

ENFORCEMENT DECREE OF THE WATER QUALITY CONSERVATION ACT

Wholly amended By	1996· 7· 31	Presidential Decree No. 15129
Amended By	1998· 2· 24	Presidential Decree No. 15673
Amended By	1998· 12· 31	Presidential Decree No. 16059
Amended By	1999· 8· 6	Presidential Decree No. 16507
Amended By	2000· 7· 1	Presidential Decree No. 16891
Amended By	2000· 8· 5	Presidential Decree No. 16945
Amended By	2001· 6· 30	Presidential Decree No. 17288
Amended By	2002· 8· 8	Presidential Decree No. 17698
Amended By	2002· 8· 8	Presidential Decree No. 17704
Amended By	2002· 12· 18	Presidential Decree No. 17809
Amended By	2002· 12· 26	Presidential Decree No. 17816
Amended By	2003· 6· 5	Presidential Decree No. 17990
Amended By	2003· 12· 11	Presidential Decree No. 18157
Amended By	2004· 3· 17	Presidential Decree No. 18312
Amended By	2004· 8· 10	Presidential Decree No. 18515

Article 1 (Purpose)

The purpose of this Decree is to provide the matters delegated by the Water Quality Conservation Act (hereinafter referred to as the "Act") and the matters necessary for the enforcement thereof.

Article 1-2 (Definitions)

For the purpose of this Decree,

1. the term "River System Management Committees" means the following Committees:

(a) The Han River System Management Committee under Article 24 of the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the Han River System;

(b) The Nakdong River System Management Committee under Article 37 of the Act on the Management of Water and Support for Residents of the Nakdong River System;

(c) The Geum River System Management Committee under Article 35 of the Act on the Management of Water and Support for Residents of the Geum River System; and

(d) The Yeongsan River and Seomjin River System Management Committee under Article 35 of the Act on the Management of Water and Support for Residents of the Yeongsan River and Seomjin River System; and

2.the term "Working Committees" means the following Committees:

(a) The Han River System Management Working Committee under Article 4 of the Han River System Management Committee Regulations;

(b) The Nakdong River System Management Working Committee under Article 6 of the Nakdong River System Management Committee Regulations;

(c) The Geum River System Management Working Committee under Article 6 of the Geum River System Management Committee Regulations; and

(d) The Yeongsan River and Seomjin River System Management Working Committee under Article 6 of the Yeongsan River and Seomjin River System Management Committee Regulations.

[This Article Newly Inserted by Presidential Decree No. 17990, Jun. 5, 2003]

Article 2 (Permit for and Report on Establishment of Discharge Facilities)

(1) The discharge facilities, for the establishment of which the permit needs to be obtained in accordance with the provisions of Article 10 (1) of the Act, shall be as follows: <Amended by Presidential Decree No. 16059, Dec. 31, 1998>

1.The discharge facilities which discharge the specified substances hazardous to water quality as provided in subparagraph 3 of Article 2 of the Act (hereinafter referred to as the "specified substances hazardous to water quality");

2.The discharge facilities which are established within the special countermeasure area as provided in Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as the "special countermeasure area");

3.The discharge facilities which are established within the area publicly notified by the Minister of Environment in accordance with the provisions of Article 3;

4.The discharge facilities which are established in the water-source protection sphere as provided in Article 5 of the Water Supply and Waterworks Installation Act (hereinafter referred to as the "water-source protection sphere") or which are established within 10km of flow-distance toward an upper stream from its boundary;

5.In the case of an area, among the areas in which no water-source protection sphere has been designated, where the water-intake structures are installed, the discharge facilities which are established within 15km of flow-distance toward the upper stream from the said water-intake structures; and

6.The discharge facilities the establishment of which was reported in accordance with the provisions of Article 10 (1) of the Act and which newly begin to discharge the specified substances hazardous to water quality, as provided in subparagraph 1, because of changes in the relevant raw materials, subsidiary raw materials, manufacturing methods, etc.

(2) In one of the following cases, the establishment of the discharge facilities shall be reported in accordance with the provisions of Article 10 (1) of the Act: <Amended by Presidential Decree No. 16059, Dec. 31, 1998; Presidential Decree No. 16945, Aug. 5, 2000>

1.In cases other than those as provided in the provisions of paragraph (1);

2.In cases, as provided in subparagraphs of paragraph (1), where the whole quantity of the relevant wastewater is treated on consignment: Provided, That this shall be limited to any case where facilities treating the wastewater which has been consigned are located outside areas or spheres as referred to in paragraph (1) 2 through 5; and

3.In cases where the wastewater discharged from discharge facilities, as referred to in paragraph (1) 2 through 5, which do not generate any specified substances hazardous to water quality, flows into wastewater terminal treatment facilities as referred to in Article 25 of the Act (hereinafter referred to as "wastewater terminal treatment facilities") or sewage terminal treatment facilities as referred to in subparagraph 5 of Article 2 of the Sewerage Act (hereinafter referred to as "sewage terminal treatment facilities").

(3) In one of the following cases, a person who obtains the permit on establishment of discharge facilities shall obtain the permit on modification of discharge facilities under Article 10 (2) of the Act: Provided, That the said permit on modification may be replaced by the report on modification, in a case where he consults with the representative of joint preventive facilities as provided in Article 11 (4) of the Act (hereinafter referred to as "joint preventive facilities") or operators of wastewater terminal treatment facilities on wastewater treatment and the defrayment of expenses therefor and modifies discharge facilities within the limit of the wastewater treatment power or capacity: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16059, Dec. 31, 1998; Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 18515, Aug. 10, 2004>

1.In a case where the wastewater discharge quantity is increasing by not less than 50/100 (or, 30/100 in the case of the discharge facilities which discharge the specified substances hazardous to water quality) of the wastewater discharge quantity determined at the time of the permit, or where the wastewater discharge quantity is increasing by not less than 700 cubic meters a day;

2.In a case where the improvement of discharge facilities or water pollution preventive facilities as provided in Article 11 (1) of the Act (hereinafter referred to as "preventive facilities") is necessary due to the generation of new pollutants to such extent as exceeds the permissible discharge standards as referred to in Article 8 of the Act (hereinafter referred to as the "permissible discharge standards");

3.In a case where an alteration is required for the method of disposals in the form of solid state wastes as referred to in paragraph (8) 3 (b) at the discharge facilities discharging no wastewater for which a permit has been obtained as referred to in the proviso of Article 10 (1) of the Act; and

4.Deleted. <by Presidential Decree No. 15673, Feb. 24, 1998>

(4) Deleted. <by Presidential Decree No. 18157, Dec. 11, 2003>

(5) The cases for which the report on modification should be made in accordance with the provisions of Article 10 (2) of the Act and the procedures, etc., for the said report shall be determined by the Ordinance of the Ministry of Environment.

(6) A person who intends to obtain the permit on establishment of the discharge facilities or to make the report on establishment thereof, in accordance with the provisions of Article 10 (1) of the Act, shall submit to the Minister of Environment the application form for the permit on establishment of the discharge facilities (including the application form in the form of electronic documents) or the report form on establishment thereof (including the report form in the form of electronic documents) together with the following documents (including the electronic documents; hereinafter the same shall apply): <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 18515, Aug. 10, 2004>

1. A map showing the locations of the wastewater discharge facilities and a map showing the legitimate flow-course of the discharged wastewater;

2. A detailed statement of the types of the raw materials to be used (including the industrial water to be used), the amounts of the goods to be produced, and the types of pollutants anticipated to be discharged;

3. A detailed statement of the establishment of the preventive facilities and a blueprint thereof (the blueprint here may be replaced by a plot-plan in a case where only a report is made);

4. Deleted; and <by Presidential Decree No. 15673, Feb. 24, 1998>

5. The permit certificate on installation of the discharge facilities (limited to the case of the permit on modification).

(7) Having given the permit on installation of the discharge facilities or having received the report form on installation of the discharge facilities, the Minister of Environment shall issue to the relevant applicant the permit certificate on installation of the discharge facilities or the report certificate on installation of the discharge facilities: Provided, That when the Minister of Environment has given the permit on modification of the installation of the discharge facilities, he shall fill out the relevant column on the back side of the permit certificate already issued with the permitted contents of modification.

(8) The standards for a permit or a permit on modification as referred to in Article 10 (5) of the Act shall be as follows: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 18515, Aug. 10, 2004>

1. Pollutants issuing forth from discharge facilities shall be treated to meet the permissible discharge standards;

2. There shall not be any violation of restrictions on the establishment of discharge facilities as provided in other Acts and subordinate statutes; and

3. Where the discharge facilities discharging no wastewater are installed, the following facilities shall be installed in accordance with the criteria as referred to in the attached Table 1 so as to prevent the wastewater from flowing out or leaking out into the public waters:

(a) Facilities to separate or collect waters so as to prevent the wastewater generated from the discharge facilities discharging no wastewater from mixing with the wastewater generated from other discharge facilities;

(b) Preventive facilities to dispose of the substances hazardous to water quality from among the wastewater in the form of solid state wastes; and

(c) Intercepting or storing facilities that prevent the wastewater from flowing out or leaking out into the public waters due to a defect or accident in the facilities or the rainwater, etc.

Article 3 (Area where Installation of Discharge Facilities is Restricted)

The scope of area where the installation of discharge facilities can be restricted under Article 10 (6) and (7) of the Act shall be as follows:

1. The water supply source protection area where intake facilities are located, the special countermeasure area and the lake and marsh designated under Article 34 of the Act (hereinafter referred to as the "designated lake and marsh");

2. The catchment area under subparagraph 1 (referring to the area which is surrounded by adjacent ridge lines and into which rainwater naturally flows; hereinafter the same shall apply), which is located within 10km of flow-distance toward an upper stream from the boundary of an area whose water quality is not the class-I as shown in subparagraph 3 of the attached Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy;

3. The catchment area within 15km of flow-distance toward an upper stream from intake facilities of an area which is not the water supply source protection area; and

4. The area which is located in the upper stream of the area as prescribed in subparagraphs 1 through 3 and affected by the pollution of a water supply source due to the discharge of specified substances hazardous to water quality (limited to the case of facilities discharging specified substances hazardous to water quality).

[This Article Wholly Amended by Presidential Decree No. 16945, Aug. 5, 2000]

Article 3-2 (Conditions for Permission, etc.)

The Minister of Environment may attach the matters falling under each of the following subparagraphs as the conditions for permission as referred to in Article 10-3 of the Act in order to make a facility inspection or a follow-up supervision, etc. for the discharge facilities discharging no wastewater:

1. Matters concerning an attachment of automatic warning devices to notify of the cases where the wastewater flows into the intercepting or storing facilities; and

2. Matters concerning an attachment of the flow meters capable of making a regular verification of the volume of wastewater generation and of reuse thereof.

[This Article Newly Inserted by Presidential Decree No. 18515, Aug. 10, 2004]

Article 4 (Criteria for Exemption from Establishment of Preventive Facilities)

(1) The term "those which meet the criteria as determined by the Presidential Decree" in the proviso of Article 11 (1) of the Act, means such cases as referred to in any of the following subparagraphs: <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

- 1.Cases where pollutants are always discharged below the permissible discharge standards thanks to the function of and the work procedures of the discharge facilities;
- 2.Cases where all of the wastewater as prescribed by the Ordinance of the Ministry of Environment is consigned to a person who has registered for the wastewater treatment business in accordance with the provisions of Article 43 of the Act or a relevant professional agency acknowledged and publicly announced by the Minister of Environment and is treated; and
- 3.Other cases where a proper treatment of pollutants is possible, without installing the preventive facilities, in such a way as, for instance, recycling of all of the wastewater to occur and, at the same time, which are determined by the Ordinance of the Ministry of Environment.

(2) and (3) Deleted. <by Presidential Decree No. 15673, Feb. 24, 1998>

Article 5 (Scales, etc. of Discharge Facilities Subject to Report, Coming after Modification Report is Made, on Starting to Operate)

The term "case of alteration prescribed by the Presidential Decree" in Article 14 (1) of the Act means the case falling under each of the following subparagraphs: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16945, Aug. 5, 2000>

- 1.Where the quantity of the discharged waste water increases by not less than 50/100 of the quantity of the waste water discharged at the time when the report was made;
- 2.Where the discharge facilities or preventive facilities need be improved because new pollutants exceeding the permissible discharge standards are discharged from the discharge facilities concerned;
- 3.Where the wastewater treatment method of the preventive facilities established in the discharge facilities is altered; and
- 4.Where the preventive facilities are newly established in the discharge facilities in which the preventive facilities are not established pursuant to the proviso of Article 11 (1) of the Act.

Articles 6 through 9

Deleted. <by Presidential Decree No. 16507, Aug. 6, 1999>

Article 10 (Improvement Period)

- (1) Having decided to issue the improvement order in accordance with the provisions of Article 16 of the Act, the Minister of Environment shall determine the improvement period within the range of one year, having taken into consideration necessary measures to be taken for the improvement or installation period for necessary facilities.
- (2) The person who received the improvement order as provided in Article 16 of the Act, in a case where he cannot complete execution of the ordered measures within the period as prescribed in paragraph (1) on account of a disaster or other reasons acknowledged to be unavoidable, may file an application, before the improvement period ends, with the Minister of Environment for prolongation of the improvement period within the range of six months.

Article 11 (Enterpriser's Renovation of Facilities)

(1) When an enterpriser, who has not been ordered to renovate his facilities under the provisions of Article 16 of the Act, discharges pollutants in excess of permissible discharge standards in the case falling under any of the following subparagraphs, he may renovate his discharge facilities or preventive facilities after filing a facility renovation plan (including a written plan in the form of electronic documents; hereinafter the same shall apply) stating reasons for renovating such discharge facilities or preventive facilities, the renovation period, the contents of such renovation, the anticipated quantity and concentration of pollutants to be discharged during the innovation period, etc. with the Minister of Environment: <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

1.The case where he intends to renovate, alter or repair his discharge facilities or preventive facilities;

2.The case where he is unable to operate properly his discharge facilities or preventive facilities due to a sudden breakdown in major mechanical devices of such facilities;

3.The case where he is unable to operate properly his discharge facilities or preventive facilities due to a power outage or a suspension of water supply;

4.The case where he is unable to operate properly his discharge facilities or preventive facilities due to force majeure such as natural disaster and fire; and

5.The case where he is unable to operate properly his preventive facilities due to weather changes or an inflow of abnormal materials when he treats pollutants through the biochemical method.

(2) With regard to the enterpriser who files the renovation plan pursuant to paragraph (1), the Minister of Environment may instruct his officials in charge to confirm the contents and results of renovation, etc. and take samples to entrust the test of their pollution levels to a testing institution prescribed by the Ordinance of the Ministry of Environment.
[This Article Wholly Amended by Presidential Decree No. 16507, Aug. 6, 1999]

Article 12

Deleted. <by Presidential Decree No. 15673, Feb. 24, 1998>

Article 13 (Criteria and Method for Computing Basic Discharge Dues)

(1) The basic discharge dues as prescribed in Article 19 (1) 1 (a) and (b) of the Act (hereinafter referred to as the "basic dues") shall be the amount computed by the following formula on the basis of discharged quantity and concentration of the pollutants:

Discharged quantity within the criteria * imposed amount per kilogram of pollutants * computation index of dues by years * imposition coefficient by business places * imposition coefficient by areas * imposition coefficient by rates exceeding standards for the quality of discharged water

(2) The discharged quantity within the criteria as referred to in paragraph (1) shall be the volume exceeding standards for the quality of discharged water, that is less than the permissible discharge standards in the case of Article 19 (1) 1 (a) of the Act, and the volume exceeding standards for the quality of discharged water in the case of Article 19 (1) 1 (b) of the Act.

(3) The provisions of Article 17 (4) shall apply mutatis mutandis to the imposed amount per kilogram of pollutants that is necessary for a computation of basic dues, and those of Article 20 (1) shall apply mutatis mutandis to the computation index of dues by years, respectively; and the imposition coefficient by business places shall be the same as the attached Table 2, and the imposition coefficient by areas be the same as the attached Table 3, and the imposition coefficient by rates exceeding standards for the quality of discharged water be the same as the attached Table 4.

(4) Basic dues on the joint preventive facilities shall be the amount added after computing by respective business places as referred to in the provisions of paragraphs (1) through (3).
[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 14 (Kinds of Pollutants Subject to Imposition of Basic Dues)

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

1. Organic substances; and

2. Floating substances.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 15 (Imposition Period, etc. of Basic Dues)

Basic dues shall be imposed every half year, but the standard imposition date and imposition period shall be the same as the attached Table 5.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 16 (Computation, etc. of Discharged Quantity of Pollutants for Basic Dues)

(1) The Minister of Environment may, as referred to in Article 49 (1) of the Act, have the relevant businessmen submit the data falling under each of the following subparagraphs (including electronic documents; hereinafter the same shall apply) in case where deemed necessary for grasping the discharged quantity within the criteria that is required for a computation of basic dues as referred to in Article 13 (2):

1. Data on the discharged quantity within the criteria that is expected to be discharged during the relevant imposition period of basic dues (hereinafter referred to as the "scheduled discharged quantity") (to be submitted within 30 days from a commencing date of imposition period, but the businessmen who have newly obtained a permit for installing the discharge facilities as referred to in Article 10 of the Act during the imposition period or have filed a report thereon may submit the data within 30 days from the date of filing a report on commencing the operation of discharge facilities, etc. as referred to in Article 14 of the Act, and if the date of filing a report on commencing the operation is less than 30 days reversely from the closing date of the relevant imposition period, the data may be exempted from a

submission, limited to the relevant imposition period);

2.Data on the discharged quantity within the criteria that has been actually discharged during the relevant imposition period of basic dues (hereinafter referred to as the "fixed discharge quantity") (to be submitted within 30 days from the closing date of the imposition period); and

3.In the case of the businessmen who install and operate the joint preventive facilities, the data on the discharged quantity of pollutants by businessmen who flow the wastewater into the joint preventive facilities in addition to the data as referred to in subparagraphs 1 and 2.

(2) The scheduled discharged quantity and the fixed discharge quantity as referred to in paragraph (1) shall be computed by the methods as defined in each of the following subparagraphs:

1.The discharged quantity shall be what indicated in a unit of kilogram, that is the quantity computed by multiplying the discharged quantity within the daily average criteria by the number of working days within the imposition period;

2.The discharged quantity within the daily average criteria as referred to in subparagraph 1 shall be computed by the methods as defined in each of the following items on the basis of the result of measuring the pollutants as referred to in Article 22 of the Act:

(a) The discharged quantity within the daily average criteria shall be the remaining quantity obtained by deducting the discharged quantity, that is computed by multiplying the standard concentration of discharged water quality by the daily average flowing volumes, from the daily average discharged quantity;

(b) The daily average discharged quantity shall be computed after adding up the respective daily pollutant discharged quantity that has been measured by discharge openings as referred to in Article 22 of the Act, and by dividing it by the frequency of measuring the pollutants: Provided, That in case where a notice of results of inspection as referred to in Article 49 of the Act has been received within the imposition period, it shall be computed after adding up the daily average discharged quantity computed in accordance with the result of measuring the pollutants as referred to in Article 22 of the Act to the daily pollutant discharged quantity that has been notified, and by dividing it by the value obtained by adding one to the frequency of inspections;

(c) The daily pollutant discharged quantity 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 the "daily flowing volumes"), and the provisions of Article 19 (3) shall apply mutatis mutandis to a computation of the daily flowing volumes, but with regard to the sewage terminal treatment facilities, it shall be the quantity of measured wastewater in case where an operator of the said treatment facilities makes a measurement of the quantity of wastewater of the business places of classes I through IV as referred to in the provisions of the attached Table 6 that is flown into from within the zone of sewage terminal treatment facilities; and it shall be the data that has been submitted by the businessmen of classes I through IV within the zone of sewage treatment at the time of permission for installing the discharge facilities as referred to in the provisions of Article 10 (1) through (3) of the Act or of filing a report or modified report thereon, and the data submitted by making a computation on the basis of the recording books of operations of discharge facilities and preventive facilities as referred to in Article 15 (3) of the Act and of the results of inspections as referred to in Article 49 of the Act in case where no measurements are made; and

(d) The methods of computations as referred to in item (b) shall apply mutatis mutandis to the daily average flowing quantity; and

3. The scheduled discharge quantity shall be computed by multiplying the discharged quantity within the daily average criteria during the immediately preceding imposition period by the scheduled working days in the relevant imposition period, and the fixed discharge quantity shall be computed by multiplying the discharged quantity within the daily average criteria during the relevant imposition period by the actual working days in the relevant imposition period.

(3) Matters concerning the evidential data to be submitted as referred to in paragraph (1) shall be stipulated by the Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 17 (Computation Criteria and Methods for Excessive Discharge Dues)

(1) The excessive discharge dues as referred to in Article 19 (1) 2 (a) and (b) of the Act (hereinafter referred to as the "excessive dues") shall be the amount obtained by adding the amount classified under each subparagraph of paragraph (2) to the amount computed by the following formula on the basis of discharge quantity and discharge concentration of pollutants:

Provided, That in case where the excessive discharge dues as referred to in Article 19 (1) 2 (a) of the Act are imposed, if the businessmen submitted a written plan for improvement as referred to in Article 11 (1) and has made an improvement, the amount of paragraph (2) 1 shall not be added, and the imposition coefficients contingent on the ratio of the pollutants discharged in excess of the permissible discharge standards and the imposition coefficients contingent on frequencies of violations shall not be applied:
Discharged quantity in excess of standards * imposed amount per kilogram of pollutants * computation index of dues by years * local imposition coefficients * imposition coefficients contingent on the ratio of the pollutants discharged in excess of the permissible discharge standards * imposition coefficients contingent on frequencies of violations

(2) The amount to be added to the amount computed as referred to in the provisions of paragraph (1) shall be same as each of the following subparagraphs:

1. Excessive dues as referred to in Article 19 (1) 2 (a) of the Act shall be four million won for class-I business place as referred to in the provisions of the attached Table 6 in accordance with the size of business places, three million won for class-II business place, two million won for class-III business place, one million won for class-IV business place, and one half million won for class-V business place; and

2. Excessive dues as referred to in Article 19 (1) 2 (b) of the Act shall be five million won.

(3) The quantity discharged beyond the standards as referred to in the provisions of paragraph (1) shall be the quantity in excess of the permissible discharge standards in the case of Article 19 (1) 2 (a) of the Act, and the quantity of discharged pollutants in the case of Article 19 (1) 2 (b) of the Act, and the flowing out and leaking out coefficients shall apply in lieu of the imposition coefficients contingent on the ratio of the pollutants discharged in excess of the permissible discharge standards in the case of Article 19 (1) 2 (b) of the Act.

(4) The imposed amount per kilogram of pollutants that are necessary for a computation of the excessive dues as referred to in paragraphs (1) and (3), the imposition coefficients contingent on the ratio of the pollutants discharged in excess of the permissible discharge standards, the flowing out and leaking out coefficients, and the local imposition coefficients shall be same as the attached Table 7.

(5) The excessive dues on the joint preventive facilities shall be the amount added by computing in accordance with the provisions of paragraphs (1) through (4) by respective business places.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 18 (Types of Pollutants Subject to Imposition of Excessive Dues)

Types of pollutants to become the objects of imposing the excessive dues shall be same as the following subparagraphs:

- 1.Organic substances;
- 2.Floating substances;
- 3.Cadmium and its compound;
- 4.Cyanogen compound;
- 5.Organophosphoric compound;
- 6.Lead and its compound;
- 7.Chromic (VI) compound;
- 8.Arsenic and its compound;
- 9.Mercury and its compound;
- 10.Polychlorinatedbiphenyl;
- 11.Copper and its compound;
- 12.Chrome and its compound;
- 13.Phenol;
- 14.Trichloroethylene;
- 15.Tetrachloroethylene;
- 16.Manganese and its compound;
- 17.Zinc and its compound;
- 18.Total nitrogen; and

19.Total phosphorous.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 19 (Computation, etc. of Pollutants Discharge Quantity for Excessive Dues on Wastewater Discharge Facilities)

(1) The discharged quantity in excess of standards as referred to in Article 17 (1) (excluding the cases of discharges from the discharge facilities discharging no wastewater) shall be the quantity of pollutants discharged by making operations in excess of the permissible discharge standards during the discharge period falling under each of the following subparagraphs, but the said quantity shall be computed by multiplying the discharged quantity in excess of daily average by the number of days of discharge period:

1. Where making the improvements after submitting a written plan for improvement as referred to in Article 11 (1), from the date of exceeding the permissible discharge standards that has been clarified in the written plan for improvement to the expiration date of improvement period; and

2. In other cases than subparagraph 1, from the date of commencing a discharge of pollutants (where it is impossible to know of the date of commencing a discharge, referring to the date of collecting pollutants for an examination of whether or not exceeding the permissible discharge standards) to the scheduled date of finishing the execution of improvement order, work suspension order, use suspension order or closure order as referred to in Article 16, 17 or 21 of the Act and the date of revoking permission as referred to in Article 20 of the Act: Provided, That in the cases falling under each of the following items where exceeding the permissible discharge standards by failing to make a pertinent operation of discharge facilities and preventive facilities in contravention of Article 15 (1) of the Act, it shall be not later than the date of suspending the said activities:

(a) Where the preventive facilities are not operated or the treatment chemicals are not employed;

(b) Where the pollutants are discharged through the secret discharge openings;

(c) Where the pollutants are discharged by diluting by means of discharging through simply lowering the pollution levels only in the conditions of failing to remove pollutants by mixing the pure or slightly-polluted water with the wastewater from among the discharge processes (excluding the cases where the Minister of Environment deems that the treatment of pollutants is possible only by dilutions in view of the preventive work method of water quality pollutions); and

(d) Other cases where the pollutants are discharged without going through the preventive facilities.

(2) The quantity discharged beyond the standards per day as referred to in paragraph (1) shall be the quantity indicated in a unit of kilogram, that is the quantity computed by multiplying the concentration of pollutants discharged in excess of the permissible discharge standards on the collection date of discharged pollutants forming the causes for the improvement order, work suspension order, revocation of permission, use suspension order or closure order as referred to in Article 16, 17, 20 or 21 of the Act (where a written plan for improvement has been submitted as referred to in Article 11 (1), referring to the date of collecting the test samples as referred to in Article 11 (2)) by the daily flowing volumes computed in accordance with the flowing volumes of wastewater at the time of measuring the relevant concentration

(hereinafter referred to as the "measured flowing volumes").

(3) The discharged quantity in excess of daily average and the daily flowing volumes as referred to in paragraph (2) shall be computed by the attached Table 8, and the measured flowing volumes shall be computed by the official testing method with respect to water pollution processes as referred to in Article 7 of the Act, respectively: Provided, That in the case of measured flowing volumes, if the said measurement is impossible or deemed to have a remarkable difference from the actual flowing volumes, they shall be computed by the methods falling under each of the following subparagraphs:

1. Computation by the industrial flowmeter;

2. Where the method under subparagraph 1 is deemed to be inadequate, the measurement by the average flowing volumes for latest 30 working days immediately preceding the collection date of test samples on the daily record of operation of the preventive facilities; and

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

(4) The discharge period as referred to in paragraph (1) shall be indicated by the number of days, and the first day shall be counted in.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 19-2 (Computation, etc. of Discharged Pollutants Amount for Excessive Dues on Discharge Facilities Discharging No Wastewater)

(1) The discharged amount in excess of standards as referred to in Article 17 (1) (limited to the case of discharges from the discharge facilities discharging no wastewater) shall be the quantity of pollutants discharged by the flowing out or leaking out from the discharge facilities discharging no wastewater from the date of commencing the discharge of pollutants in contravention of Article 15 (2) of the Act (where it is impossible to know of the date of commencing the discharge, referring to the collection date of pollutants) to the date of suspending the said activities, but the said quantity shall be computed by multiplying the discharged quantity in excess of daily average by the number of days of discharge period.

(2) The quantity discharged beyond the standards per day as referred to in paragraph (1) shall be the quantity indicated in a unit of kilogram, that is the quantity computed by multiplying the concentration of discharged pollutants on the collection date of discharged pollutants by the daily flowing volumes calculated by the measured flowing volumes.

(3) The provisions of Article 19 (3) and (4) shall apply mutatis mutandis to the computation, etc. of the quantity discharged beyond the standards per day, the daily flowing volumes and the discharge period under paragraph (2).

[This Article Newly Inserted by Presidential Decree No. 18515, Aug. 10, 2004]

Article 20 (Computation Index of Dues by Years and Imposition Coefficients Contingent on Frequencies of Violations)

(1) The computation index of dues by years as referred to in Article 17 (1) shall be in each year what is derived from multiplying the computation index of dues of preceding year by the price fluctuation index that is publicly announced by the Minister of Environment by taking account of the price-rising rates, etc. of preceding year.

(2) The imposition coefficients contingent on frequencies of violations as referred to in Article 17 (1) shall be same as the attached Table 9.

(3) The frequency of violations as referred to in paragraph (2) shall be the frequency of having received the improvement order, work suspension order, revocation of permission, use suspension order or closure order as referred to in Article 16, 17, 20 or 21 of the Act due to a discharge of the pollutants subject to an imposition of excessive dues as referred to in Article 18 (in the case of Article 19 (1) 2 (a) of the Act, referring to the case of discharges in excess of the permissible discharge standards). In such case, the frequency of violations shall be computed in a unit of the latest two years on the date on which there exist any violating acts by workplaces.

[This Article Wholly Amended by Presidential Decree No. 18515, Aug. 10, 2004]

Article 21 (Adjustment, etc. of Quantity Discharged within Range of Permissible Discharge Standards)

In a case where the documents as prescribed in Article 16 are not submitted or the said documents having been submitted are deemed to be unsatisfactory, the Minister of Environment may adjust the quantity discharged within the range of the permissible discharge standards under the conditions as prescribed in the following subparagraphs: <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

1. In a case where the enterpriser concerned does not submit documents concerning the quantity anticipated to be discharged and the quantity actually discharged as prescribed in Article 16, the quantity discharged within the range of the permissible discharge standards shall be calculated, substituting the discharge density with the permissible discharge standards, the flow quantity per day with the maximum quantity of wastewater to be discharged submitted at the time of the permit given on installation of the discharge facilities or the report or the modification report made thereon in accordance with the provisions of Article 10 of the Act, and the number of working days with the number of the total days of the imposition period concerned;

2. In a case where the enterpriser concerned submitted documents concerning the quantity actually discharged instead of the documents concerning the quantity anticipated to be discharged as provided in Article 16 (1), the discharged quantity equivalent to 110/100 of the quantity actually discharged shall be determined as the quantity discharged within the range of the permissible discharge standards;

3. In a case where the enterpriser concerned submitted the documents concerning the quantity anticipated to be discharged as provided in Article 16 (1) but not the documents concerning the quantity actually discharged, the discharged quantity of pollutants (hereinafter referred to as the "discharged quantity in view of the inspection") shall be calculated as prescribed in following items, based upon the presumption that pollutants have been, so far, discharged in the same state as the discharge density and the daily flow quantity at the time of the inspection as prescribed in Article 49 of the Act; and the discharged quantity equivalent to 120/100 of the said discharged quantity in view of the inspection shall be regarded as the quantity discharged within the range of the permissible discharge standards:

(a) The discharged quantity in view of the inspection a day shall be calculated by multiplying the discharge density at the time of inspection to the daily flow quantity at the time of inspection;

(b) The daily average of the discharged quantity in view of the inspection shall be calculated by, first, adding the daily discharged quantity in view of the inspection computed according to the provisions of item (a), and then, dividing the result of the adding by the number of the inspections carried out; and

(c) The discharged quantity in view of the inspection shall be calculated by multiplying the number of working days to what is derived from subtraction of the discharged quantity of not higher than discharged water-quality levels out of the daily average of the discharged quantity in view of the inspection; and

4. In a case where the quantity actually discharged submitted by the enterpriser concerned in accordance with the provisions of Article 16 (1) is smaller than the discharged quantity in view of the inspection as prescribed in the provisions of subparagraph 3 by not less than 20/100 of the latter, the discharged quantity in view of the inspection shall overrule the other; and the discharged quantity equivalent to 120/100 of the said discharged quantity in view of the inspection shall be regarded as the quantity of discharge within the standards.

Article 22 (Submittance of Documents and Examination Thereof)

(1) In a case where the adjustment, etc. of the quantity of discharge within the standards as prescribed in the provisions of Article 21 is necessary on account of the fact that the quantity anticipated to be discharged or the quantity actually discharged submitted by the enterpriser concerned in accordance with the provisions of Article 16 is different far from those of other workplaces of similar scales or is deemed to be unsatisfactory, the Minister of Environment may have the relevant enterpriser submit relevant materials in accordance with the provisions of Article 49 (1) of the Act. <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

(2) In order to confirm the matters concerning the discharged quantity of pollutants, etc., submitted by the enterpriser concerned in accordance with the provisions of Article 16, the Minister of Environment shall carry out the inspection of the degree of pollution under the conditions as prescribed by the Ordinance of the Ministry of Environment or shall entrust the inspection of the degree of pollution to an inspection agency as designated by the Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

Article 23 (Abatement and Exemption, etc. of Dues)

(1) The term "enterpriser who discharges the water pollutants in not more than such quantity as determined by the Presidential Decree and the enterpriser who bears the expenses for treatment of the water pollutants pursuant to the provisions of other Acts" in Article 19 (3) of the Act means the enterprisers of the following subparagraphs: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 16945, Aug. 5, 2000>

1. The enterpriser the scale of whose workplace is classified as the fifth type as shown in the attached Table 1;

- 1-2. The enterpriser who flows wastewater into the wastewater terminal treatment facilities;
2. The enterpriser who flows wastewater into the sewage terminal treatment facilities;
3. The enterpriser who has not discharged any pollutants in excess of the discharged water-quality levels for not less than six months backwards from the day as of which the amount of the dues concerned is calculated; and
4. The enterpriser who reuses wastewater discharged from the discharge facilities prior to flowing such wastewater into the final outlet.

(2) The kinds of the dues subject to the disposition of abatement or exemption as prescribed in Article 19 (3) of the Act shall be limited to the basic dues as provided in Article 13 (1); and the details of the disposition of abatement or exemption are as follows: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 17990, Jun. 5, 2003; Presidential Decree No. 18515, Aug. 10, 2004>

1. In case of the enterpriser falling under paragraph (1) 1, 1-2 or 2, the dues shall be exempted;

2. Deleted; <by Presidential Decree No. 18515, Aug. 10, 2004>

3. In case of the enterpriser falling under paragraph (1) 3, the dues shall be reduced according to the period falling under each of the following items, during which he discharges pollutants not in excess of the discharged water-quality levels, and the corresponding reduction rate:

(a) Not less than six months to not more than one year: 20/100;

(b) Not less than one year to not more than two years: 30/100;

(c) Not less than two years to not more than three years: 40/100; and

(d) Not less than three years: 50/100; and

4. In case of the enterpriser falling under paragraph (1) 4, the dues imposed during the corresponding imposition period according to the reduction rate computed by the reuse rate of wastewater falling under each of the following items shall be reduced:

(a) In case that the reuse rate is not less than 10 percent to less than 30 percent: 20/100;

(b) In case that the reuse rate is not less than 30 percent to less than 60 percent: 50/100;

(c) In case that the reuse rate is not less than 60 percent to less than 90 percent: 80/100; and

(d) In case that the reuse rate is not less than 90 percent: 90/100.

(3) Under the conditions as prescribed by the Ordinance of the Ministry of Environment, the enterpriser who desires to be exempted from the imposition of the dues in whole or in part in accordance with the provisions of Article 19 (3) of the Act shall submit relevant documents that can prove his qualification for being exempted as such no later than the last day of the month coming right after the month in which the imposition period is completed: Provided, That this provision shall not apply to the case of the enterpriser as prescribed in paragraph (2) 1 or 3. <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

Article 24 (Payment Notification of Dues)

(1) The payment notification of the excess dues shall be made at the time an occasion for imposition of the excess dues occurs; and that of the basic dues shall be made within sixty days after the day on which the submittance period for the documents concerning the quantity actually discharged of the relevant imposition period expires.

(2) As for the payment notification of the dues (including the adjusted dues as prescribed in Article 25) in accordance with the provision of paragraph (1), it shall be made in a written form indicating the quantity of pollutants subject to the imposition of the dues under consideration, the amount of the dues, the payment period, the payment place and other necessary matters. The payment period of the dues, in this case, shall be within thirty days after the date on which the written payment notification is issued.

Article 25 (Adjustment of Dues)

(1) In one of the following cases, the Minister of Environment shall calculate the amount of the dues again for an adjustment of the dues; in a case where there is a difference between the already paid amount of the dues and the adjusted amount thereof, the Minister of Environment shall reimpose or refund the amount equivalent to the difference: <Amended by Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 18515, Aug. 10, 2004>

1. In a case where the discharge period of pollutants or discharged substances on the basis of which the computation of the excess dues is made has changed on account of the fact that, until the last day of the improvement period or the last day of the scheduled period for completing execution of orders as provided in Article 19 (1) 1 or 2, the relevant improvement or execution of the relevant order has not been completed or the fact that, before the last days of the said periods, the relevant improvement or execution of the relevant order has been completed;

2. In a case where the discharged quantity of pollutants or discharged substances has turned out to have changed from the discharged quantity of the original measurement as a result of its remeasurement done according to the acknowledgement of the fact that the state of pollutants, etc. being discharged after imposition of the excess dues changed from the state thereof at the time of the original measurement; and

3. In a case where a mistake is detected in the computation of the quantity actually discharged submitted by the enterpriser concerned in accordance with the provisions of Article 16 (1) or where a mistake is detected in the adjustment of the quantity of discharge within the standards done by the Minister of Environment in accordance with the provisions of Article 21.

(2) The last day of the discharge period of pollutants or discharged substances necessary for computation of the excess dues in the case of adjustment of the excess dues for such reason as prescribed in paragraph (1) 1 shall be the day of completion of the relevant improvement as determined by the Ordinance of the Ministry of Environment or the day on which the report on execution of the relevant order is made in accordance with the provisions of Article 29 (1).

(3) The amount of the excess dues in the case of adjustment of the excess dues for such reason as prescribed in paragraph (1) 2 shall be computed on the basis of the remeasured quantity of discharge in so far as the period after the day of remeasurement is concerned.

(4) The reimpositions or refund coming after the adjustment of the excess dues as prescribed in paragraph (1) 1 shall be made within thirty days after the date on which the confirmation whether the improvement, temporary suspension of operation or permanent closure of the relevant discharge facilities or preventive facilities is completely executed or not. <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

(5) The basic dues, in a case where it has to be adjusted for such reason as prescribed in paragraph (1) 3, shall be computed on the basis of the documents submitted at the time the permit on installation of the discharge facilities was applied for or the report or the modification report thereon was made in accordance with the provisions of Article 10 (1) through (3) of the Act, the record on operation of the discharge facilities, preventive facilities as prescribed in Article 15 (3) of the Act and the results of the inspection as prescribed in Article 49 of the Act, etc. <Amended by Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 18515, Aug. 10, 2004>

(6) Having decided to reimpose or refund the difference in accordance with the provisions of paragraph (1), the Minister of Environment shall send to the person concerned a written notification indicating the relevant amount, date, place and other necessary matters.

Article 26 (Application for Adjustment of Dues)

(1) In such cases as fall under one of the subparagraphs of Article 25 (1), the enterpriser who is ordered to pay the dues (hereinafter referred to as the "payer of the dues") may apply for an adjustment of the dues concerned.

(2) The application for an adjustment of the dues as prescribed in paragraph (1) shall be made within thirty days after the date on which the written notification for payment of the dues is received.

(3) Having received the application for an adjustment of the dues, the Minister of Environment shall notify the applicant of his decision on the matter under consideration within thirty days after the date on which the application was received.

(4) The application for an adjustment of the dues as provided in paragraph (1) shall not affect the payment period of the dues.

Article 27 (Deferment of Collection, Installment Payment and Procedures of Collection of Dues)

(1) In a case where the Minister of Environment acknowledges, before the relevant payment period is over, that the payer of the dues cannot pay the dues for such a reason as falls under one of the following specifications, he may defer the relevant collection or may have the payer of the dues pay the dues in installments. This provision shall also apply to the case of delinquent dues:

1. In a case where the property of the relevant enterpriser is severely damaged on account of a natural disaster or other types of disasters;

2. In a case where the relevant enterpriser is in a crisis because of apparent losses in his business enterprise; and

3. Deferment of collection or installment payment of the dues is acknowledged to be unavoidable on account of such reasons as are similar to those as prescribed in subparagraphs 1 and 2.

(2) The period for the deferment of collection as provided in paragraph (1) shall be within one year from the day right after the date on which the deferment of collection is decided upon; the number into which the installment payment is divided within the said period shall be not more than six.

(3) In a case where the amount of the dues exceeds the capital or the total equity investment of the person who is responsible to pay it (the total asset in the case of an individual businessman) by not less than two times of the latter, and where it is acknowledged that the said amount of the dues cannot be paid even within the deferred period as prescribed in paragraph (2) because such a reason as falls under one of the subparagraphs of paragraph (1) continues, the Minister of Environment may defer the collection further than the period as provided in paragraph (2) or may have the payer of the dues pay the dues in installments for a period extended further than the one as provided in paragraph (2).

(4) The period for the deferment of collection as prescribed in paragraph (3) shall be within three years from the day right after the date on which the deferment is decided upon; the number into which the installment payment is divided within the said period shall be not more than twelve.

(5) Having decided upon the deferment of collection in accordance with the provisions of paragraph (1) or (3), the Minister of Environment may ask for an offer of a collateral whose worth corresponds to the amount subject to the deferment of collection.

(6) In a case where the person who is responsible to pay the dues falls under one of the following specifications, the Minister of Environment may cancel the deferment of collection and collect the delinquent dues:

1. In a case where the person concerned did not pay the delinquent amount until the last day of the designated period;

2. In a case where the person concerned did not comply with the order of the Minister of Environment necessary for an alteration concerning the relevant collateral or preservation of the relevant collateral; and

3. In a case where the deferment of collection is regarded to be unnecessary on account of a change or changes in the property situation concerned or other relevant situations.

(7) The person who desires to receive the deferment of collection or the installment payment of the dues or delinquent dues in accordance with the provisions of paragraph (1) or (3) shall submit to the Minister of Environment the application form for the deferment of collection or the installment payment of the discharge dues (including the application form for the deferment of collection or the installment payment in electronic documents). <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

(8) Necessary matters concerning the period, amount, imposition and collection of the installment payment shall be determined by the Minister of Environment.

Article 28 (Grant of Collection Expenses)

(1) In a case where the Minister of Environment entrusted collection of the dues and late penalties to a Special Metropolitan City Mayor, a Metropolitan City Mayor or a Do governor (hereinafter referred to as the "Mayor/Do governor") in accordance with the provisions of Article 19 (7) of the Act, the former shall grant to the Mayor/Do governor the amount corresponding to 10/100 of the dues and late penalties or the adjusted dues or late penalties as provided in Article 25 collected by the Mayor/Do governor as the collection expenses.

(2) The Minister of Environment shall calculate, every month, the collection expenses as provided in paragraph (1) out of the dues and late penalties paid into the special account for environmental improvement as prescribed by the Special Account for Environmental Improvement Act, and then, pay the said collection expenses to the relevant Mayor/Do governor by the end of each upcoming month.

Article 29 (Report on Execution of Order and Examination Thereof)

(1) The enterpriser, who received the improvement order, the order for temporary suspension of the operation, the order for suspension of the use or the order for permanent closure as prescribed in the provisions of Article 16, 17, 20 or 21 of the Act, in a case where he has completely executed one of the said orders, shall report, without any delay, on the execution of the order concerned. <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

(2) Having received the report as prescribed in paragraph (1), the Minister of Environment shall have a relevant public official examine, without any delay, the executed state of the relevant order or the completed state of the relevant improvement; in a case where the inspection on the degree of pollution of wastewater is deemed to be necessary as a result of the said examination, the Minister of Environment shall collect relevant test materials and instruct an inspection agency as designated by the Ordinance of the Ministry of Environment to carry out the inspection on the degree of pollution of wastewater or entrust the said inspection agency with the said inspection on the degree of pollution of wastewater.

Article 30 (Discharge Facilities Subject to Disposition of Imposing Penalty)

The term "other discharge facilities as determined by the Presidential Decree" in Article 20-2 (1) 42 of the Act means one of the following cases: <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

1. The discharge facilities of a company of the defense industry as prescribed in Article 4 of the Act on Special Measures on the Defense Industry;

2. The discharge facilities acknowledged by the Minister of Environment to be susceptible to such accidents as an explosion or a fire on account of the fact that the raw materials, the subsidiary raw materials, industrial water, products (including semi-products), etc. inserted into the said discharge facilities manifest chemical responses, etc., in a case where the said discharge facilities stop to operate;

3. Waterworks-related facilities as referred to in subparagraph 15 of Article 3 of the Water Supply and Waterworks Installation Act; and

4. Petroleum reserve facilities installed in accordance with the petroleum reserve program as referred to in Article 15 (1) of the Petroleum Business Act and bases in which liquefied natural gases of gas supply facilities as referred to in subparagraph 5 of Article 2 of the Urban

Gas Business Act are taken over.

Article 31 (Qualification Standards and Appointment Period of Environmental Engineer)

(1) In a case where the enterpriser concerned makes a report on appointment of an environmental engineer in accordance with the provisions of Article 23 (1) of the Act, the former shall make the said report within the relevant period that falls under one of the following specifications: <Amended by Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 18515, Aug. 10, 2004>

1. In a case where the enterpriser concerned has installed the discharge facilities for the first time, at the same time as the report on starting to operate the said discharge facilities is made; and

2. In a case where a new environmental engineer is appointed replacing the old one, within five days from the date on which the reason for the replacement occurred: Provided, That where a workplace which is required to appoint a person qualified as higher than an environmental industry technician is unable to appoint such technician within a fixed period due to unavoidable reasons, such workplace may appoint an environmental engineer within the scope of 30 days according to the case of the class-IV and class-V workplace as shown in the attached Table 6.

(2) The qualification standards of the environmental engineers who shall be employed by different types of workplaces in accordance with the provisions of Article 23 (5) of the Act shall be as shown on the attached Table 10. <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

Article 32 (Types, etc. of Wastewater Terminal Treatment Facilities)

Types of the wastewater terminal treatment facilities as prescribed by the provisions of Article 25 (2) of the Act shall be as follows: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16891, Jul. 1, 2000; Presidential Decree No. 17288, Jun. 30, 2001; Presidential Decree No. 17816, Dec. 26, 2002>

1. The wastewater terminal treatment facilities in an industrial complex: referring to the wastewater terminal treatment facilities installed in an industrial complex designated according to the provisions of Articles 6, 7 and 7-2 of the Industrial Sites and Development Act, or in an industrial area designated according to the provisions of Article 36 (1) 1 (c) of the National Land Planning and Utilization Act;

2. The wastewater terminal treatment facilities in an agro-industrial complex: referring to the wastewater terminal treatment facilities installed in an agro-industrial complex designated according to the provisions of Article 8 of the Industrial Site and Development Act; and

3. Other wastewater terminal treatment facilities: referring to the wastewater terminal treatment facilities installed in an area where the Minister of Environment acknowledges the wastewater terminal treatment facilities need be installed for preservation of the water quality of rivers, lakes and marshes, etc., and which is, therefore, designated and publicly announced as such by the Minister of Environment.

Article 33 (Basic Plan for Wastewater Terminal Treatment Facilities)

The basic plan for the wastewater terminal treatment facilities as prescribed in Article 26 of the Act shall include the following subject matters:

1. Matters concerning the areas which are supposed to be covered by the wastewater terminal treatment facilities under consideration;
2. Matters concerning the distribution of pollution-sources, the quantity of wastewater discharged and predictions thereon;
3. Matters concerning the wastewater treatment processes diagram, treatment capacity and treatment methods of the wastewater terminal treatment facilities under consideration;
4. An evaluation of the effects of the wastewater to be treated at the wastewater terminal treatment facilities under consideration on the water quality of the public waterways into which the treated wastewater is to be let out;
5. Matters concerning the person who is going to install and operate the wastewater terminal treatment facilities under consideration;
6. Matters concerning the distribution of the burden of the dues; and
7. Other matters necessary for installation of the wastewater terminal treatment facilities under consideration.

Article 34

Deleted. <by Presidential Decree No. 16945, Aug. 5, 2000>

Article 35 (Having Wastewater Flow into Wastewater Terminal Treatment Facilities)

(1) The phrase, "the person as determined by the Presidential Decree," as referred to in Article 27 (1) of the Act, refers to the person who wants to discharge the pollutants which are treated at the wastewater terminal treatment facilities concerned and who wants, at the same time, to discharge wastewater which exceeds the discharged water-quality levels.

(2) Deleted. <by Presidential Decree No. 16059, Dec. 31, 1998>

Article 36 (Designation and Management, etc. of Environmental Management Areas by River-System Influence Areas)

(1) In a case where it is deemed to be necessary for the management of water quality by river-system influence areas in accordance with the provisions of Article 28 (1) of the Act, the Minister of Environment may designate environmental management areas by river-system influence areas (hereinafter referred to as the "management areas"). In this case, the management area may be divided into and designated as a medium influence area and a large influence area, and the medium influence area may be subdivided into medium basins or small basins for designation as such, taking into consideration the characteristics of the administrative district and the river area such as its size, configuration, and geography.
<Amended by Presidential Decree No. 17990, Jun. 5, 2003>

(2) In a case where it is deemed to be necessary for efficient management of the management areas as provided in paragraph (1), the Minister of Environment may divide the river systems into several units and decide upon the target water quality for each of the several units, and then, give a public notice of it.

(3) Under the conditions as prescribed by the Ordinance of the Ministry of Environment, the Minister of Environment may periodically examine the pollution-sources, etc., situated within the management areas.

Article 37 (Establishment of Basic Plan for Large Influence Area)

(1) The Minister of Environment shall lay a basic plan for conservation of water quality of each large influence area under Article 36 (1) (hereinafter referred to as a "basic plan") every ten years.

(2) Where the Minister of Environment intends to establish a basic plan, he shall consult with the head of the central administrative agency and the River System Management Committee concerned. The same shall also apply where he intends to change a basic plan.

(3) Where the Minister of Environment has established a basic plan, he shall notify the heads of the central administrative agency and the local government concerned, who shall, upon receipt of such notification, take measures or provide cooperation necessary to conserve the water quality of the large influence area in accordance with the basic plan.

[This Article Wholly Amended by Presidential Decree No. 17990, Jun. 5, 2003]

Article 38 (Establishment of Implementation Plan for Medium Influence Area)

(1) The head of a Basin Environmental Office or a Regional Environmental Office shall establish an implementation plan necessary to conserve the water quality of the medium influence area under Article 36 (1) (hereinafter referred to as the "implementation plan") in accordance with the basic plan.

(2) Where the head of a Basin Environmental Office or a Regional Environmental Office intends to establish an implementation plan, he shall do so after a review of the plan by the Working Committee concerned. The same shall also apply where he intends to change an implementation plan.

(3) The provisions of Article 37 (3) shall apply mutatis mutandis to the notification of an implementation plan and the adoption of measures and provision of cooperation concerning the implementation plan.

[This Article Wholly Amended by Presidential Decree No. 17990, Jun. 5, 2003]

Article 39 (Contents of Conditions for Preventing Water Pollution of Public Waters)

In the conditions necessary for preventing water pollution of public waters as provided in Article 30 (1) of the Act shall be included the following stipulations: <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

1.Wastes shall be treated in accordance with the provisions of Article 12 of the Wastes Control Act;

2.Deleted; and <by Presidential Decree No. 15673, Feb. 24, 1998>

3.If public waters are filled up with wastes, such filling-up shall be carried out only after such wastes are disposed of in conformity with the criteria and methods for disposal of wastes as provided in Article 12 of the Wastes Control Act.

Article 40

Deleted. <by Presidential Decree No. 16945, Aug. 5, 2000>

Article 41 (Matters to be Reflected in Comprehensive Plans for National Land)

In the comprehensive plans for construction undertakings, which a Do governor or the head of Si/Gun establishes for his Do or Si/Gun in accordance with the provisions of Article 32-2 of the Act, shall be reflected the installation plans of the facilities under the following subparagraphs: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 17809, Dec. 18, 2002>

1.Sewage terminal treatment facilities;

2.Excreta treatment facilities as provided in Article 21 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater;

3.Public treatment facilities of livestock wastewater as provided in Article 30 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater; and

4.Wastewater terminal treatment facilities.

Article 42 (Survey and Measurement of Water Use of Lakes and Marshes)

(1) The Minister of Environment shall survey and measure the use of water, etc. in lakes and marshes falling under any of the following subparagraphs, which are designated and published by the Minister of Environment, in accordance with Article 33 of the Act:

1.The lake and marsh in which the daily intake of raw water exceeds 300,000 tons;

2.The lake and marsh which are the habitats of animals and plants, including migratory birds or so rich in the biological diversity that they need to be specially conserved; and

3.The lake and marsh whose water quality is severely polluted to the extent that they need to be specially managed.

(2) The Mayor/Do governor shall survey and measure the use of water, etc. in lakes and marshes (limited to any lake and marsh whose area at the time of full water level is not less than 500,000 square meters) other than the lakes and marshes referred to in paragraph (1) in accordance with Article 33 of the Act.

(3) The matters to be surveyed and measured under paragraphs (1) and (2) shall be as follows:

1. Basic data necessary for managing a lake or a marsh such as the year of coming into being or creation, the area of basin and the quantity of stored water;
2. The use of water of a lake or a marsh such as the objective of using the water of a lake or a marsh, the location of an intake place and the quantity of intake water;
3. The pollution level of water quality, the current distribution of pollution sources and the current occurrence, treatment and inflow of pollutants; and
4. Other matters concerning the conservation of the water quality of lakes and marshes and current facilities subject to control, etc. under Article 37 of the Act.

(4) The Minister of Environment or the Mayor/Do governor shall in principle survey and measure the matters of paragraph (3) 1 and 2 every 3 years and the matters of paragraph (3) 3 and 4 every 5 years. The Minister of Environment and the Mayor/Do governor may, if necessary, survey and measure such matters every year. In this case, the Mayor/Do governor shall report the results of such survey and measurement to the Minister of Environment by the end of February of the next year.

[This Article Newly Inserted by Presidential Decree No. 16945, Aug. 5, 2000]

Article 43 (Designation of Area for Conservation of Water Quality of Lakes and Marshes)

(1) Where the Minister of Environment intends to designate an area for the conservation of the water quality of lakes or marshes in accordance with Article 34 of the Act, he shall designate as such an area greatly affecting the water quality of designated lakes and marshes among areas located within 500 meters from the design high water level lines (in the absence of such lines, normal full water level lines) of the designated lakes and marshes, taking into account the matters falling under each of the following subparagraphs: <Amended by Presidential Decree No. 17990, Jun. 5, 2003>

1. The outline of population, industry, livestock and administrative area, etc. inside the catchment area;
2. The occurrence, treatment and inflow of pollutants inside the catchment area;
3. The current utilization of land and plans for the future utilization of such land inside the catchment area;
4. Plans for expanding basic environmental facilities of the catchment area; and
5. Other matters necessary for conserving the water quality of lakes and marshes such as the congestion degree of pollution sources and its growth trends.

(2) Where the Minister of Environment has designated or changed an area for the conservation of the water quality of lakes and marshes under paragraph (1), he shall make notification of the following matters and forward the documents concerned to the competent Mayor/Do governor: <Newly Inserted by Presidential Decree No. 17990, Jun. 5, 2003>

1. Name of the area for the conservation of the water quality of lakes and marshes;
2. Location and size of the area for the conservation of the water quality of lakes and marshes; and

3.Other necessary matters for conserving the water quality of designated lakes and marshes.

(3) The Mayor/Do governor shall make the documents received in accordance with paragraph (2) available for inspection by the general public. <Newly Inserted by Presidential Decree No. 17990, Jun. 5, 2003>

[This Article Newly Inserted by Presidential Decree No. 16945, Aug. 5, 2000]

Article 43-2 (Plan for Conservation of Water Quality of Designated Lakes and Marshes)

The Mayor/Do governor shall establish a plan for the conservation of water quality of designated lakes and marshes under Article 35 of the Act within one year and six months from the date when the lakes and marshes and the area for the conservation of the water quality of the lakes and marshes are designated and announced and shall renew such a plan every five years after the date of the first establishment.

[This Article Newly Inserted by Presidential Decree No. 17990, Jun. 5, 2003]

Article 43-3 (Facilities Subject to Control)

The term "facilities prescribed by the Presidential Decree" in Article 37 (1) 3 of the Act means facilities falling under any of the following subparagraphs:

1.Facilities used to run the fish-holder fish farming business from among the fish farming business under Article 6 (1) 1 of the Inland-Water Fisheries Act;

2.Livestock wastewater discharge facilities, the size of which falls short of the object of a report to be filed under Article 24-2 (4) of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater;

3.Facilities used to run the public sanitary business (excluding barbering, beauty business, and sanitation control service) under Article 2 (1) 1 of the Public Health Control Act;

4.Facilities of a medical institution under Article 3 (1) of the Medical Service Act;

5.Facilities used to run the car repair business under subparagraph 8 of Article 2 of the Automobile Management Act; and

6.A gas station under subparagraph 3 of Article 2 of the Enforcement Decree of the Petroleum Business Act.

[This Article Newly Inserted by Presidential Decree No. 16945, Aug. 5, 2000]

Article 43-4 (Compensation of Loss from Growing Recommendation of Specific Agricultural Products)

The Mayor/Do governor shall, where he compensates for any loss suffered by any farmer in accordance with Article 38 (2) of the Act, compute the amount of such compensation according to the standards published by the Minister of Environment taking into account farmland area, kinds of farm produce and income per unit area, etc.

[This Article Newly Inserted by Presidential Decree No. 16945, Aug. 5, 2000]

Article 43-5 (Designation of Fishing Ban Area)

(1) The head of Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) shall, where he intends to designate a fishing prohibited area or a fishing limited area in accordance with Article 38-4 (1) of the Act, take into account the matters falling under each of the following subparagraphs:

- 1.The objective of utilizing a lake or a marsh;
- 2.Current pollution sources;
- 3.The pollution level of water quality;
- 4.The current occurrence of trashes around fishing places and conditions for their disposal;
- 5.The yearly fishing population of a lake or a marsh;
- 6.The current water ecosystem such as the species and quantity of fish; and
- 7.Matters published by the Minister of Environment after consulting with the Minister of Maritime Affairs and Fisheries for the conservation of water quality of lakes and marshes.

(2) The head of Si/Gun/Gu shall, when he designates a fishing prohibited area or a fishing limited area in accordance with Article 38-4 (1) of the Act, shall publish the matters falling under each of the following subparagraphs in the public bulletin of the Si/Gun/Gu:

- 1.The name and location of a fishing prohibited area or a fishing limited area;
- 2.Restriction matters such as fishing time and methods (limited to the fishing limited area);
- 3.Penal provisions against any person who violates fishing prohibition and restriction matters;
- 4.The amount of fees imposed to meet costs involved in removing trashes, etc., the method of paying such fees and a place where such fees are paid;
- 5.The method of disposing of trashes, etc. accruing from the fishing limited area; and
- 6.Matters necessary for prohibiting or restricting the act of fishing.

(3) The head of Si/Gun/Gu shall, when he designates and publishes a fishing prohibited area or a fishing limited area in accordance with paragraph (2), offer such designation and publication for public perusal and put up a signboard making the contents of such publication known to the public in such fishing prohibited area or such fishing limited area.

(4) Standards and contents of the signboard referred to in paragraph (3) shall be prescribed by the Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Presidential Decree No. 16945, Aug. 5, 2000]

Article 44 (Types of Wastewater Treatment Businesses)

The types of the wastewater treatment businesses, as prescribed in Article 43 (1) of the Act, and what each of the types does are as follows:

1.Entrusted wastewater treatment businesses: referring to the enterprises which equip themselves with wastewater treatment facilities and treat the entrusted wastewater in ways other than restoring and recycling; and

2.Wastewater recycling businesses: referring to the enterprises which restore the entrusted wastewater and then recycle it as the raw materials and resources for goods.

Article 45 (Deadly or Highly Poisonous Agricultural Chemicals)

The term "agricultural chemicals prescribed by the Presidential Decree" in the main sentence of Article 46-2 of the Act means deadly or highly poisonous agricultural chemicals under subparagraph 1 of Table 1 of the Enforcement Decree of the Agrochemicals Control Act. [This Article Newly Inserted by Presidential Decree No. 17990, Jun. 5, 2003]

Articles 46 through 48

Deleted. <by Presidential Decree No. 16507, Aug. 6, 1999>

Article 49 (Cooperation by Relevant Agencies)

The term "other matters as prescribed by the Presidential Decree", as referred to in subparagraph 11 of Article 51 of the Act, means the matters of the following subparagraphs: <Amended by Presidential Decree No. 16059, Dec. 31, 1998>

1.Designation of the restricted urban development zone;

2.Restoration, into its original state, of the land damaged by installation of tourism facilities or industrial facilities, etc.;

3.Control of the quantity of water to be let out, in a case where the water stored in a dam need be let out because the water is impossible to be turned into the tap water due to the accidents of water pollution or the deterioration of water quality; and

4.Deleted. <by Presidential Decree No. 16945, Aug. 5, 2000>

Article 50 (Delegation of Authority)

(1) The Minister of Environment shall delegate the authority of the following subparagraphs to the Mayor/Do governor in accordance with the provisions of Article 55 (1) of the Act: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 17704, Aug. 8, 2002; Presidential Decree No. 17990, Jun. 5, 2003; Presidential Decree No. 18515, Aug. 10, 2004>

1.Permission for installing the discharge facilities, acceptance of a report thereon, permission for installing the discharge facilities discharging no wastewater as referred to in Article 10 (1), modified permission for the discharge facilities, acceptance of a modified report, and permission for the alteration in the discharge facilities discharging no wastewater as referred to in paragraphs (2) and (3) of the same Article;

2.Revocation of the permit and the permit on modification, and order for permanent closure of discharge facilities, under the provisions of Article 11 (3) of the Act;

3.through 5.Deleted; <by Presidential Decree No. 15673, Feb. 24, 1998>

6.Acceptance of a report on commencing the operations of the discharge facilities and the preventive facilities as referred to in Article 14 (1) of the Act, and investigation on the discharge facilities discharging no wastewater as referred to in paragraph (3) of the same Article;

7.Deleted; <by Presidential Decree No. 15673, Feb. 24, 1998>

8.Acknowledgement with regard to the dilution treatment of pollutants as prescribed in the proviso of Article 15 (1) 3 of the Act;

9.Deleted; <by Presidential Decree No. 15673, Feb. 24, 1998>

10.Deleted; <by Presidential Decree No. 16507, Aug. 6, 1999>

11.Improvement order as prescribed in Article 16 of the Act;

12.Order for temporary suspension of operation with regard to the discharge facilities as prescribed in Article 17 of the Act;

13.Deleted; <by Presidential Decree No. 15673, Feb. 24, 1998>

14.Imposition and collection of the dues (excluding the dues on the wastewater terminal treatment facilities and the sewerage terminal treatment facilities) as referred to in Article 19 of the Act;

15.Issuance of the order for temporary suspension of operation or the order for permanent closure, or the revocation of the permit as prescribed in Article 20 (1) of the Act;

16.Disposition of imposing and collecting the penalty surcharge as prescribed in Article 20-2 of the Act;

17.Measure of closing, etc. such unlawful facilities as prescribed in Article 21 of the Act;

18.Acceptance of the reports on an appointment of the environmental engineer or on a replacement of the old environmental engineer with a new one as prescribed in Article 23 (1) of the Act;

19.Deleted; <by Presidential Decree No. 16507, Aug. 6, 1999>

20.and 21.Deleted; <by Presidential Decree No. 16945, Aug. 5, 2000>

22.Acceptance of the reports on installation of the sources of polluting water quality or the reports on an alteration of installation thereof as prescribed in Article 30-2 (1) the Act;

23.Issuance of the improvement order as provided in Article 30-2 (3) the Act;

24.Issuance of the order for temporary suspension of operation or the order for permanent closure as prescribed in Article 30-2 (4) of the Act;

25. Authority to be applied mutatis mutandis in accordance with the provisions of Article 30-2 (5) of the Act;

25-2. Registration and modified registration of the wastewater treatment business as referred to in Article 43 (1) of the Act;

25-3. Revocation of registration and business suspension of the wastewater treatment business as referred to in Article 43-3 of the Act;

25-4. Imposition and collection of the penalty surcharge as referred to in Article 44 of the Act;

26. Issuance of the report order, etc. and the inspection with regard to the persons of Article 49 (1) 1, 2, 3 and 5 of the Act;

26-2. Request for inspecting pollution levels under Article 49 (2) of the Act;

27. Hearing on the delegated authority among the authority as prescribed in subparagraphs of Article 53 of the Act;

28. Imposition and collection of the fine for negligence as referred to in Article 60 of the Act (the fine for negligence as referred to in Article 60 (3) 9 of the Act shall be limited to the cases of persons who are stipulated in Article 49 (1) 1, 2 and 5 of the Act and of persons who are commissioned with the affairs of the Mayor/Do governor in Article 49 (1) 7 of the Act);

29. Deleted; <by Presidential Decree No. 15673, Feb. 24, 1998>

30. Acceptance of the applications for prolongation of the improvement period as prescribed in Article 10 (2);

31. Receipt and confirmation of a renovation plan under the provisions of Article 11;

32. Receipt of the submitted documents relating to the calculation of the discharged quantity of pollutants necessary for computation of the basic dues as prescribed in Article 16;

33. Adjustment of the discharged quantity of pollutants as prescribed in Article 21;

34. Request for submittance of the documents and the inspection of the degree of pollution as prescribed in Article 22;

35. Acknowledgement of such discharge facilities as prescribed in subparagraph 2 of Article 30;

36. Deleted; and <by Presidential Decree No. 16059, Dec. 31, 1998>

37. Examination of the pollution-sources, etc. situated within the management area as prescribed in Article 36 (3).

(2) In accordance with the provisions of Article 55 (1) of the Act, the Minister of Environment shall delegate the authority of the following subparagraphs to the head of a Basin Environmental Office or a Regional Environmental Office: <Amended by Presidential Decree No. 15673, Feb. 24, 1998; Presidential Decree No. 16507, Aug. 6, 1999; Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree Nos. 17698, 17704, Aug. 8, 2002; Presidential Decree No. 17990, Jun. 5, 2003; Presidential Decree No. 18515, Aug. 10, 2004>

- 1.The installation of the measuring networks of the degree of water pollution and the regular measurement thereof as prescribed in Article 3 (1) of the Act;
- 2.Decision on permissible discharge standards for discharge facilities and special permissible discharge standards for discharge facilities to be newly installed in the special countermeasure area under Article 8 (5) of the Act;
- 2-2.The publication of facilities subject to installation limitations by area in which discharge facilities are limited in being installed under Article 10 (7) of the Act;
- 3.The approval of the basic plan for the wastewater terminal treatment facilities and the designation and public notice of the joint treatment zone as prescribed in Article 26 of the Act;
- 3-2.Order given to improve facilities under Article 26-2 (3) of the Act;
- 4.The request for taking measures as prescribed in Article 32 (4) of the Act;
- 5.The survey and measurement as prescribed in Article 33 of the Act;
- 5-2.Order given to take measures under Article 38-3 (1) of the Act;
- 6.and 7.Deleted; <by Presidential Decree No. 18515, Aug. 10, 2004>
- 8.The order to make a report, etc. and the inspection as prescribed in Article 49 (1) 1-2 of the Act;
- 9.The hearing on the delegated authority among the authority as prescribed in subparagraphs of Article 53 of the Act;
- 10.The imposition and collection of the fine for negligence as referred to in Article 60 (3) 9 of the Act (limited to the cases of persons stipulated in Article 49 (1) 1-2 of the Act);
- 11.Deleted; and <by Presidential Decree No. 17704, Aug. 8, 2002>
- 12.The imposition and collection of the dues on the wastewater terminal treatment facilities and the sewerage terminal treatment facilities as referred to in Article 19 of the Act.

Article 51 (Supervision, etc. following Delegation of Authority)

- (1) In a case where it is deemed to be particularly necessary for proper management of the water pollution affecting a wide area, the Minister of Environment may check or confirm, or may have the head of a Basin Environmental Office or a Regional Environmental Office check or confirm, whether there are any such violations of the Acts and subordinate statutes as not observing the permissible discharge standards, etc., notwithstanding the provisions of Article 50. <Amended by Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 17698, Aug. 8, 2002>
- (2) In a case where the Minister of Environment, or the head of a Basin Environmental Office or a Regional Environmental Office has found out a case of violation of the Acts and subordinate statutes with regard to a workplace as a result of check and confirmation as provided in paragraph (1), he shall notify the competent Mayor/Do governor of what he has found out and what he thinks should be done under such circumstances. <Amended by Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree Nos. 17698, 17704, Aug. 8,

2002>

(3) The Mayor/Do governor who has been notified in accordance with the provisions of paragraph (2) shall take necessary measures, and then, report or notify the result of the measures taken to the Minister of Environment, or the head of a Basin Environmental Office or a Regional Environmental Office. <Amended by Presidential Decree No. 17698, Aug. 8, 2002>

Article 52 (Report)

(1) Having dealt with the tasks delegated in accordance with the provisions of Article 55 (1) of the Act, the Mayor/Do governor, or the head of a Basin Environmental Office or a Regional Environmental Office shall report what he has done to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 17698, Aug. 8, 2002>

(2) Having issued the order for temporary suspension of operation or the revocation of permit in accordance with the provisions of Articles 17 and 20 of the Act, the Mayor/Do governor shall, without any delay, report what he has done to the Minister of Environment and the head of the relevant central administrative agency. <Amended by Presidential Decree No. 15673, Feb. 24, 1998>

Article 53 (Delegation of Tasks)

Under the provisions of Article 55 (2) of the Act, the Minister of Environment or the Mayor/Do governor shall entrust the task of educating environmental engineers as prescribed in Article 48 of the Act to the head of the Environmental Preservation Association as prescribed in Article 38 of the Framework Act on Environmental Policy. <Amended by Presidential Decree No. 18515, Aug. 10, 2004>

Article 54 (Imposition of Fine for Negligence)

(1) When imposing the fine for negligence under the provisions of Article 60 (4) of the Act, the Minister of Environment, the Mayor/Do governor or the head of Si/Gun/Gu (hereinafter referred to as the "person having the authority to impose") shall, first, examine and confirm the case of violation under consideration, and then, notify in writing the fact of violation, and the method and period of an objection to the person on whom the said fine for negligence is imposed. <Amended by Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 17990, Jun. 5, 2003>

(2) Having decided to impose the fine for negligence as provided in paragraph (1), the person having the authority to impose shall designate a period of not less than ten days during which the person on whom the said fine for negligence is imposed can take an opportunity to state his opinion either orally or in writing (including electronic documents). If there is no statement of opinion, in this case, until the designated period is over, the person on whom the said fine for negligence is imposed shall be regarded as having no intention to make an appeal. <Amended by Presidential Decree No. 16945, Aug. 5, 2000; Presidential Decree No. 18312, Mar. 17, 2004>

(3) In determining the amount of the fine for negligence, the person having the authority to impose shall take into consideration the motives and results, etc. of the violation under consideration. <Amended by Presidential Decree No. 16945, Aug. 5, 2000>

(4) The procedures for collecting the fine for negligence shall be determined by the Ordinance of the Ministry of Environment.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the matters concerning the imposition of the basic dues, among the amended provisions of Articles 13, 14 (2), and 15 through 28, shall enter into force on January 1, 1997 with regard to the discharge facilities (including the joint preventive facilities and the wastewater terminal treatment facilities) whose scales fall under one of the following specifications, and, on January 1, 2000 with regard to the discharge facilities other than those whose scales fall under one of the following specifications, in accordance with the proviso of paragraph (1) of the Addenda of the amended Water Quality Conservation Act, Act No. 5095; and the amended provisions of Article 14 (1) 16 and 17 shall enter into force on January 1, 1998:

1. The first and second types of workplaces as shown in the attached Table 1: Provided, That the workplaces which have their wastewater flow into the sewage terminal treatment facilities as prescribed in subparagraph 5 of Article 2 of the Sewerage Act (hereinafter referred to as the "sewage terminal treatment facilities") shall be excluded therefrom; and as for the joint preventive facilities, if there is a workplace of the not more than third type among the workplaces which have their wastewater flow into the said facilities, the basic dues shall be imposed, with the quantity of pollutants discharged from the said workplace being excluded;

2. The workplaces, installed within the special countermeasure area and within the area where installation of the discharge facilities is limited as provided in Article 10 (4) of the Act, among the third type of workplaces as shown in the attached Table 1: Provided, That the workplaces which have their wastewater flow into the sewage terminal treatment facilities shall be excluded therefrom; and as for the joint preventive facilities, if there is a workplace of the not more than fourth type among the workplaces which have their wastewater flow into the said facilities, the basic dues shall be imposed, with the quantity of pollutants discharged from the said workplace being excluded; and

3. Among the wastewater terminal treatment facilities, those whose daily treatment capacities are not less than 700 cubic meters (or, 200 cubic meters in the cases of the special countermeasure areas and the areas where installation of the discharge facilities is limited).

Article 2 (Transitional Measures concerning Reduction of or Exemption from Basic Dues)

In imposing, from 1997 through 1999, the basic dues on the persons who run the workplaces as provided in subparagraph 1 of Article 1 of the Addenda and the persons who run the third type of workplaces as provided in subparagraph 2 of Article 1 of the Addenda, in accordance with the provision of Article 19 (3) of the Act, 50 percentage of the basic dues, 30 percentage of the basic dues and 10 percentage of the basic dues shall be reduced in 1997, 1998 and 1999, respectively, with regard to the person who runs the first type of workplace among the workplaces as provided in subparagraph 1 of Article 1 of the Addenda; and 70 percentage of the basic dues, 50 percentage of the basic dues and 30 percentage of the basic dues shall be

reduced in 1997, 1998 and 1999, respectively, with regard to the person who runs the second type of workplace among the workplaces as provided in subparagraph 1 of Article 1 of the Addenda and the person who runs the third type of workplace as provided in subparagraph 2 of Article 1 of the Addenda.

Article 3 (Transitional Measures concerning Discharge Facilities on Which Permit Was Obtained Before)

Among the discharge facilities which were installed and are now being operated or are now being installed with the necessary permit obtained before the time this Decree enters into force, the discharge facilities which are required to be reported by the amended provisions of Article 2 (2) shall be regarded as having been reported under this Decree.

Article 4 (Transitional Measures concerning Areas Where Permit on Installation of Discharge Facilities Is Limited and concerning Discharge Facilities Themselves)

The areas where the permit on installation of the discharge facilities is limited and the discharge facilities subject to the permit limitation, having been already given a public notice in accordance with the former provisions at the time this Decree enters into force, shall be regarded as having been given a public notice in accordance with this Decree.

Article 5 (Transitional Measures concerning Designation, etc. of Environmental Management Area by River-System Influence Areas)

The environmental management areas by the influence areas or the environmental management plans and measures by the influence areas having been already designated or established in accordance with the provisions of Article 6 through 6-5 of the Enforcement Decree of the Framework Act on Environmental Policy at the time this Decree enters into force, shall be regarded as having been designated or established under this Decree.

Article 6 (Transitional Measures concerning Specified Facilities)

(1) Among the discharge facilities installed before the time this Decree enters into force, those which are to be modified into the Specified facilities in accordance with the amended provisions as shown on Table 10 attached at the end of this Decree shall be regarded as the Specified facilities under this Decree: Provided, That the person who installed and has been operating the Specified facilities, shall have the report certificate on the specified facilities issued to himself within six months from the date on which this Decree enters into force.

(2) The person, who installed and has been operating the facilities which are newly to become the specified facilities in accordance with the amended provisions as shown on Table 10 attached at the end of this Decree at the time this Decree enters into force, shall report thereon within one year from the date on which this Decree enters into force.

Article 7 (Transitional Measures concerning Establishment of Plan for Meeting with Burden of Discharge Dues of Wastewater Terminal Treatment Facilities)

The person who installed and has been operating a wastewater terminal treatment facilities at the time this Decree enters into force shall establish the plan for meeting with the burden of

discharge dues, and then, obtain the authorization as prescribed in Article 16 of the Environment Improvement Expenses Liability Act, within six months from the date on which this Decree enters into force.

Article 8 (Transitional Measures concerning Establishment of Guidelines for Maintenance and Management of Wastewater Terminal Treatment Facilities)

The person who installed and has been operating a wastewater terminal treatment facilities at the time this Decree enters into force shall establish the guidelines for maintenance and management thereof within six months from the date on which this Decree enters into force.

ADDENDA <Presidential Decree No. 15673, Feb. 24, 1998>

(1) (Enforcement Date) This Decree shall enter into force on March 1, 1998.

(2) Omitted.

ADDENDA <Presidential Decree No. 16059, Dec. 31, 1998>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Permit for and Notification on Establishment of Discharge Facilities)

(1) From among discharge facilities the establishment of which has been notified under Article 10 (1) of the Act before this Decree enters into force, facilities modified into discharge facilities required to be permitted under the amended provisions of Article 2 (2) 2 or 3, shall be deemed to be those permitted under Article 10 (1) of the Act.

(2) From among discharge facilities the establishment of which has been permitted under Article 10 (1) of the Act before this Decree enters into force, facilities modified into discharge facilities required to be notified under the amended provisions of Article 2 (2) 2 or 3, shall be deemed to be those notified under Article 10 (1) of the Act.

Article 3 (Transitional Measures concerning Notification on Establishment of Specified Facilities)

From among discharge facilities the establishment of which has been permitted or notified under Article 10 (1) of the Act before this Decree enters into force, facilities as referred to in the amended provisions of subparagraph 4-2 of Table 10, shall be deemed to be those notified under Article 30-2 (1) of the Act.

ADDENDA <Presidential Decree No. 16507, Aug. 6, 1999>

(1) (Enforcement Date) This Decree shall enter into force on August 9, 1999.

(2) (Example of Applying Reduction and Exemption of Dues) The amended provisions of Article 23 shall apply to dues imposed on and after the date of the enforcement of this Decree.

(3) (Transitional Measures concerning Report on Inappropriate Operation) Any report on inappropriate operation, which is made under the previous provisions at the time of enforcing this Decree, shall be deemed to file a renovation plan under the amended provisions of Article 11 (1).

ADDENDA <Presidential Decree No. 16891, Jul. 1, 2000>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2000. (Proviso Omitted.)

Articles 2 through 13
Omitted.

ADDENDA <Presidential Decree No. 16945, Aug. 5, 2000>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 22, 2000: Provided, That the amended provisions of Articles 2 (2), 17, 23 (1) 1-2, 2 and (2) 1, Articles 31, 41 and 51, the attached Tables 5, 8 and 9, and the provisions of Articles 3 and 4 of the Addenda shall enter into force on the date of promulgation, the amended provisions of Articles 19, 23 (1) 4 and (2) 4 and the attached Table 6-2 shall enter into force on January 1, 2001 and the amended provisions of Article 14 and the attached Table 3 shall enter into force on January 1, 2003.

Article 2 (Abrogation of Other Enforcement Decree)

The Enforcement Decree of the Water Quality Control of Lakes and Marshes Act shall be hereby abrogated.

Article 3 (Special Case for Abating Base Dues for Business Place in Sewage Treatment Area)

(1) In imposing base dues to the operator of the business of flowing wastewater into the sewage terminal treatment facilities, 50 percent of the amount imposed, 30 percent of the amount imposed and 10 percent of the amount imposed shall be abated in 2000, 2001 and 2002, respectively for the operators of the class-I business place and the class-II business place as shown on the attached Table 1, and 70 percent of the amount imposed, 50 percent of the amount imposed and 30 percent of the amount imposed shall be abated in 2000, 2001 and 2002, respectively for the operators of the class-III business place and the class-IV business place.

(2) The provisions of paragraph (1) shall apply starting with the base dues imposed first after the enforcement of this Decree.

Article 4 (Transitional Measures concerning Imposition Figure by Frequency of Violation and Frequency of Violation)

The act of violation committed prior to the enforcement of this Decree shall be governed by the previous provisions notwithstanding the amended provisions of Article 17 (3) and the attached Table 5.

ADDENDA <Presidential Decree No. 17288, Jun. 30, 2001>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2001.

Articles 2 and 3
Omitted.

ADDENDA <Presidential Decree No. 17698, Aug. 8, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 5
Omitted.

ADDENDUM <Presidential Decree No. 17704, Aug. 8, 2002>
This Decree shall enter into force on October 1, 2002.

ADDENDA <Presidential Decree No. 17809, Dec. 18, 2002>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003.

Articles 2 through 5
Omitted.

ADDENDA <Presidential Decree No. 17816, Dec. 26, 2002>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003.

Articles 2 through 17
Omitted.

ADDENDA <Presidential Decree No. 17990, Jun. 5, 2003>

(1) (Enforcement Date) This Decree shall enter into force on June 27, 2003.

(2) (Applicable Cases concerning Reduction of Dues) The amended provisions of Article 23 (2) 4 shall apply to the dues the reference date of whose imposition arrives on or after the enforcement date of this Decree.

(3) (Transitional Measures concerning Management Plans by River-System Influence Areas) A large influence area management plan and a medium influence area management plan established pursuant to the previous provisions at the time of enforcement of this Decree shall be deemed a basic plan for a large influence area and an implementation plan for a medium influence area established under this Decree, respectively.

ADDENDA <Presidential Decree No. 18157, Dec. 11, 2003>

Article 1 (Enforcement Date)

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

Articles 2 through 5
Omitted.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>
This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 18515, Aug. 10, 2004>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 10, 2004.

Article 2
Omitted.