feb. 18, 2010; Oct. 28, 2011; Jul. 5, 2012; Jan. 17, 2017; Oct. 15, 2019>

1. The Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act;

2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;

3. A local government-invested public corporation or local government public corporation established under the Local Public Enterprises Act;

4. An industrial complex administrative corporation or the council for resident enterprises (or resident enterprises where the requirements for establishment of a council for resident enterprises have not been satisfied due to such reasons as taking occupancy in a single

place of business) established under Article 31 of the Industrial Cluster Development and Factory Establishment Act;

5.Deleted; <Oct. 15, 2019>

- 5- A small and medium enterprise cooperative under the Small and Medium Enterprise Cooperatives Act (limited to where public wastewater treatment facilities are installed in an industrial complex defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act and not less than 90 percent of the small and medium enterprises in the industrial complex are the members thereof);
- 6.Other persons registered to operate public wastewater treatment facilities under the Sewerage Act.

[Title Amended on Jan. 17, 2017]

Article 61 (Types of Public Wastewater Treatment Facilities)

Types of the public wastewater treatment facilities referred to in Article 48 (2) of the Act are as follows: <Amended on Jan. 17, 2017>

- 1.Public wastewater treatment facilities in industrial complexes: Public wastewater treatment facilities installed in industrial complexes designated under Articles 6, 7, and 7-2 of the Industrial Sites and Development Act or industrial areas designated under Article 36 (1) 1 (c) of the National Land Planning and Utilization Act;
- 2.Public wastewater treatment facilities in agro-industrial complexes: Public wastewater treatment facilities installed in agro-industrial complexes designated under Article 8 of the Industrial Sites and Development Act;
- 3.Public wastewater treatment facilities other than subparagraphs 1 and 2: Public wastewater treatment facilities installed in areas designated and publicly notified by the Minister of Environment as it is necessary to treat wastewater therein to preserve the water quality of rivers, lakes, and marshes.

[Title Amended on Jan. 17, 2017]

Article 62 (Calculation of Expenses for Projects for Public Wastewater Treatment Facilities)

(1)The expenses incurred in installing public wastewater treatment facilities under Article 48-2 (1) of the Act shall be determined within the following costs necessary for installing such facilities: <Amended on Jan. 17, 2017>

- 1.Planning and surveying costs;
- 2.Expenses for main and appurtenant works;
- 3.Land acquisition costs (including compensation for land expropriation);
- 4.Operation and maintenance costs;
- 5.Equipment procurement and installation costs;
- 6.Administrative expenses, interest expenses, and other incidental expenses.

(2)The expenses incurred in installing public wastewater treatment facilities under paragraph (1) shall be calculated, excluding earnings from the disposal of land, buildings, other articles, etc. <Amended on Jan. 17, 2017>

(3)The expenses incurred in operating public wastewater treatment facilities under Article 48-3 (1) of the Act shall be determined within the following expenses necessary for

operating such facilities: <Newly Inserted on Jan. 17, 2017>

- 1.Labor costs;
- 2.Electricity charges;
- 3.Expenses incurred in purchasing chemicals necessary for wastewater treatment, etc.;
- 4.Expenses incurred in treating sludge (referring to sediment, etc. which occurs in the process of water purification);
- 5.Allowances for facility improvements;
- 6.Administrative expenses, interest expenses, and other incidental expenses.

[Title Amended on Jan. 17, 2017]

Article 63 (Total Amount of Charges for Installation of Public Wastewater Treatment Facilities and User Fees to be Paid by Polluters)

(1)Charges for installation of public wastewater treatment facilities provided for in Article 48-2 (1) of the Act (hereinafter referred to as "charges for installation of public wastewater treatment facilities"), which are imposed on polluters defined in the latter part of Article 48 (1) of the Act (hereinafter referred to as "polluter"), and user fees for public wastewater treatment facilities under Article 48-3 (1) of the Act (hereinafter referred to as "user fees for public wastewater treatment facilities") shall be determined in consideration of the following: <Amended on Jan. 17, 2017>

- 1.Level of pollution caused by the polluters in relation to the relevant project for public wastewater treatment facilities;
- 2.The period during which the substance causing pollution has accumulated;
- 3.The quantity causing water pollutants;
- 4.Fees paid by persons, other than the polluters, for the use of facilities related to the project for public wastewater treatment facilities.

(2)Charges imposed on polluters under paragraph (1) shall be the total costs incurred in implementing the project for public wastewater treatment facilities, less the subsidies provided under the Subsidy Management Act and other Acts. <Amended on Apr. 28, 2016; Jan. 17, 2017>

(3)Where only some of the total costs incurred in implementing the project for public wastewater treatment facilities under paragraphs (1) and (2) are imposed on polluters, the person who installs and operates the public wastewater treatment facilities under Article 48 of the Act (hereinafter referred to as "operator") shall develop a plan to make up for a deficit. <Amended on Jan. 17, 2017>

[Title Amended on Jan. 17, 2017]

Article 64 (Criteria for Determination of Charges for Installation of Public Wastewater Treatment Facilities and User Fees to be Paid by Each Polluter)

The amount of charges for installation of public wastewater treatment facilities and the amount of user fees for public wastewater treatment facilities, which are imposed on each polluter pursuant to Articles 48-2 (1) and 48-3 (1) of the Act, shall be computed by allocating the total amounts of such charges and user fees that should be imposed on all polluters in

consideration of the following matters in relation to water pollution caused by the project for that public wastewater treatment facilities: <Amended on Jan. 17, 2017>

- 1.Types and scales of facilities that cause water pollution;
- 2.Quantity and quality of the water pollutants discharged;
- 3.Expenses for the treatment of water pollutants;
- 4.Scale of business in view of capital, number of employees, annual production volumes, sales, etc.

[Title Amended on Jan. 17, 2017]

Article 65 (Procedures, etc. for Imposition and Collection of Charges for Installation of Public Wastewater Treatment Facilities and User Fees)

(1)To impose and collect charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities, an operator shall inform persons liable to pay the charges and user fees of the amount of the public wastewater treatment facility installation fee and public wastewater treatment facility usage fee, the deadline and places for payment, and other necessary matters in writing. In such cases, where a person intends to impose or collect a charge for the installation of public wastewater treatment facilities, it shall be notified within 60 days from the date of commencement of use by installing drainage facilities under Article 51 (2) of the Act. <Amended on Jan. 17, 2017; Oct. 15, 2019>

(2)Where a person liable for payment who has received notice under paragraph (1) has an objection to the notification, he/she may raise an objection to the relevant project operator by not later than seven days prior to the payment deadline, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted on Oct. 15, 2019>

[Title Amended on Jan. 17, 2017]

Article 65-2 (Deferral and Installment Payment of Public Wastewater Treatment Facility Installation Charges and Usage Fees)

(1)A person liable to pay charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities may file an application to defer the collection of charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities or to pay such charges in installments at least seven days prior to the payment deadline, if any of the following events occurs:

- 1.In case of serious damage to the business operator's property due to natural disasters or other disasters;
- 2.When the business is in serious crisis due to significant losses;
- 3.When there are circumstances similar to subparagraph 1 or 2.

(2)An operator in receipt of an application under paragraph (1) may defer the collection of charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities or permit the payment thereof in installments by the deadline for payment on the grounds specified in any subparagraph of paragraph (1). In such cases, the period of deferral of collection shall be within 12 months from the day following the date the relevant disposition is granted for deferment; and the number of

installments during the period of deferment of collection shall be limited to 12 installments.

- (3) An operator who has received an application pursuant to paragraph (1) shall notify the applicant of the result of the application for deferral of collection or payment in installments, as prescribed by Ordinance of the Ministry of Environment.
- (4) In the case of deferring collection pursuant to paragraph (2), the operator may provide security equivalent to the amount of deferred collection to the person who has been deferred by collection or order necessary measures to be taken to preserve the security.
- (5) Matters necessary for the deferral of collection and installment payment of charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities, other than those prescribed in paragraphs (1) through (4), shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted on Oct. 15, 2019]

Article 66 (Approval, etc. of Master Plans for Public Wastewater Treatment Facilities)

(1) To install or alter public wastewater treatment facilities pursuant to Article 49 (2) of the Act, an operator (excluding the Minister of Environment; hereafter the same shall apply in this Article) shall formulate a master plan including the following and obtain approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment: <Amended on Jan. 17, 2017>

1. Matters concerning the area subject to treatment by the public wastewater treatment facilities;
  2. Matters concerning the dispersion of pollution sources, the quantity of wastewater discharged, and a forecast thereof;
  3. Matters concerning the wastewater treatment process diagrams, treatment capacity, and treatment methods of the public wastewater treatment facilities;
  4. An assessment of the impact of the wastewater treated by the public wastewater treatment facilities on the water quality of the waterways into which the treated wastewater is discharged;
  5. Matters concerning the person who installs and operates the public wastewater treatment facilities;
  6. Matters concerning the sharing of charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities;
  7. Total project expenses, project expenses by field, and the basis for calculation thereof under Article 62;
  8. An annual investment plan and financing plan;
  9. Matters concerning the expropriation and use of land, etc.;
  10. Other matters necessary for the installation and operation of the public wastewater treatment facilities.
- (2) An operator shall obtain approval for alteration of the master plan for public wastewater treatment facilities from the Minister of Environment pursuant to Article 49 (2) of the Act if: <Newly Inserted on Jan. 17, 2017; Oct. 15, 2017>

- 1.The location of the public wastewater treatment facilities is altered within a designated public wastewater treatment area pursuant to Article 49 (3) of the Act;
- 2.The treatment capacity of the public wastewater treatment facilities is altered by not less than 20/100 (including cases where the treatment capacity becomes more than 20/100 due to accumulated changes, and applies only to public wastewater treatment facilities with a daily treatment capacity of 500 cubic meters or more);
- 3.Where the area of a public wastewater treatment area designated under Article 49 (3) of the Act is to be increased by at least 10/100 (including where the area increased by accumulated changes is at least 10/100);
- 4.Where the person intends to increase the total project cost of construction works for installation of public wastewater treatment facilities by at least 20/100 (including where the total project cost increased by accumulated changes exceeds 20/100);
- 5.Where it is intended to treat foul waste, leachate of waste treatment facilities, etc. by flowing in from neighboring areas at least 100 cubic meters per day;
- 6.Where a public wastewater treatment facility is to be re-installed;
- 7.Where a person intends to improve his/her public wastewater treatment facility to treat quarrying, such as cathogen and nitrocotton.

[Title Amended on Jan. 17, 2017]

Article 67 (Formulation of Expense Apportionment Plans and Application for Approval)

(1)The Minister of Environment shall include the following matters in the expense apportionment plan he/she intends to formulate under Article 49-2 (1) of the Act:

<Amended on Jan. 17, 2017>

- 1.Total costs required for the project for public wastewater treatment facilities;
- 2.Persons who bear the project costs and the standards for apportionment;
- 3.The scope of polluters and the standards for selection of polluters;
- 4.The total amount to be borne by polluters and the standards for calculation;
- 5.The standards for expense to be borne by each polluter;
- 6.Means of and timing for imposing and collecting charges for public wastewater treatment facilities;
- 7.Other matters necessary for expense apportionment.

(2)Upon having formulated the master plan under Article 66 (1), an operator (excluding the Minister of Environment; hereafter the same shall apply in this Article) shall formulate an expense apportionment plan, which shall include the matters provided for in paragraph (1), pursuant to Article 49-2 (2) of the Act and obtain approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Amended on Jan. 17, 2017>

(3)An operator shall obtain approval for alteration of the expense apportionment plan from the Minister of Environment pursuant to the latter part of Article 49-2 (2) of the Act if:

<Newly Inserted on Jan. 17, 2017>

- 1.The total project cost is altered by not less than 25/100;

2.Charges for installation of public wastewater treatment facilities or user fees for public wastewater treatment facilities are altered by not less than 25/100.

Article 68 (Notification of Expense Apportionment Plan)

The implementing person (excluding the Minister of Environment) shall, when he/she has obtained approval or approval for modification on the expense apportionment plan shall immediately inform each causing person of the purports of expense apportionment plan in which the matters falling under each subparagraph of Article 67 (1) are indicated.

Article 69 (Entrustment of Collection of Charges for Installation of Public Wastewater Treatment Facilities and User Fees)

(1)Where any of the entities referred to in Article 48 (1) of the Act intends to entrust the collection of charges for installation of public wastewater treatment facilities and user fees for public wastewater treatment facilities to the head of a Si/Gun/Gu pursuant to Article 49-6 (3) of the Act, the entity shall serve on the head of the Si/Gun/Gu a written notice of entrustment for collection that states the name and address of the payer, the amount imposed, the reason for and the deadline of payment, and other necessary matters. <Amended on Jan. 17, 2017>

(2)The head of a Si/Gun/Gu entrusted with the collection of charges under paragraph (1) shall have an amount equivalent to 5/100 of the collected charges as collection expenses, and transfer, without delay, the balance to the entrusting person.

[Title Amended on Jan. 17, 2017]

Article 70 (Period for Taking Measures or Fulfilling Orders, such as Improving Public Wastewater Treatment Facilities)

(1)To issue an order to take necessary measures, such as improving facilities in accordance with Article 50 (4) of the Act, the Minister of Environment shall specify the period for taking such measures within one year, in consideration of the period necessary for improving such facilities. <Amended on Jan. 17, 2017>

(2)Where a person in receipt of an order to take measures under Article 50 (4) of the Act cannot complete such measures within the period specified in paragraph (1) due to any natural disaster or unavoidable cause, the person may apply for an extension of up to one year to the Minister of Environment before such period expires. <Amended on Jan. 17, 2017>

[Title Amended on Jan. 17, 2017]

Article 71 (Scope of Persons Required to Flow Wastewater into Public Wastewater Treatment Facilities)

"Person prescribed by Presidential Decree" in Article 51 (2) of the Act means any person who seeks to discharge wastewater in excess of the standards for effluent water quality in order to discharge water pollutants to be treated by the relevant public wastewater treatment facilities. <Amended on Jan. 17, 2017; Jan. 16, 2018>

[Title Amended on Jan. 17, 2017]

#### CHAPTER IV CONTROL OF NON-POINT SOURCES OF POLLUTION

Article 72 (Projects and Facilities Subject to Reports on Non-Point Sources of Pollution)

- (1) Projects for urban development and projects for creation of industrial complexes under Article 53 (1) 1 of the Act shall be limited to projects falling under subparagraphs 1 and 2 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act. <Amended on Dec. 24, 2008; Jul. 20, 2012>
- (2) "Other projects prescribed by Presidential Decree" in Article 53 (1) 1 of the Act means projects falling under subparagraphs 3 through 17 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act: Provided, That projects conducted only at the sea defined in subparagraph 1 (a) of Article 2 of the Public Waters Management and Reclamation Act, which fall under subparagraph 4 or 10 of attached Table 3 of the Enforcement Decree of the Environmental Impact Assessment Act, shall be excluded. <Amended on Dec. 24, 2008; Jul. 20, 2012; May 26, 2015>
- (3) "Places of business of a scale not smaller than that prescribed by Presidential Decree" in Article 53 (1) 2 of the Act means places of business, the site areas of which are not less than 10,000 square meters.
- (4) "Wastewater discharge facilities prescribed by Presidential Decree" in Article 53 (1) 2 of the Act means wastewater discharge facilities installed in places of business falling under any of the following subparagraphs, from among in the standard classifications under Article 22 of the Statistics Act:
1. Manufacture of wood and products of wood;
  2. Manufacture of pulp, paper and paper products;
  3. Manufacture of coke, refined petroleum products and nuclear fuel;
  4. Manufacture of chemicals and chemical products;
  5. Manufacture of rubber and plastic products;
  6. Manufacture of non-metallic mineral products;
  7. Primary metal industry;
  8. Mining of charcoal, petroleum, and uranium;
  9. Metal mining;
  10. Non-metallic mineral mining (excluding those for fuel);
  11. Manufacture of drinks and foods;
  12. Electricity, gas and steam supply business;
  13. Wholesale trade and commission trade;
  14. Wastewater treatment business, waste disposal business, and cleaning-related service provider.
- (5) "Cases prescribed by Presidential Decree" in Article 53 (1) 3 of the Act means any of the following subparagraphs: <Amended on Dec. 24, 2008; Jul. 20, 2012>
1. Cases falling under Article 54 of the Enforcement Decree of the Environmental Impact Assessment Act and are subject to re-writing and re-consultation of the written assessment in accordance with Article 32 of the same Act;
  2. Cases of places of business which has obtained permission for changes or made a report on changes in accordance with Article 33 (2) and (3) of the Act, the area of site of which has increased by not less than 30/100.

### Article 73 (Reports on Alteration to Non-Point Sources of Pollution)

In any of the following cases, a report on any alteration shall be submitted under the latter part of Article 53 (1) of the Act: <Amended on May 26, 2015; Jan. 17, 2017>

1. Any alteration to a trade name, representative, project title or type of business;
2. Increase in the total project area, the development area, or the site area for the place of business by not less than 15 percent of the initially reported area;
3. Any alteration to the type, location, or capacity of a non-point pollution reduction facility: Provided, That the foregoing shall not apply where the capacity of such facility is changed by less than 15 percent of the initially reported capacity;
4. Closure of all or part of the non-point source of pollution or the non-point pollution reduction facility: Provided, That the foregoing shall not apply where the project provided for in Article 53 (1) 1 of the Act is performed and the non-point pollution reduction facility, which has been installed for treating non-point pollutants generated during the construction activities, is wholly or partially closed upon the completion of construction.

### Article 74 (Business Entities Exempted from Installation of Reduction Facilities for Non-Point Pollution)

Any business entity who has reported the establishment of non-point sources of pollution in accordance with Article 53 (5) 1 of the Act may be exempted from the installation of reduction facilities for non point pollution, where the Minister of Environment recognized that the pollution level of rainfall runoff does not exceed the standards for permissible discharge of the relevant place of business at all times by taking into account the following matters: <Amended on Oct. 15, 2019>

1. The location of the place of business;
2. The status of use and management of the land within the place of business;
3. The occurrence and flow of runoff from the non-point sources of pollution, etc.

[Title Amended on Oct. 15, 2019]

### Article 75 (Period of Execution of Orders for Implementation, Installation, or Improvement)

(1) The Minister of Environment shall, when he/she orders the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities in accordance with Article 53 (7) of the Act (hereafter referred to as "order for implementation, etc." in this Article), determine the period for such implementation, installation or improvement within each scope of the following subparagraphs, by taking into consideration the period necessary for the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities: <Amended on Oct. 15, 2019>

1. Cases of the implementation of the plan for reduction of non-point pollution (excluding cases of the installation or improvement of facilities): Two months;
  2. Cases of the installation of facilities: One year;
  3. Cases of the improvement of facilities: Six months.
- (2) Where a person who has been served an order for implementation, etc. may not complete the ordered measures within the period under paragraph (1) due to natural disasters or

other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

(3)Where a person who has been served an order for implementation, etc. has finished measures for implementation, he/she shall report the result thereof to the Minister of Environment without delay.

(4)Where the Minister of Environment has received a report pursuant to paragraph (3), he/she shall have the relevant public official to confirm the outcome of taking measures for the order for implementation, etc.

#### Article 75-2 (Roads to Install Non-Point Source Pollution Reduction Facilities)

"Road prescribed by Presidential Decree" in Article 53-2 (1) of the Act means: <Amended on Jul. 14, 2014>

- 1.Motorways referred to in subparagraph 1 of Article 10 of the Road Act;
- 2.Roads for which the section to install non-point source pollution reduction facilities is determined and publicly notified by the Minister of Environment, in consultation with the heads of relevant administrative agencies, because it is necessary to reduce non-point source pollution for water quality control of water supply sources among roads referred to in subparagraphs 2 through 7 of Article 10 of the Road Act.

[This Article Newly Inserted on Dec. 30, 2013]

#### Article 75-3 (Formulation, etc. of Comprehensive Plan to Manage Non-Point Sources of Pollution)

(1)To formulate the comprehensive plan to manage non-point sources of pollution (hereafter referred to as "comprehensive plan" in this Article) under Article 53-5 (1) of the Act, the Minister of Environment shall prescribe guidelines for preparation of the comprehensive plan and notify the head of each related central administrative agency and each related Mayor/Do Governor of the guidelines beforehand. <Amended on Oct. 15, 2019>

(2)The head of each related central administrative agency and each related Mayor/Do Governor shall prepare a plan to manage non-point sources of pollution within his/her jurisdiction and submit the plan to the Minister of Environment within 60 days from the date of receipt of the guidelines for preparation of the comprehensive plan notified under paragraph (1).

(3)The Minister of Environment may, if necessary for the formulation of comprehensive measures, conduct investigations and research for establishing the mid- and long-term water cycle goals under Article 53-5 (2) 4 of the Act. <Newly Inserted on Oct. 15, 2019>

(4)"Matters prescribed by Presidential Decree" in Article 53-5 (2) 6 of the Act means the following: <Amended on Oct. 15, 2019>

- 1.Study and research, and a plan for training professionals to manage non-point sources of pollution;
- 2.Expenses to be incurred in implementing the comprehensive plan and a financing plan.

(5)To inspect and evaluate matters implemented by each agency according to its comprehensive plan under Article 53-3 (4) and (5) of the Act, the Minister of Environment shall notify the head of each related central administrative agency and each related

Mayor/Do Governor of a plan for inspecting and evaluating the implementation of such matters by November 1 of the year subject to evaluation. <Amended on Oct. 15, 2019>

(6)The head of each related central administrative agency and each related Mayor/Do Governor in receipt of notification under paragraph (5) shall submit outcomes of implementing his/her plan to manage non-point sources of pollution in the year subject to evaluation to the Minister of Environment by January 31 of the following year. <Amended on Oct. 15, 2019>

(7)The Minister of Environment shall notify the heads of related central administrative agencies and related Mayors/Do Governors of the findings of evaluation conducted under Article 53-5 (5) of the Act, and may request the heads of related central administrative agencies and related Mayors/Do Governors to supplement or strengthen the implementation of their plan to manage non-point sources of pollution under their jurisdiction, where necessary. <Amended on Oct. 15, 2019>

[This Article Newly Inserted on Jan. 17, 2017]

Article 76 (Criteria and Procedure for Designation of Management Areas)

(1)Criteria for designating management areas under Article 54 (1) and (4) of the Act are as follows: <Amended on Jan. 17, 2017; Jan. 16, 2018>

- 1.A basin area that does not meet the environmental standards for the water environments of rivers, lakes and marshes, as referred to in Article 2 of the Enforcement Decree of the Framework Act on Environmental Policy, or the target standards for water environment for each sphere of influence of the river basin and each lake and marsh, as referred to in Article 10-2 (1) of the Act, in which the contribution ratio of non-point pollution is not less than 50 percent of the delivery pollutant load;
- 2.An area where non-point pollutants have posed or are likely to pose serious risks to the natural ecosystems;
- 3.A city with a population of at least one million, which requires control of the non-point sources of pollution;
- 4.An area designated as a national industrial complex or general industrial complex under the Industrial Sites and Development Act, which requires control of the non-point sources of pollution;
- 5.An area for which special control is deemed necessary due to peculiar geological features and strata;
- 6.Other areas determined by Ordinance of the Ministry of Environment.

(2)To designate a management area pursuant to Article 54 (1) of the Act, the Minister of Environment shall develop a designation plan that shall contain the following details and publicly notify the management area in accordance with Article 54 (5) of the Act after consulting with the relevant Mayor/Do Governor:

- 1.Reasons why the designation of the management area is necessary;
- 2.Impacts of the non-point sources of pollution on water pollution in the relevant area;
- 3.Detailed scope of the area where the management area needs to be designated;

4. Other matters prescribed by Ordinance of the Ministry of Environment as necessary for designating the management area.

(3) To make a request for the designation of a management area pursuant to Article 54 (2) of the Act, the Mayor/D<sup>o</sup> Governor shall prepare a Designation Request Form that shall contain the details provided for in paragraph (2) and submit it to the Minister of Environment. In such cases, if deemed that the area requested for designation as a management area falls under any subparagraph of paragraph (1), the Minister of Environment shall publicly notify that area as a management area pursuant to Article 54 (5) of the Act.

Article 77 (Compensation of Loss from Discontinuous Cultivation, etc.)

Where a Mayor/D<sup>o</sup> Governor compensates for any loss suffered by any highland farmer in accordance with Article 59 (2) of the Act, he/she shall calculate the amount of such compensation according to the standards publicly notified by the Minister of Environment, taking into account the area of farmland, kinds of agricultural products, income per unit of area, etc.

#### CHAPTER V CONTROL OF OTHER WATER SOURCES OF POLLUTION

Article 78 (Pesticides Classified for Restricted-Use on Golf Courses)

"Pesticides prescribed by Presidential Decree" in the main sentence of Article 61 (1) of the Act means pesticides classified as deadly poisonous and highly poisonous according to the classification of pesticides, etc. by degree of toxicity and residue, as referred to in Article 20 (4) of the Enforcement Decree of the Pesticide Control Act. <Amended on Jan. 17, 2017>

Article 78-2 (Public Institutions Required to Report on Water Play Facilities)

"Public institution prescribed by Presidential Decree" in Article 61-2 (1) 1 of the Act means any public institution designated under Article 4 of the Act on the Management of Public Institutions.

[This Article Newly Inserted on Jan. 17, 2017]

#### CHAPTER VI WASTEWATER TREATMENT BUSINESS

Article 79 Deleted. <Jan. 16, 2018>

Article 79-2 (Criteria for Imposing Penalty Surcharges)

(1) The criteria for the imposition of penalty surcharges under Article 66 (1) of the Act shall be as specified in attached Table 17-2.

(2) The deadline for payment of penalty surcharges under Article 66 (1) of the Act shall be 30 days from the date of issuance of a notice of the payment of penalty surcharges, and the notice of the payment of penalty surcharges shall be issued, as prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted on Jan. 28, 2014]

#### CHAPTER VII SUPPLEMENTARY RULES

Article 79-3 (Establishment and Operation of Electronic Handover and Acquisition Management System)

"Matters prescribed by Presidential Decree" in Article 66-2 (2) of the Act means the following:

1. The trade name, address, the name and telephone number of the wastewater treatment business entity;

2. Trade name and location, name and telephone number of the representative of the business operator entrusted with the treatment of wastewater to the business operator who has entrusted the treatment of wastewater;
3. The type, unit, quantity, treatment unit price, and treatment amount of wastewater treated upon entrustment by a wastewater treatment business entity (hereinafter referred to as "wastewater treated upon entrustment");
4. Number of the vehicle transporting wastewater treated upon entrustment and the name of the driver.

[This Article Newly Inserted on Oct. 15, 2019]

[The Previous Article 79-3 moved to Article 79-4 <Oct. 15, 2019>]

Article 79-3 (Criteria, etc. for Payment of Monetary Rewards for Reporting)

- (1) A related administrative agency or investigative agency that has received a report filed under Article 68-2 (1) of the Act shall notify the Minister of Environment of an outline of the reported case.
- (2) Upon having received a report filed under Article 68-2 (1) of the Act or notification under paragraph (1), the Minister of Environment may pay the reporting person a monetary reward not exceeding three million won if deemed that the reported case constitutes any of the violations provided for in Article 38-3 (1) and (2) of the Act.
- (3) The Minister of Environment shall prescribe and publicly notify matters necessary in relation to the detailed amounts of monetary rewards paid under paragraph (2), the timing of and procedures for payment, and other matters.

[This Article Newly Inserted on Jan. 17, 2017]

[Moved from Article 79-3 <Oct. 15, 2019>]

Article 80 (Matters of Cooperation with Relevant Agencies)

"Matters prescribed by Presidential Decree" in subparagraph 10 of Article 70 of the Act means matters of the following subparagraphs:

1. Designation of the urban development-restricted zones;
2. Restoration, into its original state, of the land damaged by installation of tourism facilities, industrial facilities, etc.;
3. Control of the water quantity to be discharged, where the water stored in a dam is required to be discharged because the collection of water to be used as tap water is not possible due to accidents of water pollution or the deterioration of water quality.

Article 81 (Delegation of Authority)

- (1) The Minister of Environment shall delegate his/her authority over the following affairs to the Mayors/Do Governors in accordance with Article 74 (1) of the Act: <Amended on Jan. 17, 2012; Jul. 5, 2012; Jan. 28, 2014; May 26, 2015; Jan. 17, 2017; Oct. 15, 2019>
  1. Investigation of wastewater discharge facilities about their vulnerability to climate change; and recommendations on the improvement thereof under Article 19-4 (1) of the Act;
    - 1- Investigation of pollution sources by river-system sphere of influence under Article 23 of
    2. the Act;

2. Permission to install discharge facilities, acceptance of reports thereon, and permission to install wastewater non-discharge facilities under Article 33 (1) of the Act; permission to alter discharge facilities, acceptance of reports thereon; and permission to alter wastewater non-discharge facilities under paragraphs (2) and (3) of the same Article;
3. Revocation of permission and permission for alteration, closure orders, orders to make improvements; and orders to suspend operation under Article 35 (3) of the Act;
4. Acceptance of reports on the startup operation of discharge facilities and prevention facilities under Article 37 (1) of the Act; inspection and entrustment of testing of pollution levels under paragraph (3) of the same Article; and inspection of wastewater non-discharge facilities under paragraph (4) of the same Article;
5. Recognition of the dilution treatment of water pollutants under the proviso to Article 38 (1) 3 of the Act;
6. Issuance of disposition orders (excluding disposition orders issued to persons who install and operate public wastewater treatment facilities and public sewage treatment facilities) under Article 38-4 (1) of the Act;
7. Issuance of orders to suspend operation (excluding orders to suspend operation issued to persons who install and operate public wastewater treatment facilities and public sewage treatment facilities) under Article 38-4 (2) of the Act;
8. Issuance of improvement orders under Article 39 of the Act;
9. Issuance of orders to suspend the operation of discharge facilities under Article 40 of the Act;
10. Imposition and collection of effluent charges (excluding the effluent charges for public wastewater treatment facilities and public sewage treatment facilities) under Article 41 of the Act;
11. Revocation of permission; and issuance of closure orders or orders to suspend operation under Article 42 of the Act;
12. Imposing and collecting penalty surcharges under Article 43 of the Act;
13. Issuance of orders to suspend the use of illegal facilities or closure orders under Article 44 of the Act (including cases to which such provision shall apply *mutatis mutandis* under Article 60 (7) of the Act);
14. Acceptance of reports on performance of orders, confirmation, and instruction and entrustment of testing of pollution levels under Article 45 of the Act;
15. Deleted; <Jan. 28, 2014>
16. Acceptance of reports on installation of other water pollution sources or reports on the alteration thereof under Article 60 (1) of the Act;
17. Issuance of improvement orders under Article 60 (5) of the Act;
18. Issuance of orders to suspend operation or closure orders under Article 60 (6) of the Act;
19. Ascertaining the use of pesticides under Article 61 (2) of the Act;
20. Registration of wastewater treatment business and registration of any alteration under Article 62 (1) of the Act;

- 21.Revocation of registration and business suspension of a wastewater treatment business under Article 64 of the Act;
  - 22.Imposing and collecting penalty surcharges under Article 66 of the Act;
  - 23.Issuance of orders to the persons referred to in Article 68 (1) 1, 4 and 5 of the Act to file reports or submit data, access, collection and inspection;
  - 24.Requests for testing of pollution levels under Article 68 (2) of the Act;
  - 25.Hearings on the delegated authority among the authority provided for in the subparagraphs of Article 72 of the Act;
  - 26.Imposition and collection of administrative fines under Article 82 of the Act (excluding administrative fines provided for in Article 82 (1) 5, (2) 4-2, 5, 7, and 8 of the Act; and only applicable to administrative fines provided for in paragraph (2) 3 and 4 of the aforesaid Article, which are imposed on any person referred to in Article 38-2 (1) 1 or 2 of the Act; and administrative fines provided for in Article 82 (3) 6 of the Act, which are imposed on any person referred to in Article 68 (1) 1, 4, and 5 of the Act and any person entrusted with the business affairs of the Mayor/Do Governor among the persons referred to in subparagraph 6 of the aforesaid paragraph);
  - 27.Acceptance of applications for extension of the improvement period under Article 39 (2);
  - 28.Receipt and confirmation of improvement plans or improvement completion reports; entrustment of the testing of pollution levels; and acceptance of applications for extension of the improvement period under Article 40 (excluding the improvement of public wastewater treatment facilities and public sewage treatment facilities);
  - 29.Requests for submission; and receipt of data relating to the calculation of the quantity discharged below the criteria under Article 44 (1);
  - 30.Adjustment of the quantity discharged below the criteria under Article 50;
  - 31.Requests for submission of documents and testing of pollution levels under Article 51;
  - 32.Acknowledgement of discharge facilities under subparagraph 2 of Article 58.
- (2)The Minister of Environment shall delegate his/her authority over the following affairs to the heads of the River Basin Environmental Offices or the heads of Regional Environmental Offices in accordance with Article 74 (1) of the Act: <Amended on Jan. 17, 2012; Jul. 5, 2012; Jan. 28, 2014; May 26, 2015; Jan. 17, 2017; Jan. 16, 2018; Oct. 15, 2019>
- 1.Granted approval of action plans for the total pollution load management and approval for any alteration to such plans under Article 4-4 (1) of the Act and the consultation on the action plans under Article 6 (3);
  - 2.Allocation of the pollution loads and the designation of discharge quantities under Article 4-5 (1) of the Act;
  - 3.Issuance of disposition orders under Article 4-6 (1) of the Act;
  - 4.Issuance of orders to suspend operation or orders to close facilities under Article 4-6 (4) of the Act;
  - 5.Imposition of penalty surcharges under Article 4-6 (5) of the Act;
  - 6.Imposition and collection of penalty surcharges for excess of the total pollution load under Article 4-7 (1) of the Act;

7. Installation of measuring networks and the regular measurement of the levels of water pollution under Article 9 (1) of the Act;
8. Requests to take measures under Article 12 (2) of the Act;
- 8- Investigation of non-point pollution reduction facilities and public wastewater treatment facilities about their vulnerability to climate change, and recommendation of the improvement thereof under Article 19-4 (1) of the Act;
9. Issuance and cancellation of water pollution warnings under Article 21 of the Act;
- 9- Consultation on plans to install and operate buffer storage facilities and on any alteration to such plans under Article 21-4 (2) of the Act;
- 9- Issuance of orders to take special measures; requests or orders to take measures to prevent damage under Article 21-5 (1) of the Act;
10. Deleted; <Oct. 15, 2019>
11. Establishment of plans for the small area of influence under Article 27 (1) of the Act;
- 11- Formulation and implementation of restoration plans under Article 27-2 (1) of the Act;
2. approval of the restoration plans (including approval of alteration) under paragraph (4) of the aforesaid Article; and consultation about action plans for the restoration plans (including consultation about alteration) under paragraph (5) of the aforesaid Article;
12. Waterway surveys under Article 28 (1) of the Act;
13. Deleted; <Jan. 17, 2017>
- 13-2. Adjustment of cost apportionment agreements under Article 31 (3) of the Act;
14. Setting the permissible discharge limits for discharge facilities in special-measures areas and special permissible discharge limits for discharge facilities newly installed therein under Article 32 (5) of the Act;
- 14- Setting and publicly notifying the permissible discharge limits under Article 32 (8) of the Act;
15. Deleted. <Aug. 26, 2015>
16. Disposition orders issued under Article 38-4 (1) of the Act to persons who establish and operate the public wastewater treatment facilities or public sewage treatment facilities;
- 16- Registration of measuring instrument management services and any alteration to such registration under Article 38-6 (1) of the Act;
- 16- Revocation of registration of measuring instrument management services and suspension of business under Article 38-9 (1) of the Act;
- 16- Evaluation and public announcement of measuring instrument management agencies' capabilities to provide management services under Article 38-10 (1) of the Act, and receipt of data, such as performance reports on the provision of measuring instruments management services under paragraph (2) of the aforesaid Article;
17. Imposition and collection of effluent charges with regard to public wastewater treatment facilities and public sewage treatment facilities under Article 41 of the Act;
- 17- Receipt of the results of examination of the discharge quantity of specific substances harmful to water quality under Article 46-2 of the Act;
2. harmful to water quality under Article 46-2 of the Act;

18. Granting approval of the master plans for public wastewater treatment facilities under Article 49 (2) and (3) of the Act (including approval for any alteration to such plans) and designation and publication of the public wastewater treatment area;
19. Granting approval of cost apportionment plans and any alteration to such plans under Article 49-2 (2) and (3) of the Act (excluding where the operator is the State);
- 19- Evaluation on the operation and management of public wastewater treatment facilities
2. under Article 50 (3) of the Act and payment of prize money under paragraph (5) of the aforesaid Article;
20. Issuance of disposition orders, such as making improvements of facilities under Article 50 (4) of the Act, and acceptance of applications for extension of the improvement period under Article 70 (2);
- 20- Receipt of findings of technical diagnoses on public wastewater treatment facilities
2. under Article 50-2 (1) of the Act;
21. Acceptance of reports on the installation of non-point sources of pollution and any alteration to such reports under Article 53 (1) of the Act and recognition of the excess of permissible discharge limits under Article 74;
22. Issuance of orders to implement plans for reducing non-point source pollution or orders to install or improve non-point pollution reduction facilities under Article 53 (7) of the Act; acceptance of applications for extension of orders for implementation, etc. under Article 75 (2); acceptance of reports on implementation and confirmation on the status of implementation under paragraphs (3) and (4) of the aforesaid Article;
- 22- Receipt and review of evaluation reports; and requests to supplement or alter the action
2. plans under Article 56 (2) and (3) of the Act;
- 22- Acceptance of reports on water play facilities (including reports on alterations) under
3. Article 61-2 (1) of the Act, and verification as to whether water quality standards and management standards referred to in paragraph (2) of the aforesaid Article are complied with;
23. Issuance of orders to file reports or submit data, access, collection and inspections under Article 68 (1) 2, 2-2, 3 and 4-2 of the Act;
24. Hearings on the delegated authority among the authority provided for in the subparagraphs of Article 72 of the Act;
25. Imposition and collection of administrative fines under Article 82 (1) 3-4, 3-5, 5, (2) 3, 4, 4-2, 5, 7, 8, and (3) 6 of the Act (only applicable to administrative fines provided for in Article 82 (2) 3 and 4 of the Act, which are imposed on any person referred to in Article 38-2 (1) 3 of the Act, and administrative fines provided for in Article 82 (3) 6 of the Act, which are imposed on any person referred to in Article 68 (1) 2, 2-2, 3 and 4-2 of the Act);
26. Receipt and confirmation of improvement plans and improvement completion reports, requests for the testing of pollution levels, and acceptance of applications for extension of the improvement period under Article 40 (limited to the improvement of public wastewater treatment facilities and public sewage treatment facilities).

(3)The Minister of Environment shall delegate the following authority to the president of the National Institute of Environmental Research pursuant to Article 74 (1) of the Act: <Newly Inserted on Jan. 28, 2014; Jan. 16, 2018; Oct. 15, 2019>

- 1.Installation of measurement networks and regular measurements of the level of water pollution under Article 9 (1) of the Act;
- 2.Examination of the current status of aquatic ecosystems under Article 9-3 (1) of the Act;
- 3.Health assessment of aquatic ecosystems and disclosure of the results thereof under Article 9-3 (3) of the Act;
- 4.Examination of the continuity of aquatic ecosystems under Article 22-2 (1) of the Act;
- 5.Calculation of the amount of flow for environmental ecology under Article 22-3 (1) and (3) of the Act;
- 6.Verification of the results of examination of the discharge quantity under Article 46-2 (2) of the Act;
- 7.Surveys and research for establishing the medium and long-term water cycle goals under Article 75-3 (3).

Article 82 (Supervision, etc. following Delegation of Authority)

- (1)Where it is deemed particularly necessary for proper management of water pollution affecting a wide area, the Minister of Environment may check or confirm, or may have the head of a river basin environmental office or the head of a regional environmental office check or confirm, whether there are any such violations of statutes under any subparagraph of Article 81 (1).
- (2)Where the Minister of Environment, or the head of a river basin environmental office or the head of a regional environmental office has discovered any instances of violation of statutes with regard to a place of business as a result of checks and confirmations as provided for in paragraph (1), he/she shall notify the competent Mayor/Do Governor of what he/she has discovered and what measures he/she considers should be taken under such circumstances.
- (3)The Mayor/Do Governor who has been notified in accordance with paragraph (2) shall take necessary measures, and then, report to or notify the results of the measures taken to the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office.

Article 83 (Reports)

- (1)Where the Mayor/Do Governor, the head of a river basin environmental office, the head of a regional environmental office, or the President of National Institute of Environmental Research performs business entrusted in accordance with Article 74 (1) of the Act, he/she shall report the details thereof to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment. <Amended on Oct. 15, 2019>
- (2)When the Mayor/Do Governor has issued an order for suspension of operations, revocation of permission, or order for closure in accordance with Articles 40 and 42 of the Act, he/she shall report, without delay, such fact to the Minister of Environment and the head of the relevant central administrative agency.

#### Article 84 (Entrustment of Business)

- (1)The Minister of Environment or the Mayor/Do Governor may entrust the training of environmental engineers and the collection of expenses under Article 67 of the Act to the Korea Environmental Preservation Association established under Article 59 of the Framework Act on Environmental Policy in accordance with Article 74 (3) of the Act.  
<Amended on Jul. 20, 2012; Jan. 16, 2018; Oct. 15, 2019>
- (2)The Minister of Environment or the Mayor/Do Governor shall entrust the following affairs to the Korea Environment Corporation established under the Korea Environment Corporation Act pursuant to Article 74 (3) of the Act: <Amended on Jan. 17, 2017; Jan. 16, 2018; Oct. 15, 2019>
- 1.Affairs concerning the installation of automatic measuring networks among measuring networks installed under Article 9 of the Act and regular measurements;
  - 2.Affairs concerning the operation of computer networks and technical support for business entities under Article 38-5 of the Act;
  - 3.Affairs concerning the management of public wastewater treatment facilities installed by the State pursuant to Article 48 (1) of the Act;
  - 3- Non-point pollution reduction facilities performance inspection under Article 53-3 of the Act;
  2. Act;
  - 3- Computerized treatment of consignment treated wastewater under Article 66-2 of the Act;
  3. Act;
  - 4.Affairs concerning verifications as to whether measuring instruments are properly installed under Article 35 (3);
  - 5.Affairs concerning the receipt of statements of grounds for improvement under the proviso to Article 40 (1).
- (3)Pursuant to Article 74 (3) of the Act, the Minister of Environment shall entrust the affairs related to the installation of measuring networks and constant measurement of water pollution levels under Article 9 (1) of the Act (limited to the business scope under Article 9 (1) 1 of the Korea Water Resources Corporation Act) to the Korea Water Resources Corporation established under the same Act. <Newly Inserted on Oct. 15, 2019>
- (4)The Environmental Conservation Association under Article 59 of the Framework Act on Environmental Policy, the Korea Environment Corporation under the Korea Environmental Corporation Act, and the Korea Water Resources Corporation under the Korea Water Resources Corporation Act, where they handle entrusted services pursuant to paragraphs (1) through (3), the contents shall be reported to the Minister of Environment or the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment.  
<Amended on Dec. 24, 2009; Oct. 15, 2019>

#### Article 84-2 (Management of Personally Identifiable Information)

The Minister of Environment and each Mayor/Do Governor (where the relevant authority has been delegated or entrusted, including a person to whom the authority has been delegated or entrusted) may manage data including resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information

Protection Act, if unavoidable to conduct the affairs concerning the purchase and creation of riparian ecological areas under Article 19-3 of the Act.

[This Article Newly Inserted on Mar. 27, 2017]

[Previous Article 84-2 moved to Article 84-3] <Mar. 27, 2017>

Article 84-3 (Review of Regulations)

The Minister of Environment shall review the validity of the following matters tri-annually from the relevant reference date specified in the following subparagraphs (referring to the day immediately before every third anniversary from the reference date) and shall take measures for improvement:

1. The range, etc. of wastewater discharge facilities subject to permission for and reporting of installation under Article 31: January 1, 2014;
2. Areas where the installation of discharge facilities under Article 32 is restricted: January 1, 2014;
3. Reporting of the appointment and criteria for qualification of environmental engineers under Article 59 and attached Table 17: January 1, 2014;
4. Reporting of non-point source of pollution, business entities eligible for exemption from the installation of non-point source pollution reduction facilities, the period for issuing orders to implement a non-point source pollution reduction plan, or install or improve non-point source pollution reduction facilities under Articles 72 through 75: January 1, 2104.

[This Article Newly Inserted on Dec. 30, 2013]

[Moved from Article 84-2] <Mar. 27, 2017>

#### CHAPTER VIII PENALTY PROVISIONS

Article 85 (Standards for Imposition of Administrative Fines)

The guidelines for imposing administrative fines under Article 82 of the Act shall be as specified in attached Table 18.

[This Article Wholly Amended on Feb. 18, 2010]

ADDENDA <Presidential Decree No. 20428, Nov. 30, 2007>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Reports on Installation of Non-point Sources of Pollution)

The amended provisions of Article 72 (2), (4) 8 through 14 and (5) shall apply starting from the business entity who has applied for permission for establishment of wastewater discharge facilities and permission for change thereof, or filed a report or a report for change in accordance with Article 33 (1) through (3) of the Act after this Decree enters into force, the business entity for which a written evaluation shall be submitted in accordance with Article 17 (1) or (2) of the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. and the business entity who is again required to prepare a written evaluation pursuant to Article 23 of the same Act.

Article 3 (Transitional Measures concerning Deadline for Attachment of Gauges)

- (1) Any person who has obtained permission for or has made a report on establishing discharge facilities, or who has established or is establishing wastewater terminal treatment facilities or public sewer treatment facilities as at the time this Decree enters into force shall equip with the gauges pursuant to Article 35 (1) by the deadlines classified in the following table, notwithstanding the amended provisions of Article 35 (1):
- (2) In cases of places of business which have newly obtained permission for establishing discharge facilities or filed a report on the establishment thereof after this Decree enters into force, the wastewater terminal treatment facilities the construction of which will start after this Decree enters into force, and the public sewer treatment facilities the authorization for establishment of which has been granted after this Decree enters into force, and the deadlines for equipping the gauges under Article 35 (2) for such facilities are earlier than the deadlines falling under each of the following subparagraphs, the deadlines for installing the gauges of the relevant facilities shall be any of the following deadlines:
1. Any person who installs and operates wastewater terminal treatment facilities and public sewer treatment facilities: May 19, 2008;
  2. Any person who installs and operates discharge facilities and prevention facilities: September 30, 2008.

#### Article 4 (Transitional Measures concerning Attachment of Gauges)

- (1) Gauges which have failed to obtain type approval under Article 9 of the Environmental Testing and Inspection Act from among the gauges which are installed in accordance with the relevant statutes as at the time this Decree enters into force shall be replaced by gauges for which type approval has been granted by the deadline for equipment under Article 3 of the Addenda.
- (2) Gauges for measuring biological oxygen demand and chemical oxygen demand from among gauges which are installed in accordance with the relevant statutes as at the time this Decree enters into force shall be deemed the gauges equipped in accordance with the amended provisions of Note 5 of attached Table 7.
- (3) The integrating wattmeters and integrating flowmeters which are installed in accordance with the previous provisions as at the time this Decree enters into force shall be deemed as integrating wattmeters and integrating flowmeters installed in accordance with the amended provisions of attached Table 8: Provided, That the integrating flowmeters for sewage and wastewater shall be connected by the deadline for equipment under Article 3 (1) of the Addenda so that the measured and recorded data may be transmitted to the Control Center.

Article 5 (Transitional Measures concerning Time for Utilizing Automatically Measured Data as Administrative Data) Places of business, etc. which have been equipped with gauges and connected them with the Control Center before the deadline for equipment under Article 3 of the Addenda, may utilize the automatically measured data as the administrative data from the date six months have elapsed since the time of equipment under Article 3 of the Addenda, notwithstanding the amended provisions of Article 35 (4). Article 6 Omitted. Article

7 (Relation to Other Statutes) Where the Enforcement Decree of the Water Quality Conservation Act or the provisions thereof are cited by other statutes as at the time this Decree enters into force and this Decree has any provisions that correspond to the cited provisions, this Decree or the relevant provisions of this Decree shall be deemed cited in lieu of the previous provisions.

ADDENDUM <Presidential Decree No. 20761, Apr, 3, 2008>

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

ADDENDA <Presidential Decree No. 21185, Dec. 24, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2009. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 21565, Jun. 26, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on June 30, 2009. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 21590, Jun. 30, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2009. (Proviso Omitted.)

Articles 2 through 9 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 22051, Feb. 18, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Special Cases concerning Deadline for Attachment of Gauges for Wastewater Terminal Treatment Facilities)

Any person who has established or is establishing wastewater terminal treatment facilities as at the time this Decree enters into force newly becomes subject to attachment of gauges pursuant to the amended provisions of item (b) with respect to the person subject to attachment in subparagraphs 1 and 2 of attached Table 7, shall attach the relevant gauges within one year after this Decree enters into force, notwithstanding Article 35 (2) 1.

Article 3 (Transitional Measures, etc. concerning Standards for Imposition of Administrative Fines)

(1) Standards for imposition of administrative fines against any offense committed before this Decree enters into force shall be applied by the previous example.

(2) In cases of applying the standards for imposition of administrative fines according to the frequencies of offense pursuant to the amended provisions of attached Table 18, the first offense committed after this Decree enters into shall be deemed as an offense.

ADDENDA <Presidential Decree No. 22073, Mar. 9, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 10, 2010.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 22213, Jun. 22, 2010>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 29-2 shall enter into force on June 23, 2010.

ADDENDA <Presidential Decree No. 23267, Oct. 28, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 29, 2011.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 23520, Jan. 17, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Method and Criteria for Calculation of Charges for Release of Pollutants in Excess of Total Quantity)

The amended provisions of attached Table 1 shall apply to charges for the release of pollutants in excess of total quantities on or after this Decree enters into force.

Article 3 (Special Cases concerning Deadline of Attachment of Gauges in Public Sewage Disposal Facilities)

Where a person who has installed or is installing public sewage disposal facilities (referring to public sewage disposal facilities referred to in subparagraph 9 of Article 2 of the Sewerage Act with a disposal capacity (facility capacity) of not less than 700 m<sup>3</sup>/day but less than 2,000 m<sup>3</sup>/day) as at the time this Decree enters into force falls into persons operating facilities which become newly subject to the attachment of gauges pursuant to the amended provisions of attached Table 7, he/she shall attach the relevant gauges within two years from the date on which this Decree enters into force, notwithstanding Article 35 (2) 2.

Article 4 (Transitional Measures concerning Criteria for Imposition of Administrative Fines)

Notwithstanding the amended provisions of subparagraph 2 (j) of attached Table 18, the application of criteria for the imposition of administrative fines to activities conducted before this Decree enters into force shall follow the previous provisions.

ADDENDUM <Presidential Decree No. 23938, Jul. 5, 2012>

This Decree shall enter into force on the date of promulgation: Provided, That the amended provisions of Article 30-2 shall enter into force on August 2, 2012.

ADDENDA <Presidential Decree No. 23966, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 23967, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 25045, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014.

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

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

ADDENDA <Presidential Decree No. 25127, Jan. 28, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 31, 2014; Provided, That the amended provisions of Articles 46-2 and 79-2 shall enter into force on July 31, 2014.

Article 2 (Transitional Measures concerning Announcement of Effluent Limitation Guidelines)  
Effluent limitation guidelines determined and publicly notified by the Minister of Environment pursuant to Article 32 (8) of the previous Act before this Act enters into force shall be deemed determined and announced by the head of a River Basin Environmental Office or the head of a Regional Environmental Office pursuant to the amended provision of Article 81 (2) 14-2.

Article 3 Omitted.

ADDENDA <Presidential Decree No. 25456, Jul. 14, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 15, 2014.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 25773, Nov. 24, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Standards for Discharge of Specific Substances Harmful to Water Quality, etc.)

The amended provisions of Article 31 (1) through (3), and subparagraphs 3 and 4 of Article 32 shall also apply where the Minister of Environment intends to take administrative measures provided for in Article 42 (1) 2, 5 and 6, and Article 44 for offenses committed before this Decree enters into force.

Article 3 Omitted.

ADDENDUM <Presidential Decree No. 26249, Nov. 26, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 81 (2) 15 shall enter into force on January 1, 2016.

Article 2 (Applicability to Projects Subject to Reports on Installation of Non-Point Sources of Pollution and Reports on Changes therein)

The amended provisions of the proviso to paragraph (2) of Article 72 and the proviso to subparagraph 4 of Article 73 shall also apply to projects that are being conducted as at the

time this Decree enters into force.

ADDENDUM <Presidential Decree No. 26704, Dec. 10, 2015>

This Decree shall enter into force on January 1, 2016.

ADDENDA <Presidential Decree No. 27113, Apr. 28, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on April 29, 2016. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 27471, Aug. 31, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2016.

Articles 2 through 3 Omitted.

ADDENDA <Presidential Decree No. 27472, Aug. 31, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2016.

Articles 2 through 7 Omitted.

ADDENDA <Presidential Decree No. 27489, Sep. 5, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 28, 2017.

Article 2 (Transitional Measures concerning Installation of Automatic Water Quality Testers)

Notwithstanding amended subparagraph 1 of attached Table 7 and subparagraphs 1, 4, 6, and 8 of the remarks in the aforesaid attached Table, the former provisions shall apply to automatic water quality testers that can measure biochemical oxygen demand and has been already installed as at the time this Decree enters into force: Provided, That an automatic water quality tester shall be replaced with one that can measure chemical oxygen demand in any of the following cases:

1. Where the automatic water quality tester that can measure biochemical oxygen demand should be replaced upon expiration of its service life or due to other reasons, such as a breakdown;
2. Where the automatic water quality tester that can measure biochemical oxygen demand has been rated non-compliant in the tests conducted under the official test standards for environmental pollution under Article 6 of the Environmental Testing and Inspection Act at least twice a year, or has been rated non-compliant in the accuracy inspection of the measuring instrument conducted under Article 11 of the aforesaid Act.

ADDENDA <Presidential Decree No. 27792, Jan. 17, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 28, 2017.

Article 2 (Applicability to Approval of Alteration to Master Plan for Public Wastewater Treatment Facilities)

Amended Article 66 (2) shall begin to apply from any alteration to the location or treatment capacity of public wastewater treatment facilities after this Decree enters into force.

Article 3 (Applicability to Approval of Alteration to Expense Apportionment Plan)

Amended Article 67 (3) shall begin to apply from any alteration to the total project costs of public wastewater treatment facilities, charges for installation of public wastewater treatment facilities, or user fees for public wastewater treatment facilities after this Decree enters into force.

Article 4 (Applicability to Reports on Alteration to Non-Point Sources of Pollution)

Amended proviso to subparagraph 3 of Article 73 shall begin to apply from any alteration to the capacity of non-point pollution reduction facilities after this Decree enters into force.

Article 5 (Transitional Measures concerning Payment of Expenses Incurred in Collection)

Notwithstanding amended Article 57 (1), the former provisions shall apply to the payment of collection expenses for effluent charges and late-payment penalties collected by the Mayors/Do Governors before this Decree enters into force.

Article 6 (Transitional Measures concerning Delegation of Authority)

Notwithstanding amended Article 81 (1) 26 and (2) 25, the former provisions shall apply where procedures for the imposition and collection of administrative fines are ongoing pursuant to Article 82 (2) 3 and 4 of the Act as at the time this Decree enters into force.

Article 7 Omitted.

ADDENDUM <Presidential Decree No. 27960, Mar. 27, 2017>

This Decree shall enter into force on March 30, 2017. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 28583, Jan. 16, 2018>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 18, 2018.

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 28964, Jun. 12, 2018>

This Decree shall enter into force on June 13, 2018.

ADDENDUM <Presidential Decree No. 29950, Jul. 2, 2019>

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

ADDENDA <Presidential Decree No. 30126, Oct. 15, 2019>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 17, 2019: Provided, That the amended provisions of attached Tables 7, 8-2 and 14 shall enter into force on January 1, 2020, and the amended provisions of Article 84 (2) 3-2 shall enter into force on October 17, 2020.

Article 2 (Transitional Measures for the Operation of Public Wastewater Treatment Facilities)

Where a person who falls under the previous provisions of Article 60 (2) 5 as at the time this Decree enters into force is operating a public wastewater treatment facility installed by the State or a local government, the previous provisions shall apply until the contract for operation thereof is terminated, notwithstanding the amended provisions of Article 60 (2) 5.

Article 3 (Transitional Measures concerning Installation of Automatic Water Quality Testers)

(1) Where an automatic measuring device for biochemical oxygen demand or an automatic measuring device for water quality in the quantity of biochemical oxygen demand is installed in accordance with the former provisions as at the time this Decree enters into force (including cases where the former provisions apply in accordance with the main

clause of Article 2 of Addenda to the Enforcement Decree of the Act on the Conservation of Water Quality and Ecosystem (Presidential Decree No. 2789)), notwithstanding the amended provisions of subparagraph 1 (b) of attached Table 7, the installation of automatic measuring devices for the total amount of carbon shall be deemed to have been installed until June 30, 2023.

- (2) Notwithstanding Paragraph 1, in cases falling under any of the following subparagraphs before September 30, 2022, an automatic water quality tester for total organic carbon content shall be attached until the date specified in each of the following:
1. Where it is necessary to replace an automatic measuring device for the quantity of biochemical oxygen required or an automatic measuring device for the quantity of chemical oxygen required due to the occurrence of a failure, etc.: The day nine months elapse from the day the relevant cause arises;
  2. Where an automatic measuring device for biochemical oxygen demand or a automatic measuring device for chemical oxygen demand has been rated non-compliant in the testing conducted pursuant to the official test standards for environmental pollution under Article 6 of the Environmental Testing and Inspection Act at least twice a year: The date nine months elapse from the date of the second non-compliance.
  3. Where an automatic measuring device for biochemical oxygen demand or a automatic measuring device for chemical oxygen demand has been rated non-compliant as a result of an accuracy inspection conducted for the measuring device under Article 11 of the Environmental Testing and Inspection Act and the number of times rated non-compliant for the recent one year, was conducted by determining the non-compliance: The third time; Nine months after the day when the person is judged to be non-compliant.
- (3) Notwithstanding paragraphs (1) and (2), where the durability period expires before June 30, 2023, an automatic measuring device for total carbon volume shall be installed before the durability period arrives.

#### Article 4 (Transitional Measures concerning Registration of Measuring Instrument Management Services)

- (1) A measuring instruments management agency registered under the previous provisions as at the time this Decree enters into force shall meet the criteria for registration under the amended provisions of attached Table 8-2 until December 31, 2020.
- (2) Notwithstanding the amended provisions of attached Table 8-2, the previous provisions shall apply to the criteria for registration of applicants who have applied for registration before this Decree enters into force: Provided, That the standards for registration under the amended provisions of attached Table 8-2 shall be met by December 31, 2020.

PC Version

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