

Soil and Groundwater Pollution Remediation Act Enforcement Rules

Promulgated by Environmental Protection Administration order on October 17, 2001

Article 1

These Rules are determined pursuant to Article 50 of the Soil and Groundwater Pollution Remediation Act (herein referred to as "this Act").

Article 2

The matters designated in this Act as the responsibility of the central competent authority are as follows.

1. Planning, drafting, supervision and implementation of national soil and groundwater pollution prevention and remediation policies, programs and plans
2. Drafting, deliberation and interpretation of soil and groundwater pollution remediation laws and regulations
3. Supervision, assistance and approval of special municipality, county or city government soil and groundwater pollution prevention, monitoring and remediation work
4. Coordination of soil and groundwater pollution remediation work involving two or more special municipalities, counties or cities
5. Management of the Soil and Groundwater Pollution Remediation Fund
6. Licensing and management of soil and groundwater pollution testing organizations
7. Soil and groundwater pollution prevention and remediation research, development and public awareness
8. International cooperation, technology exchanges and personnel training related to soil and groundwater pollution remediation
9. Other national soil and groundwater pollution prevention and remediation matters

Article 3

The matters designated in this Act as the responsibility of special municipality, county and city competent authorities are as follows.

1. Planning, drafting and implementation of special municipality, county or city soil and groundwater pollution prevention and remediation action programs and plans
2. Drafting and interpretation of special municipality, county or city autonomous laws and regulations for soil and groundwater pollution remediation
3. Implementation of special municipality, county or city soil and groundwater pollution prevention, monitoring and remediation work

4. Special municipality, county or city soil and groundwater pollution prevention and remediation research, development and public awareness work
5. Special municipality, county or city soil and groundwater pollution prevention and remediation personnel training work
6. Other special municipality, county or city soil and groundwater pollution prevention and remediation matters

Article 4

When the competent authority with local jurisdiction performs regular tests of soil and groundwater quality within its area of jurisdiction pursuant to Article 5 of this Act, it shall compile an annual testing budget reflecting the geographical, geological, and hydrological conditions and state of land use of the area, and shall test areas presumed to suffer from soil or groundwater pollution as a first priority.

Article 5

The necessary measures adopted by the competent authority with local jurisdiction pursuant to Article 5, Paragraph 1 and Article 6, Paragraph 2 of this Act shall include the following items.

1. Survey of land type, actual use and property rights
2. Notification of public living in relevant areas concerning test results
3. Handling of the situation in accordance with relevant environmental protection laws and regulations; notification of agricultural, health, irrigation, industrial, land administration, construction or other relevant agencies to handle situations within the scope of their duties and powers.

Article 6

If, when performing testing and verification work pursuant to Article 5, Article 7 and Article 11 of this Act, the competent authorities at all levels discover that the concentration of pollutants in soil or groundwater exceeds pollutant control limits listed in soil and groundwater pollution control standards due to reasons other than exogenous pollution, said authority shall notify agricultural, health, irrigation, industrial, land administration, construction or other relevant agencies to handle situation within the scope of their duties and powers.

Article 7

The soil pollution test data designated in Article 9 of this Act shall include the following items.

1. Basic information concerning enterprises: Enterprise name and statutory responsible person; uniform invoice number; address; land administration number; land use type; layout map of factory area; land user, manager or owner and contact channels, etc.
2. Overview of enterprise operations: Production processes, use of raw materials, products, pollution sources, types of pollutants and their composition, state of treatment and relevant pollution control measures
3. Testing and analysis results: Test items, sampling and testing methods, quantities tested and QA/QC, etc.

4. Testing organization: Organization name, address and photocopy of permit documents
5. Other information designated by the competent authority

Article 8

The competent authority with local jurisdiction shall determine the possible scope of pollution when performing verification work pursuant to Article 11, Paragraph 1 of this Act. Prior to the official announcement of the area as a control site, the competent authority may order the polluter or user, manager or owner of the site to adopt appropriate measures within a limited time period pursuant to this Act or relevant environmental protection laws and regulations.

If the adoption of appropriate measures causes the mitigation of the soil or groundwater pollution of a site in the foregoing paragraph, and the competent authority with local jurisdiction verifies that the concentrations of soil and groundwater pollutants are below the soil and groundwater pollution control limits, the area may not be officially announced as a control site.

Article 9

After an area has been officially announced as a control site pursuant to Article 11, Paragraph 2 of this Act, and it is not required to submit a pollution control plan, if the polluter or land user, manager or owner causes the concentrations of soil and groundwater pollutants to be below soil and groundwater pollution control limits through the adoption of appropriate measures, said party may apply to the competent authority with local jurisdiction to remove controls on the control site and issue an official announcement to that effect.

Article 10

The competent authority with local jurisdiction may remove controls on the control site and issue an official announcement to that effect prior to requesting the central competent authority to approve the official announcement of a remediation site pursuant to Article 11, Paragraph 2 of this Act if it has caused the concentrations of soil and groundwater pollutants to be below the soil and groundwater pollution control limits through the commissioned implementation of appropriate measures.

Article 11

Those applying for the removal of controls pursuant to Article 9 of this Act shall submit the following information.

1. Scope and degree of soil and groundwater pollution at the site
2. Pollution mitigation methods or
3. Site soil and groundwater sampling methods believed to be representative
4. Soil and groundwater testing organization, testing methods and results of analysis

Article 12

The competent authority with local jurisdiction may perform a preliminary assessment after control site pollutants have been removed or disposed of.

The competent authority with local jurisdiction shall compile a budget for preliminary assessment of control sites.

Article 13

The content of a competent authority official announcement of a control site or remediation site pursuant to Article 11, Paragraph 2 of this Act shall include the following items.

1. Site name
2. Site address, lot number or location
3. Overview of site situation
4. Pollutants and pollution situation
5. Other important matters

The site name in Subparagraph 1 of the foregoing paragraph may be stated as the enterprise name, address, lot number, land marker or using other appropriate means.

The pollution situation in Subparagraph 4 of the foregoing paragraph shall indicate the possible scope of pollution if the site is controlled. Said situation shall indicate the scope of pollution and preliminary assessment results if the site has been remediated.

Article 14

The content of a pollution control plan submitted pursuant to Article 11, Paragraph 4 or Article 17, Paragraphs 3 and 5 of this Act shall include the following items.

1. Information on plan submitter, writer and implementer
2. Basic site information
3. State of site and pollution situation
4. Pollutants, scope and degree of pollution
5. Pollution control and prevention methods
6. Pollution monitoring methods
7. Workplace health and safety management
8. Method of verifying control results
9. Plan implementation
10. Other items designated by the competent authority

If a juridical person submits the information in Subparagraph 1 of the foregoing paragraph, it shall include information on the juridical person, statutory responsible person and responsible agent.

The central competent authority shall determine writing guidelines for the pollution control plan in Paragraph 1.

Article 15

Prior to investigating the scope of soil and groundwater pollution and assessing environmental impact pursuant to Article 12, Paragraph 1 of this Act, competent authorities at all levels shall notify the polluter of the remediation site or interested party of the land to submit a soil and groundwater investigation and assessment plan pursuant to Article 12, Paragraph 2 of this Act within a certain time period.

Article 16

The content of a soil and groundwater investigation and assessment plan submitted by a polluter or interested party of the polluted site pursuant to Article 12, Paragraph 2 of this Act shall include the following items.

1. Information on plan submitter, writer, investigator and assessor
2. Basic site information
3. State of site and pollution situation
4. Pollution investigation methods
5. Pollutants, scope and severity of pollution
6. Method of assessing environmental impact
7. Plan implementation timetable
8. Other items designated by the competent authority

If a juridical person submits the information in Subparagraph 1 of the foregoing paragraph, it shall include information on the juridical person, statutory responsible person and responsible agent.

Article 17

When the Soil and Groundwater Pollution Remediation Fund (herein referred to as the "Remediation Fund") is assigned responsibility for payment investigation, assessment and review expenses pursuant to Article 12, Subparagraph 5 of this Act, the Soil and Groundwater Pollution Remediation Fund Management Committee may perform remediation site investigation, assessment and cleanup grading work on the basis of the results of preliminary site assessment, the immediate needs of the site and the financial situation of the Remediation Fund.

Article 18

When the competent authority with local jurisdiction entrusts a registration competent authority with local jurisdiction with registration of the prohibition of transactions regarding the land pursuant to Article 15 of this Act, the entrustment document shall indicate the following items.

1. Basic information concerning landowner, including name, identification document numbers and home address, etc.
2. Land markings and scope of
3. Legal basis and reasons for the prohibition of transactions regarding the land
4. Prohibition of such transaction methods regarding the land as land transfer or subdivision or establishment of liability

Article 19

A remediation site polluter shall submit a soil and groundwater pollution remediation plan pursuant to Article 16, Paragraph 1 of this Act within three months after the completion of investigation and assessment. However, the competent authority with local jurisdiction may approve an extension of this deadline.

Article 20

Prior to the drafting of a soil and groundwater pollution remediation plan pursuant to Article 16, Paragraph 2 of this Act, the competent authority with local jurisdiction shall notify interested persons of the remediation site that they may submit a soil and groundwater pollution remediation plan pursuant to Article 16, Paragraph 3 of this Act within a certain time period.

Article 21

The content of the pollution remediation plan in Article 16 shall include the following items.

1. Information on the plan's submitter, writer and implementer
2. Plan outline
3. Basic site information
4. State of site and pollution situation
5. Pollutants, scope and degree of pollution
6. Remediation criteria or remediation goals
7. Remediation method
8. Pollution monitoring
9. Pollution control plan
10. Site health and safety
11. Verification plan for completion of remediation
12. Estimate of remediation expenses
13. Remediation timetable
14. Other items designated by the competent authority

If a juridical person submits the information in Subparagraph 1 of the foregoing paragraph, it shall include information on the juridical person, statutory responsible person and responsible agent.

The verification plan for completion of remediation mentioned in Subparagraph 11 of Paragraph 1 shall include soil and groundwater sampling methods believed to be representative.

The central competent authority shall determine writing guidelines for the pollution remediation plan in Paragraph 1.

Article 22

When a polluter or interested party of the polluted land submits groundwater pollution remediation goals pursuant to Article 17, Paragraph 2 of this Act, unless submitted pursuant to the foregoing article, said party shall submit the following information.

1. Reasons behind remediation goals
2. Site geology
3. Properties of pollutants
4. Assessment of environmental impact of pollution

5. Assessment of health risks of pollution
6. Pollution remediation technology and cost assessment
7. Feasibility of remediation goals
8. Other information designated by the competent authority

Article 23

The appropriate locations referred to in Article 19, Paragraph 1 of this Act shall include the rural township, urban township, city and district public offices, land administration offices and village or borough offices of the place of the remediation site.

Article 24

The content of the final soil and groundwater pollution remediation report in Article 20, Paragraph 1 of this Act shall including the following items.

1. Pollution sources and pollution situation
2. Remediation criteria or remediation goals
3. State of pollution control or remediation plan implementation
4. State of verification plan implementation
5. Scope of soil and groundwater pollution prior to and after remediation, degree of pollution and state of changes to pollutants
6. Remediation expenses
7. Other items designated by the competent authority

Article 25

In addition to implementation in accordance with relevant land use laws and regulations, land use industry competent authorities performing land use restoration pursuant to Article 20, Paragraph 3 of this Act shall provide necessary guidance and assistance.

Article 26

The soil and groundwater pollution remediation work referred to in Article 24, Paragraph 2 of this Act means the following tasks.

1. Implementation of remediation site survey and assessment
2. Implementation of necessary control site or remediation site response measures
3. Drafting and implementation of control plan and remediation plan
4. Other matters entailing a conflict of interest with the duties of the Remediation Fund

Article 27

With regard to the consecutive daily fines resulting from failure to complete improvement within the limited time period as referred to in Article 35 and Article 36 of this Act, the starting date of penalties shall be determined pursuant to the following regulations.

1. If the responsible party fails to report completion of improvement with a complete set of verification documents pursuant to this Act and its relevant provisions prior to expiration of the deadline, penalties shall be assessed starting on the day after the final day of the limited time period.
2. If the responsible party has reported completion of improvement with complete set of verification documents pursuant to this Act and its relevant provisions prior to expiration of the deadline, but the competent authority deems the improvement not yet completed upon performing verification prior to the deadline, penalties shall be assessed starting on the day after the final day of the limited time period. If the competent authority deems improvement not yet completed upon performing verification after the deadline, penalties shall be assessed starting on the day of verification.

Article 28

If those subject to consecutive daily fines pursuant to Article 35 and Article 36 of this Act complete improvement and submit a complete set of verification documents to the competent authority, the issuance of disciplinary citations shall be temporarily suspended starting the following day.

If the verification results indicate failure to comply with regulations, the competent authority shall again issue disciplinary citations from the day of the temporary suspension of disciplinary citations in the foregoing paragraph, and the responsible party shall continue to be subject to consecutive daily fines. If verification results indicate compliance with regulations, the responsible party shall cease to be subject to consecutive daily fines from the day of the temporary suspension of disciplinary citations in the foregoing paragraph.

Article 29

When a land development plan and soil and groundwater pollution remediation plan submitted pursuant to Article 46, Paragraph 2 of this Act are submitted simultaneously, the industry competent authority in charge of land development and the competent authority shall perform review and approval in accordance with relevant laws and regulations in mutual consultation.

Article 30

The central competent authority shall determine the format of all certificates, disciplinary citations, referrals, and other documents and forms designated in this Act and these Rules.

Article 31

The competent authority with local jurisdiction shall compile a table listing violations of this Act and their case status in January and July of each year for submission to the central competent authority to be filed for future reference.

Article 32

These Rules shall take effect on the date of promulgation.