

## ENFORCEMENT DECREE OF THE CLEAN AIR CONSERVATION ACT

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Wholly amended By	1996· 8·31	Presidential Decree No. 15143
Amended By	1997·12·31	Presidential Decree No. 15583
Amended By	1998·12·31	Presidential Decree No. 16054
Amended By	1999·10·13	Presidential Decree No. 16576
Amended By	2000· 7· 1	Presidential Decree No. 16891
Amended By	2000· 8·17	Presidential Decree No. 16953
Amended By	2002· 8· 8	Presidential Decree No. 17698
Amended By	2002· 8· 8	Presidential Decree No. 17703
Amended By	2003· 6·30	Presidential Decree No. 18042
Amended By	2003·12·11	Presidential Decree No. 18157
Amended By	2004· 3·17	Presidential Decree No. 18312

### Article 1 (Purpose)

The purpose of this Decree is to determine matters delegated by the Clean Air Conservation Act (hereinafter referred to as the "Act") and matters necessary for the execution of those matters.

### Article 2 (Target Area for Air Pollution Warning, etc.)

(1) Areas subject to the air pollution warning under the provisions of Article 7-2 (4) of the Act shall be areas designated by the Special Metropolitan City Mayor, Metropolitan City Mayor, or Do governor (hereinafter referred to as the "Mayor/Do governor") after he deems it necessary to do so from among the areas of cities (including the Special Metropolitan City and the Metropolitan City). <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(2) Substances which are objects of the air pollution warning as prescribed in Article 7-2 (4) of the Act shall mean the ozone of pollutants, for which environmental standards have been established by the provisions of Article 10 of the Framework Act on Environmental Policy.

(3) The steps of warning as prescribed in Article 7-2 (4) of the Act shall be classified as a cautionary, light, or serious alarm according to the density of target pollutants, which shall be determined by the Ordinance of the Ministry of Environment.

(4) With respect to the measures to be taken by warning step under the provisions of Article 7-2 (4) of the Act, the residents shall be asked to refrain from outdoor activities and driving their

vehicles in case of a cautionary alarm, the residents shall be asked to restrict their out-door activities and ordered to limit using their vehicles and business establishments shall be urged to cut using fuel in case of a light alarm, and the residents shall be asked to halt their outdoor activities and using their vehicles and business establishments shall be ordered to shorten their operation hours in case of a serious alarm: Provided, That part of the measures taken according to the phased warning may be coordinated by the Special Metropolitan City, Metropolitan City and Do according to their ordinances and the characteristics of areas.  
<Amended by Presidential Decree No. 16576, Oct. 13, 1999>

### Article 3

Deleted. <by Presidential Decree No. 16576, Oct. 13, 1999>

### Article 4 (Permission and Report on Installation of Emission Facilities, etc.)

(1) Emission facilities which shall obtain the permission on installation as prescribed in Article 10 (1) of the Act are as follows: <Amended by Presidential Decree No. 16054, Dec. 31, 1998; Presidential Decree No. 16576, Oct. 13, 1999>

1. Emission facilities which produce any specified air harmful substance as prescribed in subparagraph 8 of Article 2 of the Act (hereinafter referred to as "specified air harmful substance"); and

2. Emission facilities to be installed in any special countermeasure area as prescribed in Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as the "special countermeasure area"): Provided, That facilities which do not emit any specified harmful substance and which are installed in fifth class workplaces as specified in the attached Table 8 shall be excluded.

(2) The installation of any emission facility not referred to in subparagraphs of paragraph (1) above shall be reported under the provisions of Article 10 (1) of the Act.

(3) The cases in need of obtaining the permission on modification under the provisions of Article 10 (2) of the Act are as follows:

1. A modification which shall enlarge more than 50/100 (in a case of an emission facility producing specified air harmful substance, 30/100) of the total or aggregated size of the emission facility allowed by the permission on installation (the permission of modification is included; hereinafter the same shall apply) (the same shall be applicable to the extension of an emission facility after the report of modification as prescribed in Article 10 (2) of the Act; and the total or aggregated size of the emission facilities shall be measured per emission outlet); and

2. A modification which shall add more to the uses endorsed by the permission on installation of emission facilities.

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

(5) The circumstances in need of a report of modification and the steps for such report as prescribed in Article 10 (2) of the Act shall be determined by the Ordinance of the Ministry of Environment.

(6) Any person who desires to obtain the permission, or to report, on installation of emission facilities as prescribed in Article 10 (1) of the Act shall submit to the Minister of Environment the application for the permission or the report on installation of emission facilities attached with the documents as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 18042, Jun. 30, 2003>

1.A description of estimated quantities of raw material (including fuel) to be used, and products and pollutants to be emitted (this shall be excepted for a report);

2.A description of installation on emission facilities and preventive facilities;

3.A general sketch of preventive facilities;

4.An annual plan of maintenance and management of preventive facilities;

5.A description of estimation of the ingredient analysis of spent fuel and the concentration and volume, etc. of sulfur oxide emission (limited to the case of emission facilities falling under the proviso of Article 26 (3) of the Act); and

6.A license for the installation of emission facilities (limited to the permission on modification).

(7) If the Minister of Environment grants permission on installation of emission facilities or receives a report on installation of emission facilities, he shall issue a license of the installation of emission facilities, or a certificate of the report on the installation of emission facilities, to the applicant: Provided, That if he grants permission on modification of installation of emission facilities, he shall enter the permitted matters on modification in the modification column at the back of the already issued license.

(8) Deleted. <by Presidential Decree No. 16576, Oct. 13, 1999>

(9) The criteria for permission or permission on modification referred to in Article 10 (5) of the Act shall be as follows: <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

1.It shall be possible to process the pollutants emitted from emission facilities to satisfy the permissible emission standards as referred to in Article 8 or 13 (4) of the Act (hereinafter referred to as "permissible emission standards"); and

2.It shall not be contrary to the provisions of other Acts and subordinate statutes concerning restrictions on installation of emission facilities.

#### Article 5 (Restriction on Installation of Emission Facilities)

The cases where the Minister of Environment may restrict the installation of emission facilities as prescribed in Article 10 (6) of the Act shall be as follows: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 18042, Jun. 30, 2003>

1.In cases of installing facilities which would emit not less than 10 tons of the same kind, or not less than 25 tons of two or more kinds, of the specified air harmful substances in an area where not less than 20,000 residents live within a radius of 1km from the planned installation site of emission facilities; and

2. In cases of installing in a special measures area an emission facility which spends not less than 10 tons of the total emissions of air pollutants per year (limited to dust, sulfur oxides, and nitrogen oxide compound).

#### Article 6 (Standards for Exemption from Installation of Preventive Facilities)

(1) The term "case where it is confirmed to such standards as determined by the Presidential Decree" in the proviso of Article 11 (1) of the Act means any of the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. Owing to the function of emission facilities and the processing, the quantity of emitted pollutants is always less than the permissible emission standards prescribed in Article 8 of the Act; and

2. In addition to preventive facilities, there are some other means to ensure the proper processing of pollutants.

(2) and (3) Deleted. <by Presidential Decree No. 15583, Dec. 31, 1997>

#### Article 7 (Scale of Report on Commencement of Operation of Emission Facilities pursuant to Report on Modification)

The term "modification not less than the scale prescribed by the Presidential Decree" in Article 14 (1) of the Act means a modification which results in the enlargement of the emission facilities by drain hole for which permission has been given or a report has been filed for their installation by not less than 20/100 of the aggregate scale of such emission facilities (referring to the aggregate of the enlargement in case where a report is filed on the modification pursuant to the provisions of Article 10 (2) of the Act). <Amended by Presidential Decree No. 18042, Jun. 30, 2003>  
[This Article Wholly Amended by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 8 (Facilities Capable of Trial Operation)

The term "facilities as prescribed by the Presidential Decree" in Article 14 (2) of the Act means the emission facilities of the following subparagraphs:

1. Emission facilities which have installed facilities for desulfurizing the emitted gas;

2. Emission facilities which have installed facilities for denitrifying the emitted gas; and

3. Emission facilities published by the Minister of Environment as he admits that they are in need of a trial operation for a considerable period, subsequent to the installation and repair of other preventive facilities.

[This Article Newly Inserted by Presidential Decree No. 18042, Jun. 30, 2003]

#### Article 9

Deleted. <by Presidential Decree No. 16576, Oct. 13, 1999>

#### Article 10 (Business Establishment to be Equipped with Measuring Device and Types of Measuring Devices)

(1) A business operator who operates emission facilities under Article 15-2 (1) and (2) of the Act shall install measuring devices for the purpose of ascertaining the quantity of emitted pollutants, or confirming whether or not the permissible emission standards are observed and preventive facilities are properly operated. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(2) The measuring devices that a business operator shall install under paragraph (1) shall include an integrating wattmeter: Provided, That the same shall not apply to the case of measuring devices equipped with the control systems capable of showing the integrated electric power. <Amended by Presidential Decree No. 18042, Jun. 30, 2003>

(3) The Minister of Environment shall, in consultation with the head of the relevant central administrative agency, publicly announce the types and installation methods of measuring devices and other necessary matters for respective scales of business establishment and for respective processing methods of pollutants.

(4) The Minister of Environment may use data produced by measuring devices and transmitted by the computer network under the provisions of Article 15-2 (7) of the Act to confirm whether or not the permissible emission standards are observed or to compute emission dues under the provisions of Article 19 of the Act: Provided, That the same shall not apply to the case where any abnormal data are transmitted due to the malfunction of such measuring devices and the computer network. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

[This Article Wholly Amended by Presidential Decree No. 15583, Dec. 31, 1997]

#### Article 11 (Improvement Period of Measuring Devices)

(1) The Minister of Environment shall, when he intends to order a business operator to improve measuring devices pursuant to the provisions of Article 15-2 (5) of the Act, prescribe a period for improving such measuring devices within the limit of 6 months.

(2) In case where a person who is under the order to take measures for improving measuring devices under the provisions of paragraph (1) is unable to complete such measures within the period due to force majeure and other reasons deemed unavoidable, the Minister of Environment may extend the improvement period within the limit of 6 months upon an application.

[This Article Wholly Amended by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 12 (Improvement Period for Emission and Preventive Facilities)

(1) If the Minister of Environment desires to give an order of improvement as prescribed in Article 16 of the Act, he shall take into consideration the improvement measures to be taken and the period for installation, and determine the period of improvement which does not exceed one year.

(2) If any person who has received an order of improvement as prescribed in Article 16 of the Act, owing to natural disasters or other irresistible forces, is unable to carry out the order within the period as prescribed in paragraph (1) above, he may apply for an extension up to one year to the Minister of Environment before the expiration of the ordered period.

<Amended by Presidential Decree No. 16054, Dec. 31, 1998>

#### Article 13 (Submission of Improvement Plan)

(1) Any business operator who is under an order to take measures under the provisions of Article 15-2 (5) of the Act and an order to improve measuring devices under the provisions of Article 16 of the Act shall file an improvement plan stating matters falling under each of the following subparagraphs within 15 days from the date of being notified of such order with the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment: Provided, That the Minister of Environment may, where he deems it necessary to extend the period for filing such improvement plan in the light of the type and scale of such emission facilities, extend the period upon a request from the business operator:

1. Matters falling under each of the following items in case that an order is given to take measures under the provisions of Article 15-2 (5) of the Act:

(a) Contents of improper operation and management of measuring devices;

(b) The cause of improper operation and management of measuring devices and an improvement plan; and

(c) A self-plan for measuring pollutants discharged during the period of such improvement; and

2. Matters falling under each of the following items in case that an order is given to improve under the provisions of Article 16 of the Act:

(a) A period for which improvement is made in case that such improvement is intended to be made prior to the expiration of the improvement plan under the provisions of Article 16 of the Act;

(b) In case that the suspension or restriction of the operation of the emission facilities is intended during the period of improvement, the period of such suspension and the contents of such restriction; and

(c) In case that it is intended to reduce the discharge of pollutants through improvement of methods, etc., their contents.

(2) In case that a business operator fails to file an improvement plan under the provisions of paragraph (1) or fails to state matters pursuant to each subparagraph of paragraph (1) even if he files such plan, he shall be deemed to continuously operate his emission facilities while discharging pollutants in the state falling under each of the following subparagraphs during the period of improvement:

1. The highest concentration from among the concentration of emitted pollutants during the preceding 3 months for which the measuring devices have operated normally in case of the provisions of Article 15-2 (5) of the Act. In this case, the concentration of emitted pollutants shall be the average value (hereinafter referred to as "30 minute average value") which derives

from averaging values measured for 30 minutes and then 5 minutes every hour; and

2. The state of pollution indicated expressly in an improvement order in case of the provisions of Article 16 of the Act.

(3) Where a business operator for whom no order has been given to take measures under the provisions of Article 15-2 (5) of the Act falls under any case of the following subparagraphs, he may improve his emission facilities after filing an improvement plan with the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment:

1. Where he has to improve, replace, check or repair his measuring devices;

2. Where he is unable to operate properly his measuring devices due to the sudden breakdown of key parts; and

3. Where he is unable to operate properly his measuring devices due to natural disaster, fire and other force majeure.

(4) Where a business operator for whom no order has been given to improve his emission facilities under the provisions of Article 16 of the Act falls under any case of the following subparagraphs and discharges pollutants in excess of the permissible emission standards, he may improve his emission facilities after filing an improvement plan with the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment:

1. Where he has to improve, replace, check, or repair his emission or preventive facilities;

2. Where he is unable to operate properly his emission or preventive facilities due to the sudden breakdown of key devices, etc. of such facilities;

3. Where he is unable to operate properly his emission or preventive facilities due to the suspension of power and water supplies; and

4. Where he is unable to operate properly his emission or preventive facilities due to natural disaster, fire and other force majeure.

[This Article Wholly Amended by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 13-2 (Establishment and Operation of Automatic Chimney Measurement Control Center)

(1) The Minister of Environment may establish and operate an automatic chimney measurement control center (hereinafter referred to as the "control center") to manage effectively a computer network built for the data-processing of the results of measurement by the measuring devices attached by business operators under the provisions of Article 15-2 (7) of the Act.

(2) The Minister of Environment shall determine and publicly notify the matters necessary for the business establishments under the jurisdiction of a control center, the function and operation of a control center, and the management of automatic measurement data, etc.

<Amended by Presidential Decree No. 18042, Jun. 30, 2003>

[This Article Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 14 ( Report and Confirmation of Execution of Improvement Order, etc.)

(1) If a business operator under an order to take measures under the provisions of Article 15-2 (5) of the Act or an order to improve under the provisions of Article 16 of the Act, when he executes such order, shall promptly file a report thereon to the Minister of Environment.  
<Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(2) Where the Minister of Environment receives such report as provided in paragraph (1), he shall have the public officials concerned confirm the state of the execution of the order without delay. In this case, if it is deemed necessary to examine the degree of air pollution, the Minister of Environment shall gather materials for test, and direct or request any examination agency as prescribed by the Ordinance of the Ministry of Environment to examine them.  
[This Article Newly Inserted by Presidential Decree No. 16054, Dec. 31, 1998]

#### Article 15 (Kinds, etc. of Emission Dues)

(1) Dues to impose for the emission of pollutants as prescribed in Article 19 (1) of the Act (hereinafter referred to as "dues") are classified as excess emission dues (hereinafter referred to as "excess dues") and basic emission dues (hereinafter referred to as "basic dues").

(2) The excess dues referred to in paragraph (1) shall be the amount imposed according to the corresponding permissible emission standards, quantities of emitted pollutants and the concentration of emitted pollutants, etc. in case pollutants are discharged in excess of the permissible emission standards. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(3) The basic dues as prescribed in paragraph (1) above is the amount imposed according to the quantity and density of pollutants emitted below the permissible emission standards in the workplace of any business operator who produces air pollution substances (excepting the owner or occupant, of the facilities which are the object of the exemption of improvement dues as prescribed in Article 6 of Enforcement Decree of Environment Improvement Expenses Liability Act).

#### Article 16 (Kinds of Pollutants to Charge Emission Fine)

(1) The kinds of pollutants that make it necessary to impose excess dues as prescribed in Article 15 (2) are as follows:

- 1.Sulfur oxides;
- 2.Ammonia;
- 3.Hydrogen sulfide;
- 4.Carbon bisulfide;
- 5.Dust;
- 6.Fluoride;
- 7.Hydrogen chloride;



8.Chlorine;

9.Hydrogen cyanide; and

10.Bad odor.

(2) The kinds of pollutants necessary to impose basic dues as prescribed in Article 15 (3) are as follows:

1.Sulfur oxides; and

2.Dust.

#### Article 17 (Methods and Principles on Calculating Amount of Excess Dues)

(1) Deleted. <by Presidential Decree No. 16576, Oct. 13, 1999>

(2) The amount of excess dues referred to in Article 15 (2) shall be the amount calculated according to the methods falling under any of the following subparagraphs: <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1.In case where the emission or preventive facilities are improved after an improvement plan is filed under the provisions of Article 13 (4): and

(a) In case of pollutants specified by Article 16 (1) 1 or 9:

Dues per pollutant 1 kilogram \* Quantity of pollutant exceeding permissible emission standard \* Local coefficient \* Annual dues index; and

(b) In case of pollutants specified by Article 16 (1) 10:

Dues per pollutant 1,000 cubic meter \* Quantity of pollutant \* Coefficient of malodor degree \* Local coefficient \* Annual dues index;

2.All other cases but those under subparagraph 1 of the above:

(a) In case of pollutants specified by Article 16 (1) 1 or 9:

Dues per pollutant 1 kilogram \* Quantity of pollutant exceeding permissible emission standard \* Coefficient in the ratio of excess emission over permissible emission standard \* Local coefficient \* Annual dues index \* Coefficient of the frequency of violation; and

(b) In case of pollutants specified by Article 16 (1) 10:

Dues per pollutant 1,000 cubic meter \* Quantity of pollutant \* Coefficient of malodor degree \* Local coefficient \* Annual dues index \* Coefficient of the number of cases of violation.

(3) Dues per pollutant 1 kilogram, dues per pollutant 1,000 cubic meter, coefficient of the ratio of excess emission over permissible emission standard, coefficient of malodor degree, local coefficient, which are needed for the computation of excess dues under the provisions of paragraph (2) shall be the same as the attached Table 3. <Amended by Presidential Decree No. 18042, Jun. 30, 2003>

#### Article 18 (Calculation of Excess Dues on Quantity of Emitted Pollutants, etc.)

(1) The quantity of pollutants discharged in excess of the permissible emission standards (hereinafter referred to as "quantity emitted in excess of the standards"), which is necessary to calculate the excess dues, under Article 17 (2), shall be the quantity of pollutants discharged in excess of the permissible emission standards during the emission period falling under each of the following subparagraphs and the excess dues shall be the amount calculated by multiplying the daily quantity of pollutants emitted in excess of the standards by the number of days during the emission period: Provided, That in case that the 30-minute average value of automatic measurement data in the business establishment, which installs the measuring devices under the provisions of Article 15-2 (1) of the Act and automatically transmits the results of measurement to the control center (hereinafter referred to as "automatic measurement business establishment"), exceeds the permissible emission standards, the excessive emission quantity shall be computed at each 30-minute period of such excess by multiplying the concentration pollutants exceeding the permissible emission standards (referring to the value obtained by deducting a concentration of the permissible emission standards from the numerical mean of the concentration averaged by 30-minute period in excess of the permissible emission standards) and by aggregating such an excessive emission quantity by half term: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>

1. The emission period from the start date of the improper operation to the expiration date of the improvement period which is indicated expressly in the improvement plan under the provisions of Article 13 (4); and

2. In cases other than those of subparagraph 1, the period covers from the date of commencement of pollutant emission (where the time of commencement of pollutant emission is not known, then, the day of collecting pollutant materials for the inspection of possibility of excess emission over the permissible emission standards will do) to the expected date of expiration of the order of improvement, the order of suspension of operation, the order of prohibition of use, or the order of closure as prescribed by Article 16, 17 or 21 of the Act, or to the date of revocation of license as prescribed by Article 20 of the Act.

(2) The daily quantity of emitted pollutant exceeding the permissible emission standard as prescribed in paragraph (1) is to be measured by means of multiplying the total quantity of daily gas emission (hereinafter referred to as "daily emission quantity") figured out on the basis of the measured quantity of emitted gas at the time of surveying the excess emission degree (hereinafter referred to as "measured quantity") by the rate of excess pollutant over the permissible emission standard in time of collecting emitted pollutant ( In case that an improvement plan referred to in Article 13 (4) is filed), which is the cause of the order of improvement, of suspension of operation, of prohibition of use, of closure, or the revocation of license as prescribed in Article 16, 17, 20 or 21 of the Act; the quantity is to be expressed in kilograms. <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999>

(3) Daily emission quantity and the quantity of daily excess pollutant emission over the permissible emission standard as prescribed in paragraph (2) shall be calculated according to annexed Table 4, and measured quantity by the methods of air pollution fair test prescribed in Article 7 of the Act.

(4) The emission quantity as prescribed in Article 17 (2) shall apply to the quantity of gas emitted in a period of time, measured by 1,000 cubic meters, and is calculated by means of multiplying daily emission quantity by the number of days of emission. In this case, paragraphs (1) through (3) above shall apply to the calculation of emission days and measured quantity.

(5) The time of emission as prescribed in paragraph (1) shall be counted by the number of days, including the day of commencement in accordance with the Civil Act.

#### Article 19 (Annual Dues Index and Coefficient of Frequency of Violation)

(1) Annual dues index of each year as prescribed in Article 17 (2) shall be determined by means of multiplying the annual dues index of the previous year by the price change index which the Minister of Environment announces taking into consideration the rate of price increase of the previous year, etc.

(2) As for coefficient of the frequency of violation as prescribed in Article 17 (2), 100/100 shall apply to non-violation; 105/100 to the first violation; and from then on, it shall be determined by means of multiplying the coefficient of previous violation by 105/100.

(3) The number of cases of violation as prescribed in paragraph (2) means the times the workplace is notified of the order of improvement, of suspension of operation, of prohibition of use, of closure, or the revocation of license as prescribed in Article 16, 17, 20 or 21 of the Act, for emitting pollutants subjected to dues exceeding permissible emission standards as prescribed in Article 16 of the Act. In this case, the frequency of violation is calculated by the drain hole of each business establishment for every two years preceding date of the act of violation. <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999>

(4) In the case of the automatic measurement business establishment, notwithstanding the provisions of paragraph (3), the frequency of the 30-minute average value exceeding the permissible emission standards shall be the frequency of violation, but when the 30-minute average value exceeds more than twice the permissible emission standards within 24 hours, the frequency of violation shall be deemed one frequency. When the 30-minute average value exceeds the permissible emission standards after the improvement plan is filed under the provisions of Article 13 (3), the frequency of violation during the improvement period shall be one frequency. In this case, the frequency of violation shall be calculated for every three months by the drain hole. <Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999>

#### Article 20 (Period for Imposition of Basic Dues, etc.)

The basic dues as prescribed in Article 15 (3) shall be imposed twice per term; the record date and term for the imposition of dues are given in annexed Table 5.

#### Article 21 (Methods and Principles of Calculating Basic Dues)

(1) The basic dues as prescribed in Article 15 (3) shall be the amount made of the quantity of pollutants emitted (hereinafter referred to as "permissible quality below the permissible emission standards") below the permissible emission standards multiplied by the dues per pollutant 1kg, annual dues calculation index, local coefficient, and density coefficient. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(2) With regard to the dues per pollutant 1kg which are required for the calculation of the amount referred to in paragraph (1) above Article 17 (3) shall apply mutatis mutandis; the local coefficient is given in annexed Table 6, and the density coefficient in annexed Table 7.

(3) The annual dues calculation index referred to in paragraph (1) above shall be 1 in the first year of imposition, and later on, it shall be calculated by multiplying the index of the previous year by the price change index which the Minister of Environment shall announce, after having the rate of price rise of the previous year taken into consideration. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

#### Article 22 (Calculation on Quantity of Emitted Pollutants for Imposition of Basic Dues, etc.)

(1) The Minister of Environment may order the competent business operator to present the following materials as prescribed by Article 49 (1) of the Act, if it is necessary for the measuring of the emission quantity below the permissible emission standards prerequisite to the calculation of basic dues as prescribed in Article 21 (1):

1. The material concerning an estimated emission quantity below the permissible emission standards (hereinafter referred to as "estimated emission quantity") which shall be produced during the period of the imposition of basic dues in question (This shall be presented within 30 days from the first date of the imposition period, but the enterpriser who newly obtains permission or makes a report on the installation of emission facilities as prescribed by Article 10 of the Act may present the material within 30 days from the date of report on the commencement of operation; if the date of report on the commencement of operation falls within 30 days ahead of the last date of the imposition period may not present the material during the imposition period); and

2. The material concerning the emission quantity below the permissible emission standards which has actually been produced during the period of the imposition of basic dues in question (hereinafter referred to as "actual emission quantity") (This shall be presented within 30 days from the last date of the imposition period, but may not be presented during the imposition period in question, if the actual emission quantity does not differ from the estimated emission quantity during the imposition period in question as prescribed in subparagraph 1 above).

(2) An estimated emission quantity and an actual emission quantity as prescribed in paragraph (1) above shall be calculated in the manner as prescribed by the following subparagraphs: Provided, That this shall not apply to the case where another calculation methods recognized by the Minister of Environment are used and the confirmed emission quantity of an automatic measurement business establishment shall be calculated according to measurement results. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1. The calculation of an estimated emission quantity: and

(a) Sulfur oxides:

The estimated emission quantity of sulfur oxides shall be expressed in kilogram and calculated by multiplying the sulfur oxides emission index, which is announced by the Minister of Environment, by the quantity per emission index (the quantities of fuel, raw material or products) to be used during the imposition period in question: Provided, That the provision of (b) below may apply mutatis mutandis to a case where a preventive facility is installed in order to reduce the emission of sulfur oxides, or a case where the production processing effectively reduces the emission of sulfuric acid; and

(b) Dust:

(i) The estimated emission quantity shall be calculated by the result of self-monitoring pursuant to the provision of Article 22 (1) of the Act (hereinafter referred to as "self-monitoring"): Provided, That the business operator who has obtained the permission or

reported on the installation of emission facilities presents the material concerning the estimated emission quantity for the first time, the estimated emission quantity shall be based on the emission quantity of pollutants admitted in time of the application for the permission or of the report; and

(ii) With respect to an estimated emission quantity based on self-monitoring, this shall be a quantity (hereinafter referred to as "daily average estimated emission quantity") expressed in kilogram and calculated by multiplying, by the estimated number of working days, the emission quantity (hereinafter referred to as "daily estimated emission quantity") which is calculated by dividing, by the number of self-monitoring prior to the imposition period, the sum of daily emission quantities of all outlets figured out by multiplying each outlet's daily emission quantity by its emission density observed in time of monitoring. In this case, the calculation of a daily emission quantity shall apply *mutatis mutandis* to the provision of Article 18 (3): Provided, That if the business operator has been advised of the result of the inspection as prescribed by Article 49 of the Act before the imposition period, the daily average estimated emission quantity shall be a quantity calculated by dividing, by the number of monitoring, the sum of daily average estimated emission quantities figured out by the business operator and the advised emission quantities of pollutants;

## 2. The calculation of an actual emission quantity:

### (a) Sulfur oxides:

The actual emission quantity shall be expressed in kilogram and calculated by multiplying the sulfur oxides emission index, which is announced by the Minister of Environment, by the quantity per emission index (the quantities of fuel, raw material or products) which has been used during the imposition period in question: Provided, That provision of (b) below may apply *mutatis mutandis* to a case where a preventive facility is installed in order to reduce the emission of sulfur oxides, or a case where the production processing effectively reduces the emission of sulfur oxides; and

### (b) Dust:

Self-monitoring shall serve as the basis of the calculation of an actual emission quantity, which is a quantity (hereinafter referred to as "daily average emission quantity") expressed in kilogram and calculated by multiplying, by the number of working days, the emission quantity (hereinafter referred to as "daily emission quantity") which results from dividing, by the number of self-monitoring during the imposition period in question, the sum of daily emission quantities of all outlets figured out by multiplying each outlet's daily emission quantity by its emission density observed in time of monitoring. In this case, the calculation of a daily emission quantity shall apply *mutatis mutandis* to the provision of Article 18 (3): Provided, That if the business operator has been advised of the result of the inspection as prescribed in Article 49 of the Act before the imposition period, the daily average emission quantity shall be a quantity calculated by dividing, by the number of monitoring, the sum of daily average emission quantities measured by the business operator and the advised emission quantities of pollutants.

(3) The actual emission quantity during the improvement plan under the provisions of Article 13 (3) shall be calculated by applying the value averaged by the 30-minute average value of 30 days for which the measuring devices operated normally prior to the improvement period.  
<Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999>

(4) The proof concerning the material to be presented as prescribed in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

(1) If any change has occurred to the estimated emission quantity due to any of the following reasons, the business operator shall indicate it at the time of presenting the material concerning the actual emission quantity:

1. Any change of the estimated emission quantity caused by the change of the emission index of sulfur oxides used during the imposition period in question;

2. Any change of the estimated emission quantity as a result of the inspection by the Minister of Environment during the imposition period in question: Provided, That this shall not apply if the emission density inspected by the Minister of Environment exceeds the permissible emission standards;

3. Any change in the estimated emission quantity due to the new or added installation, or closure, of emission facilities; and

4. Any change in the estimated emission quantity due to any change in the material which shall be the basis of the calculation of the estimated emission quantity, etc.

(2) The business operator who has been advised of the result of the inspection on the material concerning the estimated emission material during the imposition period as prescribed by Article 49 of the Act and thereby has learned of the excess over the permissible emission standards, shall calculate the excess of the emission quantity below the standards which exceeds the estimated emission quantity over the basic excess emission quantity as prescribed in Article 18 (1), and add it to the report of the material concerning the actual emission quantity. The same shall apply to a case of the emission period as prescribed in Article 18 (1) exceeding the closing date of the submission of the material concerning the actual emission quantity: (the density of the permissible emission standard-the density of self-monitoring in time of the calculation of the estimated emission quantity) \* the measured quantity advised after the inspection as prescribed by Article 49 of the Act \* the emission period as prescribed by Article 18 (1) (the period up to the last date of the submission of the material concerning the actual emission quantity in question in cases where the last date of emission exceeds the last date of the period for the submission of the material).

(3) If the business operator has been notified of the result of the inspection by the Minister of Environment on pollution degree conducted to find out the implementation of the order or the state of improvement pursuant to the provisions of Article 32 (2) during the imposition period for the submission of the material concerning the estimated emission quantity, he shall consider the corresponding notification as an advice on the pollutant emission quantity of the competent emission facilities and reflect it in the calculation of the actual emission quantity as prescribed in Article 22 (2) 2 (b).

#### Article 24 (Adjustment of Emission Quantity below Permissible Emission Standards)

In a case where the material as prescribed in Article 22 is not submitted or recognized as incomplete, the Minister of Environment may adjust the emission quantity below the permissible emission standards under the conditions as prescribed in the following subparagraphs:

1. Where the business operator does not present the material relevant to the estimated emission quantity and the actual emission quantity as prescribed in Article 22, the Minister of Environment shall figure out the emission quantity below the permissible emission standards in consideration of the emission carried out by the maximum operation of every emission or

preventive facility for 24 hours per day, at the level of the permissible emission standard density of the pollutant in question, during the imposition period;

2. Where the business operator presents the material concerning the actual emission quantity only without the material concerning the estimated emission quantity as prescribed in Article 22 (1), the Minister of Environment shall calculate the emission quantity below the permissible emission standards based on the actual emission quantity: Provided, That where the material concerning the actual emission quantity is found out as incorrect by the inspection of the field and the presented material, the Minister of Environment shall figure out the emission quantity below the permissible emission standards based on the results of the inspection;

3. Where the business operator presents material relevant to the actual emission quantity only without the material concerning the estimated emission quantity as prescribed in Article 22 (1) 2, the Minister of Environment shall calculate the emission quantity below the permissible emission standards, regarding the estimated emission quantity as the actual emission quantity;

4. Where the business operator has not presented the material relevant to the actual emission quantity in spite of a change in the estimated emission caused by the reason(s) as prescribed in Article 23 (1), or has not reflected the change(s) in the presented material concerning the actual emission quantity, the Minister of Environment shall figure out the change in the estimated emission quantity, add it to the estimated emission quantity, and then, calculate the actual emission quantity, considering the 120/100 of the actual emission quantity as the emission quantity below the permissible emission standards; and

5. Where the material concerning the estimated emission quantity, or the material concerning the actual emission quantity, presented by the business operator as prescribed in Article 22 (1) has been proved completely false, the Minister of Environment shall calculate the actual emission quantity after the field inspection, considering the 120/100 of the actual emission quantity as the emission quantity below the permissible emission standards.

#### Article 25 (Submission of Material and Inspection, etc.)

In cases where the estimated emission quantity or the actual emission quantity presented by the business operator as prescribed in Article 22 differs greatly from that of other enterprise(s) of a similar scale, or is deemed as incomplete, and where an adjustment of the emission quantity below the permissible emission standards is necessary as prescribed in Article 24, the Minister of Environment may order the competent business operator to present related materials pursuant to the provision of Article 49 (1) of the Act.

#### Article 26 (Exemption of Dues, etc.)

(1) With respect to the business operator who, subject to the provisions of Article 19 (3) 1 of the Act, operates an emission facility using such any fuel as enumerated in the following subparagraphs, the dues on sulfur oxides shall be exempted: Provided, That if the facility which uses the fuel as specified in subparagraph 1 or 2 mixed with other fuel(s) and satisfies the permissible emission standards, the dues on sulfur oxides shall be exempted in relation to the quantity of the fuel so specified: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999>

1. A facility satisfying the permissible emission standards, which, if a power plant, consumes a liquid or solid fuel containing less than 0.3% of sulfur, or if emission facilities (including a

cogeneration facility the capacity of which is less than 100 megawatt) other than a power plant, consumes a liquid fuel containing not more than 0.5% of sulfur or a solid fuel containing less than 0.45% of sulfur (if two or more kinds of solid fuels are injected into a burner, the average sulfur percentage of all them);

2.A facility satisfying the permissible emission standards, which consumes the gas that is generated as by-product in the course of its process and contains below 0.05% of sulfur; and

3.A facility satisfying the permissible emission standards, which consumes a mixture of such fuels as specified in subparagraphs 1 and 2 above.

(2) Dues on dust and sulfur oxides shall not be imposed on the business operator operating emission facilities in which liquefied natural gas or liquefied petroleum gas is consumed as fuel in accordance with Article 19 (3) 1 of the Act. <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999>

(3) The term "optimal preventive facilities as determined by the Presidential Decree" in Article 19 (3) 2 of the Act means preventive facilities which are able to observe the permissible emission standards and to maintain the designed efficiency of elimination of air pollutants, and which are announced publicly by the Minister of Environment in consultations with the head of the central administrative agency concerned. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(4) The Minister of National Defence, where he intends to make consultations under the provisions of Article 19 (3) 3 of the Act, shall file an application for the exemption of dues for military facilities, giving the usage of such military facilities and reasons thereof, etc. to the Minister of Environment: Provided, That the same shall not apply to the military facilities as prescribed in the provisions of subparagraph 1 of Article 2 of the Protection of Military Installation Act. <Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999>

(5) The term "emission facilities smaller in scale than what is prescribed by the Presidential Decree" in the provisions of Article 19 (4) 1 of the Act means the emission facilities of the class IV and the class V business establishments as shown in the attached Table 8, which observe the permissible emission standards. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(6) Necessary matters concerning procedures for the exemption or reduction of dues under the provisions of Article 19 (3) or (4) of the Act shall be prescribed by the Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

## Article 27 (Notification of Dues)

(1) The notification of dues shall be carried out, in the case of excess dues, at the time of occurrence of justifiable reasons for the imposition of such dues (for the excess dues in case where the 30-minute average value of automatic measurement data has exceeded the permissible emission standards, within 60 days from the closing date of each half year), and in the case of basic dues, within 60 days from the closing date of the period for the submission of the material concerning the actual emission quantity during the imposition period in question: Provided, That when the emission facilities are closed or the ownership of such facilities is transferred, a notice may be promptly made on the payment of dues. <Amended by Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>



(2) The Minister of Environment shall issue a written notification of dues (including adjustment dues as prescribed by Article 28) indicating the amount of dues, payment period, place of payment and other necessary matters. In this case, the payment period of dues shall be 30 days after the issuance of written notification.

#### Article 28 (Adjustment of Dues)

(1) The Minister of Environment shall repeatedly calculate and adjust dues in such cases as enumerated in each of the following subparagraphs, and impose or reimburse the difference between the dues paid and the dues adjusted:

1. In cases where a change occurs in the emission period of the pollutant or emitted material, on which the calculation of excess dues are based due to the failure of the improvement or the implementation of the order before the expiration of the period, or due to the improvement or implementation of the order completed within the period under the conditions as prescribed in Article 18 (1);

2. In cases where the emission of pollutants, etc. has recognizably changed after the imposition of excess dues, resulting in the difference between the newly observed emission quantity and the previously observed emission quantity; and

3. In cases where the calculation of the actual emission quantity by the business operator as prescribed by Article 22 (1), or the adjustment of the emission quantity below the permissible emission standards by the Minister of Environment as prescribed by Article 24, has turned out incorrect.

(2) In cases of adjusting excess dues pursuant to the provision of paragraph (1) 1, the period of pollutant emission for the imposition of excess dues lasts till the day of the fulfillment of improvement or the day of report on the execution of order as prescribed in Article 14 (1).  
<Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(3) In cases of adjusting excess dues under the provision of paragraph (1) 2, the imposition of dues for the time after the day of the second inspection shall be based on the newly measured emission quantity.

(4) The adjustment or reimbursement of excess dues as prescribed in paragraph (1) 1 shall be executed within 30 days after the day of examination of the completion of improvement, suspension of operation or use, or the closure of the emission or preventive facilities concerned. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(5) With respect to the imposition of basic dues due to the reasons as specified in paragraph (1) 3, the calculation of basic dues shall be based on such materials as the material presented with an application for the permission or a report on the installation of emission facilities, the material presented with a modification report as prescribed by Article 10 (1) through (3) of the Act; the record of operation of the emission facilities and preventive facilities as prescribed by Article 15 (2) of the Act; and the result of the inspection as prescribed by Article 49 of the Act as well as the record of self-monitoring as prescribed by Article 22 (1) of the Act.

(6) In cases where the imposition or reimbursement of dues as prescribed in paragraph (1), the Minister of Environment shall send to the enterpriser a written notification about the amount, payment period and place, and other relevant matters.

## Article 29 (Application for Adjustment of Dues)

- (1) The business operator who is ordered to pay dues (hereinafter referred to as "dues payer") may apply for the adjustment of dues under the conditions as prescribed in each of subparagraphs of Article 28 (1).
- (2) Application for adjustment as prescribed in paragraph (1) shall be compiled as prescribed by the Ordinance of the Ministry of Environment within 30 days after receiving a written order to pay dues.
- (3) The Minister of Environment, upon receiving an application of adjustment, shall notify to the applicant the result of the business as stipulated by the Ordinance of the Ministry of Environment.
- (4) Application of adjustment as prescribed in paragraph (1) does not affect the period of payment of dues.

## Article 30 (Matters on Grace Period, Installment Payment, Collection of Dues)

- (1) In cases where the dues payer concerned is recognized as unable to pay dues within the payment period on the grounds as enumerated in the following subparagraphs, the Minister of Environment may allow him a grace period or installment payment. The same shall be applicable to the cases of arrears:
  1. Natural disaster or incident of serious damages done to the enterpriser's property by other disasters;
  2. In cases of crises of the enterprise owing to some big loss;
  3. In cases where a grace or installment payment is deemed inevitable on other grounds similar to the provisions of subparagraphs 1 and 2; and
  4. In cases of dues more than ten million won (basic dues only).
- (2) The grace period and the number of installment as prescribed in paragraph (1) are as follows:
  1. Excess dues: The grace period prescribed shall not exceed one year from the date of deferment, and the installment during the period shall not exceed 6 times; and
  2. Basic dues: The grace period prescribed shall start from the date of deferment till a day before the commencement of the next dues imposition, and the installment during the period shall not exceed 4 times.
- (3) In cases where the amount of dues is two times larger than the enterpriser's paid-in capital or total investment (or total assets for an individual business operator), and where it is deemed that on the grounds enumerated in paragraph (1), dues are not likely to be discharged by the term as stipulated by paragraph (2), the grace period may be extended beyond the term as stipulated in paragraph (2), and installment payment of the dues may be allowed.

(4) Grace period as stipulated in paragraph (2) shall not exceed 3 years from the next day after the day of deferment, and installment payment shall not exceed 12 times.

(5) In cases where the Minister of Environment gives a grace as prescribed in paragraph (1) or (3), he may demand the business operator to furnish security equivalent to the grace.

(6) In any of the cases enumerated in the following subparagraphs, the Minister of Environment may revoke the grace and collect the arrears:

1. Where the dues payer has not discharged the arrears until the designated time;

2. Where the dues payer does not comply with the Ordinance of the Minister of Environment issued to maintain or modify the security; and

3. Where the grace is deemed unnecessary, owing to the condition of property or changes of other circumstances.

(7) Any person who desires a grace period or installment payment on dues or arrears as prescribed in paragraph (1) or (3) shall present the Minister of Environment with the application for grace and installment payment of dues as prescribed by the Ordinance of the Ministry of Environment.

(8) The Minister of Environment shall designate the period and amount of installment, and matters pertaining to the imposition and collection.

#### Article 31 (Subsidies for Due Collection Expenses)

(1) In cases of entrusting the collection of dues and additional dues to the Mayor/Do governors as prescribed in Article 19 (8) of the Act, the Minister of Environment shall grant them 10/100 of the dues and additional dues collected, or of the dues and additional dues adjusted as collection subsidy under the provisions of Article 28. <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

(2) The Minister of Environment shall settle the accounts of collection subsidy in relation to dues and additional dues collected in the special accounts on environmental improvement as prescribed in paragraph (1) every month, and deliver the collection subsidy to the Mayor/Do governors by the following month.

#### Article 32

Deleted. <by Presidential Decree No. 16054, Dec. 31, 1998>

#### Article 33 (Qualification of Environmental Manager and Assignment Term)

(1) If the business operator desires to report on the employment of an environmental manager as prescribed by Article 24 (5) of the Act, he shall file the report within the period as specified in each of the following subparagraphs: <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1. In cases of the installation of emission facilities for the first time, concurrently with the report on the commencement of operation; and

2. In cases of the replacement of environmental managers, no later than 5 days after the date of the occurrence of the cause for the replacement: Provided, That if the workplace which requires a manager with a first-class, or second-class certificate for the qualification as environmental technician is justifiably unable to employ a qualified person, it may appoint an environmental manager for a period within 30 days by reference to the fourth or fifth class workplaces as specified in the attached Table 8.

(2) The qualifications of environmental managers to be assigned to every workplace are given in annexed Table 8.

#### Article 34 (Use of Low Sulfate Oil)

(1) The Minister of Environment shall decide and publicly announce the area to supply the kind of oil to use as fuel with the sulfur content as prescribed by Article 26 (2) of the Act (hereinafter referred to as "low sulfate oil") as well as the range of facilities to use such an oil, after having taken into consideration the state of maintenance of environmental standards as well as local characteristics as prescribed by Article 10 of the Framework Act on Environmental Policy.

(2) Under the provisions of Article 26 (4) of the Act, the Minister of Environment or the Mayor/Do governor shall order any person who supplies or sells an oil containing excess sulfur over permissible sulfur content standards in areas and to facilities proclaimed according to paragraph (1), the suspension of supply or sale and the recovery of sold oil, and also demand the user to stop using such oil. <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999>

(3) Any person who has received an order to retrieve or discontinue using, the oil in question as prescribed in paragraph (2) above shall present to the Minister of Environment or the Mayor/Do governor the report on the execution of the order within 5 days from the date of receiving the order, indicating the particulars as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. The period of supply or use, or quantity of supply or spending, of the oil in question;

2. The retrieved and processed quantity of the oil in question, and the method and period of retrieval and processing; and

3. Matters certifying the supply or spending of low sulfate oil.

(4) The term "business establishment prescribed by the Presidential Decree" in Articles 26 (4) and 28-2 (1) of the Act means the business establishment as shown in the attached Table 9. <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>

#### Article 35 (Use of Fuel Other Than Low Sulfate Oil)

(1) The Minister of Environment or the Mayor/Do governor may permit facilities as specified in the following subparagraphs within the supply area of low sulfate oil under Article 34 (1) to

use fuel other than low sulfate oil: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 18042, Jun. 30, 2003>

1.A facility which uses the gas generated as by-product as prescribed in Article 26 (1) 2, or any waste heat the use of which is approved by the Minister of Environment;

2.A facility which is exempted from the dues on the ground of installing the most effective preventive facility as prescribed in Article 26 (3); and

3.A facility which has obtained permission for installing an emission facility under Article 10 of the Act or permission for its modification, or has filed a report or modified report, and whose sulfur oxides to be emitted when using other fuel than the low sulfate oil, are below the permissible emission standards to be applied when using the low sulfate oil at the relevant facility.

(2) Deleted. <by Presidential Decree No. 18042, Jun. 30, 2003>

#### Article 36 (Prohibition of Use of Solid Fuel, etc.)

(1) In order to prevent air pollution caused by the use of a particular fuel in accordance with the provisions of Article 27 of the Act, the Minister of Environment or the relevant Mayor/Do governor may restrict the use of solid fuels specified in the following subparagraphs in the area which he, in consultation with the head of the relevant central government agency, has designated, by public notice, from among certain areas which do not satisfy, or are unlikely to satisfy the environmental standards as prescribed in Article 10 of the Framework Act on Environmental Policy: Provided, That subparagraph 3 shall apply only in cases where the prohibition of the use of firewood and charcoal is especially required in the areas concerned: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1.Coal;

2.Coke;

3.Firewood and charcoal; and

4.Combustible wastes, such as plastic refuse, etc. identified by the Minister of Environment, and fuels processed of these matters.

(2) The Minister of Environment or the relevant Mayor/Do governor shall prohibit business operators within the areas under paragraph (1) from using any solid fuel: Provided, That this shall not apply to the entrepreneur equipped with any such facility as stipulated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1.Smelting furnaces, etc., used in a foundry or iron and steel mill, which need solid mineral fuel for fuel melting in its manufacturing process;

2.Plants made of cement or lime, etc. which have a capacity of suction and adsorption in manufacturing process, capable of radical reduction of pollutants produced in burning;

3.Wastes disposal facilities (including facilities utilizing energy produced from wastes) as prescribed in Article 2 of the Wastes Control Act; and

4. Facilities which emit pollutants in a manner consistent with the permissible emission standards, even if any solid fuel as referred to in paragraph (1) is used, and are granted approval for the use of the solid fuel by the Minister of Environment or the relevant Mayor/Do governor.

(3) Where the owner or occupant of the facilities referred to in paragraph (2) 4 intends to use any solid fuel, he shall submit an application for approval of the use of the same fuel to the Minister of Environment or the relevant Mayor/Do governor in accordance with the Ordinance of the Ministry of Environment. <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

#### Article 37 (Use of Clean Fuel)

(1) Under the provisions of Article 27 of the Act, the Minister of Environment or the Mayor/Do governor may prohibit the use of fuels except gaseous fuels (hereinafter referred to as "clean fuel"), such as liquefied natural gas and liquefied petroleum gas, etc., which produce little pollutants, to the facilities and areas that he publicly announces through consultation with the head of central administrative agency concerned as facilities and areas exceeding, or potentially capable of exceeding, environmental standards as stipulated in Article 10 of the Framework Act on Environmental Policy notwithstanding the regulations on the use of fuel under the provisions of Articles 34 and 36. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(2) The Minister of Environment or the Mayor/Do governor shall ban oil refinery operators or dealers of oil ordained by the Petroleum Business Act from supplying or selling fuel oil to the facilities that are required to use clean fuel as prescribed in paragraph (1). <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(3) With respect to small-scale heat supply facilities as well as collective energy supply facilities, or power plants which are highly influential in the supply of clean fuel for its enormous fuel spending, or recognizably effective in minimizing the air pollution by means of the reduction of its energy consumption, the Minister of Environment may allow the use of such non-gaseous fuels as stipulated by the Minister of Environment.

#### Article 38 (Scattering Dust Producing Business)

The term "business prescribed by the Presidential Decree" in Article 28 (1) of the Act means a business enumerated in the following subparagraphs as prescribed by the Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>

1. The business of manufacturing and processing cement, lime, plastic and cement-related products;

2. The business of extracting, manufacturing and processing nonmetallic materials;

3. The business of manufacturing first metallic;

4. The business of manufacturing fertilizer and fodder products;

- 5.The construction business (limited to projects of base preparedness works, building of construction materials, engineering works and landscape architecture works);
- 6.The business of transporting cement, coal, earth and sand, fodder, grain, and scrap iron;
- 7.The business of manufacturing transport equipment;
- 8.The business that is required to install coal storage facilities;
- 9.The business of loading and unloading scrap iron, grain, fodder, timber, and ore, or the business of their storage; and
- 10.The business of manufacturing and processing metallic products.

#### Article 39 (Regulation of Volatile Organic Compound)

(1) Deleted. <by Presidential Decree No. 18042, Jun. 30, 2003>

(2) The term "any facilities as prescribed by the Presidential Decree" in Article 28-2 (1) of the Act means such facilities as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 18042, Jun. 30, 2003>

- 1.Manufacturing facilities, storage facilities and forwarding facilities related to petroleum refinery and refinery for manufacturing petrochemicals;
  - 2.Storage facilities and forwarding facilities of an oil reservoir;
  - 2-2.Storage facilities of an oil station;
  - 3.Cleaning facilities; and
  - 4.Other volatile organic compound emission facilities, which the Minister of Environment has publicly announced in consultation with the head of the central government agency concerned.
- (3) The scale of the facilities as prescribed in each subparagraph of paragraph (2) shall be announced publicly by the Minister of Environment in consultation with the head of the central administrative agency concerned.

(4) The term "cause prescribed by the Presidential Decree" in Article 28-3 (4) of the Act means the cause falling under any of the following subparagraphs: <Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>

- 1.The case where special technology in need is domestically unavailable; and
- 2.The case where natural disaster and other cases recognized as unavoidable by the Minister of Environment and the Mayor/Do governor occur.

#### Article 39-2 (Improvement Period, etc. of Living Malodor Facilities)

(1) The Minister of Environment or the Mayor/Do governor shall, when he orders the implementation of measures or improvement under the provisions of Article 30 (2) of the Act,

set an improvement period within the limit of 6 months taking into account a period necessary to take measures for removing or restraining malodor.

(2) Where a person who is under an order given pursuant to the provisions of paragraph (1) is unable to implement fully the measures within the period under the provisions of paragraph (1) due to natural disaster and other reasons deemed inevitable, the Minister of Environment or the Mayor/Do governor may extend the improvement period within the limit of 3 months upon a request from the person.

[This Article Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 39-3 (Filing of Improvement Plan for Living Malodor Facilities)

A person who is under an order given under the provisions of Article 30 (2) of the Act shall file an improvement plan to the Minister of Environment or the Mayor/Do governor within 15 days from the date such order is given under the conditions as prescribed by the Ordinance of the Ministry of Environment: Provided, That the Minister of Environment or Mayor/Do governor may, when he deems it necessary to extend the period for filing such improvement plan in the light of the type and size of the living malodor facilities concerned, extend such period upon a request from a person who owns or manages such facilities.

[This Article Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999]

#### Article 40 (Kinds of Exhaust Gas)

The term "such pollutants as determined by the Presidential Decree" in Article 31 (1) of the Act means as follows: <Amended by Presidential Decree No. 18042, Jun. 30, 2003>

1. In cases of automobiles using gasoline, alcohol or gas:

- (a) Carbon monoxide;
- (b) Hydrocarbon;
- (c) Nitrogen oxide compound; and
- (d) Aldehyde; and

2. In cases of automobiles using light oil:

- (a) Carbon monoxide;
- (b) Hydrocarbon;
- (c) Nitrogen oxide compound;
- (d) Smoke; and
- (e) Particle matters.

#### Article 41 (Cars Exempted or Omitted from Authentication)



(1) The kinds of motor vehicles to be exempted from the authentication under the proviso of Article 32 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1. A fire engine as well as a motor vehicle used for such special official purposes of the State as military duties and patrol service, etc.;

2. A car to be used by a foreign embassy or diplomat in Korea, or a similarly qualified person on official purposes and duties, which is confirmed by the Minister of Foreign Affairs;

3. A car to be used by a member of the foreign military in Korea on official purposes;

4. A car to be exported or cars temporarily imported for an exhibition by a participant in the exhibition or a similar event;

5. A car temporarily imported by tourists, etc. on condition that it shall be exported after a certain period of time;

6. A car imported by an automobile manufacturer or an automobile-related research institution for such non-driving purposes as automobile development, exhibition, etc.;

7. A car running on such fuels as electricity, sun light, hydrogen, etc. without emitting exhaust gas as prescribed in Article 40; and

8. One automobile, which a person who has resided abroad for not less than one year, imports as one of his residence moving articles.

(2) The kinds of motor vehicles to be omitted from the authentication under the conditions as prescribed by the proviso of Article 32 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1. A car to be used by, or for the training of, a national athlete, and confirmed as such by the Minister of Culture and Tourism;

2. A car donated by a foreign country as a gift to a public institution or a nonprofit organization;

3. Deleted; <by Presidential Decree No. 16576, Oct. 13, 1999>

4. A car imported to be used by the family of a foreign diplomat or a foreign soldier in Korea;

5. A car used for aircraft groundwork;

6. A car manufactured by a person has not given a certification using a certified motor under the provisions of Article 32 (1) of the Act;

7. A car which may be omitted from the authentication as prescribed by an international agreement, etc.; and

8. Any other car recognized by the Minister of Environment as shall be omitted from the authentication.

#### Article 42 (Kinds of Inspection on Permissible Exhaust Standards of Manufactured Automobile)

(1) Pursuant to the provisions of Article 33 (1) of the Act, the Minister of Environment shall inspect manufactured cars according to the classification falling under any of the following subparagraphs: <Amended by Presidential Decree No. 16576, Oct. 13, 1999>

1.All Times Inspection: This inspection shall be conducted from time to time in order to find out whether or not an automobile under construction meets the permissible exhaust standards: and

2.Regular Inspection: This inspection shall be regularly conducted, taking into consideration the number of every kind of automobiles manufactured, to find out whether or not an automobile under construction meets the permissible exhaust standards.

(2) Any person who is dissatisfied with the results of the inspection conducted under the provisions of paragraph (1) may file an application for reinspection as prescribed by the Ordinance of the Ministry of Environment.

#### Article 42-2 (Omission of Inspection of Manufactured Cars)

The regular inspection under the provisions of Article 42 (1) 2 may be omitted pursuant to the provisions of Article 33 (2) of the Act.

[This Article Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999]

#### Articles 43 and 44

Deleted. <by Presidential Decree No. 16576, Oct. 13, 1999>

#### Article 45 (Permissible Running Automobile Exhaust Standards)

The permissible running automobile exhaust standards as prescribed in Article 36 of the Act shall be determined by the Ordinance of the Ministry of Environment in consultation with the head of central government agency concerned, according to the types of the exhaust as specified in the following subparagraphs:

1.A load-free test:

(a) In cases of a vehicle using gasoline, alcohol or gas:

(i)Carbon monoxide;

(ii)Exhaust pipe hydrocarbon; and

(iii)Nitrogen oxide (referring to nitrogen oxide measured by the rate of surplus air); and

(b) In a case of a vehicle using light oil or light oil mixed with gas: Smoke; and

2.A load test:

(a) In cases of a vehicle using gasoline, alcohol, or gas:

(i)Carbon monoxide;

(ii) Exhaust pipe hydrocarbon; and

(iii) Nitrogen oxide; and

(b) In cases of a vehicle using light oil or light oil mixed with gas: Smoke.

#### Article 46 (Usage of Penalty Surcharge)

Usage of the penalty surcharge under Article 37-7 (3) of the Act shall be as follows:

1. A model business and a research and service business for reducing the exhaust gas of automobiles;

2. Costs for purchase, installation or operation of the equipment and facilities for measuring the exhaust gas of automobiles; and

3. Publicity business, such as the guide to an inspection or free measurement of the exhaust gas of automobiles, etc.

[This Article Newly Inserted by Presidential Decree No. 18042, Jun. 30, 2003]

#### Article 47 (Cooperation with Related Agency)

The term "other matters as determined by the Presidential Decree" in subparagraph 5 of Article 50 of the Act means such cases as enumerated in each of the following subparagraphs:

1. The restoration of a land damaged by tourist facilities or industrial facilities, etc. to its original state;

2. The regulation of fuel spending according to the type of an automobile;

3. The regulation of motor operation according to the type of an automobile; and

4. The restriction of the source of power of an automobile, which is used in a limited area for a limited purpose, to electricity, sun light, hydrogen, or natural gas, etc.

#### Article 48 (Delegation of Authority)

(1) The authority of the Minister of Environment as specified in the following subparagraphs shall be delegated to the Mayor/Do governor under Article 54 (1) of the Act: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 16953, Aug. 17, 2000; Presidential Decree No. 17703, Aug. 8, 2002; Presidential Decree No. 18042, Jun. 30, 2003>

1. Deleted; <by Presidential Decree No. 16576, Oct. 13, 1999>

2. Permission on the installation and modification of emission facilities as well as the acceptance of report or modification report as prescribed in Article 10 of the Act;

3. Revocation of installation permission of the emission facilities and an order to close such facilities under the provisions of Article 11 (3) of the Act;

4.through 6.Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

7.Acceptance of the report on the commencement of operation of emission and preventive facilities as prescribed in Article 14 (1) of the Act;

8.and 9.Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

10.An order given to take measures under the provisions of Article 15-2 (5) of the Act;

10-2.An order to halt the operation under the provisions of Article 15-2 (6) of the Act;

11.An improvement order under the provisions of Article 16 of the Act;

12.An order given to halt the operation of emission facilities under the provisions of Article 17 of the Act;

13.Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

14.Imposition and collection of dues under the provisions of Article 19 of the Act;

15.Revocation of license, closure of emission facilities, and order of suspension of operation as prescribed in Article 20 of the Act;

16.Imposition and collection of penalty surcharge as prescribed in Article 20-2 of the Act;

17.Closure of illegal facilities as prescribed in Article 21 of the Act;

18.Acceptance of the report on the appointment and change of the environmental manager as prescribed in Article 24 (1) of the Act;

19.Authority on the following items with respect to a workplace in the attached Table 9:

(a) Deleted; <by Presidential Decree No. 18042, Jun. 30, 2003>

(b) Order given to take measures under the provisions of Article 26 (4) of the Act;

(c) Order given to take measures and approval under the provisions of Article 27 of the Act;

(d) Acceptance of a report filed on the business causing scattering dust (including the case of modification) under the provisions of Article 28 (1) of the Act;

(e) Order given to execute or improve under the provisions of Article 28 (2) and (3) of the Act;

(f) Acceptance of a report and modified report filed on the emission facilities of volatile organic compound under the provisions of Article 28-2 (1) and (2) of the Act;

(g) Order given to take measures under the provisions of Articles 28-2 (7) and 28-3 (5) of the Act;

(h) Approval for the extension of period under the provisions of Article 28-3 (4) of the Act;

(i) Order given to implement measures to eliminate or control the living malodor or order given to improve such living malodor under the provisions of Article 30 (2) of the Act; and

(j) Order, etc. given to file a report and inspection on such persons as prescribed in the provisions of Article 49 (1) 3, 4, 4-2, 4-3 and 5 of the Act;

20.through 23.Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

24.Order of report and inspection on such persons as prescribed in Article 49 (1) 1 of the Act;

25.Hearing concerning the delegated rights among the ones as prescribed in each subparagraph of Article 52 of the Act;

26.Imposition and collection of a fine for negligence as prescribed in Article 59 of the Act (excluding imposition and collection of a fine for negligence with respect to a person as referred to in Article 49 (1) 6, 9 and 11 of the Act from among the fines for negligence under Article 59 (2) 11 of the Act);

27.Acceptance of an improvement plan under the provisions of Article 13 (3) and (4); and

28.and 29.Deleted. <by Presidential Decree No. 15583, Dec. 31, 1997>

(2) In accordance with the provisions of Article 54 (1) of the Act, the Minister of Environment shall delegate the authority related to the matters as referred to in the following subparagraphs to the head of a basin environmental office or a regional environmental office: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 17698, Aug. 8, 2002; Presidential Decree No. 18042, Jun. 30, 2003>

1.Measuring networks establishment and permanent measurement of air pollution as prescribed in Article 3 (1) of the Act;

2.Decision, modification, public announcement and perusal of the plan for installation of measuring networks under the provisions of Article 4 (1) of the Act;

3.Expropriation and use of land, etc. under the provisions of Article 5 (1) of the Act;

4.Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

5.Deleted; <by Presidential Decree No. 16953, Aug. 17, 2000>

6.and 7.Deleted; <by Presidential Decree No. 17703, Aug. 8, 2002>

8.Deleted; and <by Presidential Decree No. 16953, Aug. 17, 2000>

9.Deleted. <by Presidential Decree No. 17703, Aug. 8, 2002>

(3) The Minister of Environment shall delegate his authority falling under each of the following subparagraphs to the head of the National Institute of Environmental Research pursuant to the provisions of Article 54 (1) of the Act: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16054, Dec. 31, 1998; Presidential Decree No. 16576, Oct. 13, 1999; Presidential Decree No. 18042, Jun. 30, 2003>

1.Acceptance of the report documents under the provisions of Article 3 (2) of the Act;

2.Authentication, modification of authentication, cancellation of authentication, and hearing thereof (limited to imported automobiles) under the provisions of Articles 32 (1) and (2), 35 and 52 of the Act;

3. An order given to inspect, omit such inspection and halt the sales and delivery of automobiles under the provisions of Article 33 (1), (2) and (6) of the Act (limited to imported automobiles);

4. Defect-finding inspection as prescribed in Article 34 of the Act and selection of a motor vehicle necessary for the said inspection;

5. Regulation of making, supplying, selling or using fuel or additives under the main sentence of Article 41 (2) of the Act and the provisions of paragraph (3) of the same Article of the Act; and

6. An order given to file a report or inspection under the provisions of Article 49 (1) 9 of the Act.

#### Article 49 (Supervision, etc. of Tasks according to Delegation of Authority)

(1) Where the Minister of Environment recognizes a special necessity to control a wide-area air pollution, he may, notwithstanding the provisions of Article 48 (1), inspect and confirm any violation of the law such as compliance, etc. with the permissible emission standards with respect to a workplace, or have the head of a basin environmental office or a regional environmental office perform inspection and confirmation thereon. <Amended by Presidential Decree Nos. 17698, 17703, Aug. 8, 2002>

(2) When any workplace is found to have violated the law as a result of the inspection and confirmation as prescribed in paragraph (2), the Minister of Environment, or the head of a basin environmental office or a regional environmental office shall notify the contents of such violation and his opinion on handling the affairs to the Mayor/Do governor of the area concerned. <Amended by Presidential Decree No. 17698, Aug. 8, 2002>

(3) The Mayor/Do governor who has been notified under the provisions of paragraph (2), shall take measures accordingly, and report to or notify the Minister of Environment, or the head of a basin environmental office or a regional environmental office thereon or thereof. <Amended by Presidential Decree No. 17698, Aug. 8, 2002>

#### Article 50 (Report)

(1) The Mayor/Do governor, the head of a basin environmental office or a regional environmental office, or the head of the National Institute of Environmental Research shall report to the Minister of Environment as stipulated by the Ordinance of the Ministry of Environment on the contents of the job which he was entrusted with and has taken care of under Article 54 (1) of the Act. <Amended by Presidential Decree No. 17698, Aug. 8, 2002>

(2) The Mayor/Do governor shall, when he has ordered the suspension of operation, or cancelled the license under Articles 17 and 20 of the Act, immediately report to the Minister of Environment and the head of central administrative agency concerned. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

#### Article 51 (Delegation of Authority)

(1) Pursuant to the provisions of Article 54 (2) of the Act, the Minister of Environment shall delegate his authority with respect to the operation of the computer network and technical assistance for business operators as prescribed in the provisions of Article 15-2 (7) of the Act to the Environmental Management Corporation established in accordance with the Environmental Management Corporation Act. <Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999>

(2) Pursuant to the provisions of Article 54 (2) of the Act, the Minister of Environment shall entrust his authority with respect to the education for environment managers conducted under the provisions of Article 48 of the Act to the Environmental Preservation Association established in accordance with the provisions of Article 38 of the Framework Act on Environmental Policy. <Amended by Presidential Decree No. 16953, Aug. 17, 2000>

(3) The Presidents of the Environmental Management Corporation and the Environmental Preservation Association shall, when they exercise the authority entrusted under the provisions of paragraphs (1) and (2), report how they exercise such authority to the Minister of Environment under the conditions as prescribed by the Minister of Environment. <Newly Inserted by Presidential Decree No. 16576, Oct. 13, 1999>

#### Article 52 (Imposition of Fine for Negligence)

(1) The Minister of Environment, the Mayor/Do governor or the head of Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) shall, in imposing a fine for negligence as prescribed in Article 59 (3) of the Act, investigate and confirm the act of violation in question, and then advise the fined person to pay the fine in a written notification specifying the details of violation, the ways and period to raise an objection. <Amended by Presidential Decree No. 18042, Jun. 30, 2003>

(2) The Minister of Environment, the Mayor/Do governor or the head of Si/Gun/Gu shall, when he intends to impose a fine for negligence as prescribed in paragraph (1), grant the fined person more than 10 days for an opportunity to present an oral or written statement (including electronic documents). In this case, In this case, the said person shall be deemed to have no opinion in the absence of statement of opinion within set period. <Amended by Presidential Decree No. 18042, Jun. 30, 2003; Presidential Decree No. 18312, Mar. 17, 2004>

(3) The Minister of Environment shall, in deciding the amount of a fine for negligence, take into consideration the motive and result of the act of violation in question.

(4) Procedures on the collection of a fine for negligence shall be determined by the Ordinance of the Ministry of Environment.

#### ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the matters concerning the imposition of basic dues in the amendment of Articles 15, 16 (2), and 20 through 31 shall enter into force on January 1, 1997 with regard to the emission facilities of a scale as prescribed in the following subparagraphs, and on January 1, 2000 with regard to the rest of emission facilities, while the amendment of Article 39 shall enter into force on January 1, 1999:

1. The first class and second class workplaces as prescribed in annexed Table 1; and

2.The third class workplace as prescribed in annexed Table 1, which is established within a special countermeasure area.

(2) (Transitional Measures concerning Reduction of Basic Dues) In imposing basic dues from 1997 to 1999 on a workplace as prescribed in paragraph (1) 1 of Addenda, the reduction of basic dues pursuant to the provisions of Article 19 (3) of the Act shall be arranged for the first class workplace as prescribed in paragraph (1) 1 of Addenda, up to 15% of the dues in 1997 and 10% of the dues in 1998, respectively, and for the second class workplace as prescribed in paragraph (1) 1 of Addenda and for the workplace as prescribed in paragraph (1) 2 of Addenda, up to 70% of the dues in 1997, 50% of the dues in 1998, and 30% of the dues in 1999, respectively. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(3) (Transitional Measures concerning Progress of Emission Facilities Subject to Report) The emission facility which has been operated, or is being installed under the permission attained before the enforcement of this Decree, and which is the object of the report under the modified conditions as prescribed in Article 4 (2) shall be regarded as an emission facility which has conducted the report as prescribed by this Decree.

ADDENDA <Presidential Decree No. 15583, Dec. 31, 1997>

(1) (Enforcement Date) This Decree shall enter into force on January 1, 1998: Provided, That the amended provisions of Article 48 (3) 1 shall enter into force on July 1, 1998.

(2) (Transitional Measures concerning Permission on Use of Fuel) In case where the use of fuels other than low sulfate oil or of solid fuel is permitted under the previous provisions at the time when this Decree enters into force, such permission shall be presumed to be obtained under the amended provisions of Article 35 (1) 3 or 36 (2) 4, respectively.

(3) (Transitional Measures concerning Pending Conduct) Any conduct done by or with respect to the Director of the National Institute of Environmental Research as regarding the authentication and modified authentication on the imported motor vehicle under Article 32 (1) and (2) of the Act and the test for authentication under Article 32 (3) of the Act when this Decree enters into force, shall be presumed to be done by or with respect to the Minister of Environment.

ADDENDA <Presidential Decree No. 16054, Dec. 31, 1998>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation,

(2) (Transitional Measures concerning Report of Installation of Emission Facilities) Emission facilities the installation of which has been permitted under previous provisions before this Decree enters into force and which fall under the amended provisions of proviso of Article 4 (1) 2 shall be deemed emission facilities the installation of which has been reported.

ADDENDA <Presidential Decree No. 16576, Oct. 13, 1999>

(1) (Enforcement Date) This Decree shall enter into force on October 16, 1999: Provided, That the amended provisions of Article 10 (4), Article 13 (2) and (3), the proviso of Article 18 (1), Article 19 (4) and Article 22 (3) shall enter into force on January 1, 2002.

(2) (Application Example concerning Imposition of Basic Dues by Concentration) The amended provisions of subparagraph 2 of the attached Table 7 shall apply to the portion of



basic dues imposed first after the enforcement of this Decree.

(3) (Transitional Measure concerning Excess Dues) Excess dues imposed for discharging pollutants in excess of the permissible emission standards prior to the enforcement of this Decree shall be dealt with in accordance with the previous provisions notwithstanding the amended provisions of Article 15 (2), Article 17 (1) and the attached Table 3.

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. 16953, Aug. 17, 2000>

Article 1 (Enforcement Date)

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

Articles 2 through 4  
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. 17703, Aug. 8, 2002>  
This Decree shall enter into force on October 1, 2002.

ADDENDA <Presidential Decree No. 18042, Jun. 30, 2003>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amendments to subparagraph 2 of Article 5, subparagraphs 6 and 9 of Article 38, and the attached Table 8, shall enter into force on January 1, 2004.

(2) (Application Example to Restrictions of Installation of Emission Facilities) The amendment to subparagraph 2 of Article 5 shall apply starting with the emission facilities to be installed for the first time after the enforcement of this Decree.

(3) (Transitional Measures for Classifications of Business Establishments) Business establishments which have been lawfully installed under other Acts and subordinate statutes at the time of enforcement of this Decree, or for whose installations the authorization or permission, etc. has been obtained, shall be considered as the business establishments of such classifications as are suitable to the relevant Acts and subordinate statutes, notwithstanding the amendment to the attached Table 8.

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. 18132, Mar. 17, 2004>  
This Decree shall enter into force on the date of its promulgation.