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Law of the People's Republic of China on Prevention and Control of Water Pollution

(adopted on May 11, 1984)

(amended on May 15, 1996)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted for the purposes of preventing and controlling water pollution, protecting and improving the environment, safeguarding human health, ensuring effective utilization of water resources and promoting progress of the socialist modernization drive.

Article 2 This Law applies to prevention and control of pollution of rivers, lakes, canals, irrigation channels, reservoirs and other surface water bodies and of ground water bodies within the territory of the People's Republic of China.

This Law is not applicable to prevention and control of marine pollution, which is provided for by a separate law.

Article 3 Relevant departments under the State Council and local people's governments at various levels must incorporate protection of the water environment into their plans and adopt ways and measures to prevent and control water pollution.

Article 4 The environmental protection departments of the people's governments at various levels shall be the organs exercising unified supervision and management of prevention and control of water pollution.

Navigation administration offices of the communications departments at various levels shall be the organs exercising supervision and management of pollution caused by ships.

Water conservancy administration departments, public health administration departments, geological and mining departments, municipal administration departments, and water sources protection agencies for major rivers of the people's governments at various levels shall, through performing their respective functions and in conjunction with environmental protection departments, exercise supervision over and management of prevention and control of water pollution.

Article 5 All units and individuals shall have the duty to protect the water environment and the right to supervise and inform against any pollution or damage to the water environment.

Any unit or individual that has suffered damage directly from a water pollution hazard shall have the right to demand elimination of the hazard and compensation for the damage by the polluter.

CHAPTER II ESTABLISHMENT OF STANDARDS FOR WATER ENVIRONMENT QUALITY AND FOR DISCHARGE OF WATER POLLUTANTS

Article 6 The environmental protection department under the State Council shall establish the national standards for water environment quality.

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The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their own local standards for the items that are not specified in the national standards for water environment quality and report the same to the environmental protection department under the State Council for the record.

Article 7 The environmental protection department under the State Council shall, in line with the national standards for water environment quality and the country's economic and technological conditions, establish the national standards for discharge of water pollutants.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their own local standards for the items that are not specified in the national standards for discharge of water pollutants. With regard to the items that are already specified in the national standards for discharge of water pollutants, they may establish more stringent local standards than the national standards. All local standards must be reported to the environmental protection department under the State Council for the record.

Those who discharge pollutants into any water body for which local standards have been established shall observe such local standards.

Article 8 The environmental protection department under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in line with the requirements of prevention and control of water pollution and the country's economic and technological conditions, amend in due time their standards for water environment quality and for discharge of water pollutants.

CHAPTER III SUPERVISION AND MANAGEMENT OF PREVENTION AND CONTROL OF WATER POLLUTION

Article 9 Relevant departments under the State Council and local people's governments at various levels shall, when developing, utilizing, regulating and allocating water resources, make integrated plans for maintaining proper river flows, proper water levels of lakes, reservoirs and proper ground water tables, in order to retain the natural purification capacity of water bodies.

Article 10 To prevent and control water pollution, it is necessary to make unified plans on the basis of river basins or regions. Plans for preventing and controlling water pollution of basins of major rivers, designated as such by the State, shall be formulated by the environmental protection department under the State Council, together with the competent department of planning, water conservancy administration department and other departments concerned as well as the people's governments of relevant provinces, autonomous regions and municipalities directly under the Central Government, and shall be submitted to the State Council for approval.

Plans for preventing and controlling water pollution of basins of other rivers that run across provinces or counties shall be formulated, in line with the plans for preventing and controlling water pollution of basins of major rivers, designated as such by the State, and in light of actual local conditions, by the environmental protection departments of the people's governments at or above the provincial level, together with the water conservancy administration departments and other departments concerned as well as the relevant local people's governments, and shall be submitted to the State Council or the people's governments at the provincial level for approval. Plans for preventing and controlling water pollution of basins of other rivers that run across counties but not provinces shall be submitted by the people's government of the province concerned to the State Council for the record.

Plans for preventing and controlling water pollution, once approved, shall serve as the essential basis for prevention and control of water pollution, and any modification of such plans shall be subject to approval of the original

departments that approved the plans.

Local people's governments at or above the county level shall, in accordance with the approved plans for preventing and controlling water pollution of river basins, organize people to work out plans for preventing and controlling water pollution for their own administrative regions and incorporate such plans in the long-term, medium-term and annual plans of their administrative regions for national economic and social development.

Article 11 Relevant departments under the State Council and local people's governments at various levels shall make rational plans for the geographical distribution of industries, subject those enterprises that cause water pollution to rectification and technological updating, adopt comprehensive prevention and control measures, increase the rate of water recycling, utilize resources rationally and reduce discharge of waste water and pollutants.

Article 12 The people's governments at or above the county level may delineate protection zones for water bodies in scenic or historic sites, major fishery water bodies and other water bodies of special economic or cultural value, and take measures to ensure that the water quality in those protection zones complies with the standards for the designated uses.

Article 13 New construction projects and expansion or reconstruction projects and other installations on water that directly or indirectly discharge pollutants to water bodies shall be subject to relevant State regulations governing environmental protection for such projects.

In the environmental impact statement of a construction project an assessment shall be made regarding the water pollution hazards the project is likely to produce and its impact on the ecosystem, and measures for their prevention and control shall be prescribed. The statement shall be submitted, according to the specified procedure, to the relevant environmental protection department for examination and approval. The building of sewage outlets within any water conservancy projects such as canals, irrigation channels and reservoirs shall be subject to consent of the relevant department in charge of water conservancy projects.

The facilities for prevention and control of water pollution must be designed, constructed and put to use or into operation simultaneously with the main part of a construction project. Such facilities must be inspected by the environmental protection department. If they do not conform to the specified requirements, the said project shall not be permitted to be put into operation or to use.

An environmental impact statement shall contain comments and suggestions of the units and residents in the place where the construction project is located.

Article 14 Enterprises and institutions that discharge pollutants directly or indirectly into a water body shall, pursuant to the regulations of the environmental protection department under the State Council, report to and register with the local environmental protection department their existing facilities for discharging and treating pollutants, and the categories, quantities and concentrations of pollutants discharged under their normal operating conditions, and also provide to the same department technical information concerning prevention and control of water pollution.

The enterprises and institutions mentioned in the preceding paragraph shall report without delay any substantial change in the categories, quantities or concentrations of the pollutants discharged. Their facilities for treating water pollutants must be kept in normal operation; when such facilities are to be dismantled or left idle, the matter must be reported in advance to the environmental protection department of the local people's government at or above the county level for approval.

Article 15 Enterprises and institutions that discharge pollutants into a water

body shall pay a pollutant discharge fee in accordance with State regulations; if the discharge exceeds the limits set by the national or local standards, they shall pay a fee for excess discharge according to State regulations.

The fees paid for pollutant discharge and for excess discharge must be used for prevention and control of water pollution and may not be used for any other purposes.

Enterprises and institutions that discharge pollutants in excess of the standards must work out plans to make the discharge conform to the standards, and shall submit, for the record, such plans to the environmental protection department of the local people's government at or above the county level in the place where they are located.

Article 16 With regard to water bodies where the standards for water environment quality established by the State still cannot be attained although the discharge of water pollutants has conformed to the discharge standards, the people's governments at or above the provincial level may institute a system for control of the total discharge of major pollutants, and a system for making an estimate before deciding on the quantity of major pollutants to be discharged by an enterprise that is charged with the task of reducing its discharge. Specific measures shall be formulated by the State Council.

Article 17 The environmental protection department under the State Council may, together with the water conservancy administration department under the State Council and the provincial people's government concerned and in light of the utilization functions determined by the State for water bodies of major river basins as well as the economic and technological conditions of the related regions, establish water environment quality standards applicable to water bodies of such major river basins within the provincial boundaries, and such standards shall be put into practice after being reported to and approved by the State Council.

Article 18 Water resources protection agencies for major river basins determined as such by the State shall be responsible for monitoring the water environment quality conditions of such river basins within the boundaries of the provinces where they are located and shall, without delay, report the monitoring findings to the environmental protection department under the State Council and the water conservancy administration department under the State Council; where there are leading bodies for protection of water resources of the river basins that are set up with the approval of the State Council, such findings shall, without delay, be reported to those leading bodies.

Article 19 Urban sewage shall be centrally treated.

Relevant departments under the State Council and the local people's governments at various levels must incorporate protection of urban water sources and prevention and control of urban water pollution in their respective plans for urban construction, construct and improve networks of urban drainage pipelines, construct facilities for central treatment of urban sewage according to plans, and improve all-round treatment and control of urban water environment.

Facilities for central treatment of urban sewage shall be, according to State regulations, provided for use with compensation, that is, a sewage treatment fee shall be collected so as to ensure normal operation of the facilities. Those who discharge sewage to the central treatment facilities and pay the fees for sewage treatment shall be exempted from the pollutant discharge fee. Sewage treatment fees collected shall be used for the construction and operation of the facilities for central treatment of urban sewage and may not be used for other purposes.

Specific measures for collection, control and use of the fees for facilities for central treatment of urban sewage shall be formulated by the State Council.

Article 20 The people's governments at or above the provincial level may delineate surface sources protection zones for domestic and drinking water according to law. Such protection zones shall be divided into first-grade protection zones and protection zones of other grades. Certain water areas and land-based areas near the intakes of domestic and drinking surface water sources may be delineated as the first-grade protection zones. Certain water areas and land-based areas beyond the first-grade protection zones may be delineated as protection zones of other grades. Protection zones of all grades shall be indicated by clear geographic demarcations.

It is forbidden to discharge sewage into water bodies within the first-grade surface sources protection zones for domestic and drinking water.

It is forbidden to travel, swim or carry out other activities within the first-grade surface sources protection zones for domestic and drinking water that may possibly cause pollution to the water body.

It is forbidden to construct or expand within the first-grade surface sources protection zones for domestic and drinking water, any projects that have nothing to do with water supply facilities and protection of water sources.

With regard to sewage outlets already built in the first-grade surface sources protection zones for domestic and drinking water, the people's governments at or above the county level shall, pursuant to the limits of power authorized by the State Council, order that they be dismantled or treated within a time limit.

The protection of ground sources for domestic and drinking water shall be strengthened.

Specific measures for protection of domestic and drinking water sources shall be formulated by the State Council.

Article 21 In case of emergency, such as severe pollution of a domestic and drinking water source which threatens the safe supply of water, the environmental protection department shall, with the approval of the people's government at the same level, take compulsory emergency measures, including ordering the enterprises or institutions concerned to reduce or stop the discharge of pollutants.

Article 22 Enterprises shall employ clean production techniques that facilitate high utilization efficiency of raw and semi-finished materials and reduced discharge of pollutants and improve management to decrease water pollutants.

The State shall institute a system for eliminating outdated production techniques and equipment which seriously pollute the water environment.

The competent department for comprehensive economic and trade affairs under the State Council shall, together with the relevant departments under the State Council, publish the catalogue for techniques which seriously pollute the water environment and for stopping the use of which a time limit is fixed, as well as the catalogue of equipment which seriously pollute the water environment and for stopping the manufacture, sale, import and use of which a time limit is fixed.

Manufacturers, sellers, importers and users must, within the time limit fixed by the competent department for comprehensive economic and trade affairs under the State Council together with the relevant departments under the State Council, stop manufacturing, selling, importing or using the equipment listed in the catalogue mentioned in the preceding paragraph. Users of the production techniques listed in the catalogue mentioned in the preceding paragraph must stop using such production techniques within the time limit fixed by the competent department for comprehensive economic and trade affairs under the State Council together with relevant departments under the State Council.

No equipment that has been eliminated according to the provisions of the

preceding two paragraphs may be transferred to others for use.

Article 23 The State shall forbid construction of any small enterprises, devoid of measures for prevention and control of water pollution, that seriously pollute the water environment, such as chemical pulp mills, printing and dyeing mills, dyestuff mills, tanneries, electroplating factories, oil refineries and pesticides manufacturers.

Article 24 Any pollutant discharging unit that causes serious pollution to a water body shall be ordered to treat the pollution within a time limit.

For enterprises and institutions directly under the jurisdiction of the Central Government or the people's government of a province, autonomous region or municipality directly under the Central Government, a proposal on the time limit shall be made by the environmental protection department of the people's government of the province, autonomous region or municipality directly under the Central Government and submitted to the people's government at the same level for decision. For enterprises and institutions under the jurisdiction of the people's government at or below the county or city level, a proposal on the time limit shall be made by the environmental protection department of the people's government of the city or county and submitted to the people's government at the same level for decision. The pollutant discharging units shall accomplish treatment of the pollution as scheduled.

Article 25 Environmental protection departments and relevant supervision and management departments of the people's governments at various levels shall have the power to carry out on-site inspections of pollutant discharging units under their jurisdiction, and the units under inspection must report the situation truthfully and provide the necessary information. The inspecting authorities shall have the obligation to keep the technological and business secrets of the units inspected.

Article 26 Disputes over water pollution involving two or more administrative regions shall be settled through consultation by the local people's governments concerned, or through mediation by their people's government at a higher level.

CHAPTER IV PREVENTION OF SURFACE WATER POLLUTION

Article 27 No sewage outlet may be built in the protection zones for domestic and drinking water sources, for water bodies at scenic or historic sites, for important fishery water bodies and for other water bodies of special economic and cultural value. If a sewage outlet is to be built in the vicinity of such protection zones, the water bodies within those zones must be protected against pollution.

Sewage outlets that have already been built prior to promulgation of this Law, but that discharge pollutants in excess of the limits set by the national or local standards shall be tackled and brought under control. Any outlet that endangers drinking water sources shall be relocated.

Article 28 If a pollutant discharging unit, as a result of an accident or other exigency, discharges pollutants in excess of normal quantities and thus causes or may possibly cause a water pollution accident, it shall immediately take emergency measures, inform such units as are likely to be endangered or damaged by the water pollution and report the matter to the local environmental protection department. Where a ship has caused a pollution accident, it shall report the matter to the nearest navigation administration office for investigation and disposal.

Where a pollution accident occurs to fishery, the matter shall be investigated and handled by the fishery supervision and administration department.

Article 29 It is forbidden to discharge any oil, acid or alkaline solutions or

deadly toxic liquid waste into any water body.

Article 30 It is forbidden to wash and clean in any water body any vehicles or containers which have been used for storing oil or toxic pollutant.

Article 31 It is forbidden to discharge or dump into any water body or directly bury deadly toxic soluble slag, tailings, etc. containing such substances as mercury, cadmium, arsenic, chromium, lead, cyanide and yellow phosphorus.

Sites for depositing deadly toxic soluble slag, tailings, etc. shall be made waterproof and protected against seepage and leaking.

Article 32 It is forbidden to discharge or dump industry waste residues, urban refuse or other wastes into any water body.

Article 33 It is forbidden to pile or deposit solid wastes and other pollutants on beaches and bank slopes below the highest water level of rivers, lakes, canals, irrigation channels and reservoirs.

Article 34 It is forbidden to discharge or dump radioactive solid wastes or waste water containing any high-or medium-level radioactive substances into any water body.

Any discharge of waste water containing low-level radioactive substances into any water body must comply with the regulations and standards of the State for radioactive protection.

Article 35 Where heated waste water is discharged into any water body, measures shall be taken to ensure that the temperature of the water body conforms to the standards for water environment quality, so as to prevent any heat pollution hazard.

Article 36 Pathogen-contaminated sewage may be discharged only after it is disinfected to meet the relevant standards of the State.

Article 37 Where industrial waste water or urban sewage is discharged into farmland irrigation channels, attention shall be paid to ensuring that the water quality at the nearest irrigation intake downstream conforms to the standards for the farmland irrigation water quality.

When industrial waste water or urban sewage is used for irrigation, attention shall be paid to guarding against pollution of the soil, ground water and agricultural products.

Article 38 The application of pesticides shall comply with the regulations and standards of the State for their safe use.

Transportation and storage of pesticides and disposal of expired or ineffective pesticides shall be strictly controlled to prevent water pollution.

Article 39 The administrative departments for agriculture and other departments concerned of the local people's governments at or above the county level shall take measures to provide guidance to agricultural producers as to how to apply fertilizers and pesticides scientifically and rationally, so as to prevent their excessive use and water pollution.

Article 40 The discharge of oil-bearing waste water or domestic sewage from ships shall comply with the standards for pollutant discharge by ships. Ocean-going ships, on entering inland rivers or harbors, shall observe the standards for pollutant discharge by inland river ships.

Residual oil or waste oil of ships must be recovered, and its discharge into any

water body shall be forbidden.

It is forbidden to dump ship refuse into any water body.

Where ships are being loaded with or transporting oils or toxic cargoes, measures must be taken against any spillage or leakage of the oils and against such cargoes from falling into water, in order to prevent water pollution.

CHAPTER V PREVENTION OF GROUND WATER POLLUTION

Article 41 Enterprises and institutions shall be forbidden to discharge or dump waste water containing toxic pollutants or pathogens or other wastes into seepage wells or pits, crevices or karst caves.

Article 42 At places where no satisfactory impervious strata exist, enterprises and institutions shall be forbidden to use ditches, pits or ponds devoid of safeguards against seepage for conveyance or storage of waste water containing toxic pollutants or pathogens, or of other wastes.

Article 43 In exploiting ground water from multiple aquifers, layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. No combined exploitation of perched water and artesian water already polluted may be permitted.

Article 44 While constructing underground engineering facilities or carrying out underground prospecting, mining and other underground activities, protective measures shall be taken to prevent ground water pollution.

Article 45 Artificial recharge for ground water may not deteriorate the quality of ground water.

CHAPTER VI LEGAL LIABILITY

Article 46 Any one who, in violation of the provisions of this Law, commits any of the following acts, shall, in light of the seriousness of the case, be warned or fined by the environmental protection department or by the navigation administration office of the communications department:

- (1) refusing to report or submitting a false report on items for which registration is required by the environmental protection department under the State Council for discharge of pollutants;
- (2) refusing an on-site inspection by the environmental protection department or the supervision and management department concerned, or resorting to deception;
- (3) storing, piling, abandoning, dumping or discharging any pollutant or waste in violation of the relevant provisions of Chapters IV and V of this Law; or
- (4) failing to pay, as provided for by the State, the fee for pollutant discharge or for excess discharge.

The amount of fine and the procedure for its imposition shall be stipulated in the rules for implementation of this Law.

Article 47 If any unit, in violation of the provisions of the third paragraph of Article 13 of this Law, puts into production or to use a construction project for which the construction of facilities for prevention and control of water pollution has not been completed or whose facilities for prevention and control of water pollution fail to meet the requirements laid down by the State, the environmental protection department that approved the environmental impact statement of the said project shall order the unit to suspend production or use,

and may also impose a fine on it.

Article 48 If any pollutant discharging unit, in violation of the provisions of the second paragraph of Article 14 of this Law, intentionally does not use the water pollutant treatment facilities in a normal manner, or dismantles or lays idle such facilities without approval of the environmental protection department and thus discharges pollutants in excess of the standards, the environmental protection department of the local people's government at or above the county level shall order the unit to restore the normal use or to re-install and use the facilities within a time limit, and may also impose a fine on it.

Article 49 If any unit, in violation of the provisions of the fourth paragraph of Article 20 of this Law, constructs or expands, within a first-grade surface sources protection zone for domestic and drinking water, the people's government at or above the county level shall, pursuant to the limits of power authorized by the State Council, order the unit to suspend operation or to close down.

Article 50 If any unit, in violation of the provisions of Article 22 of this Law, manufactures, sells, imports or uses equipment that is prohibited from being manufactured, sold, imported or used or employs production techniques that are prohibited from being employed, the competent department for comprehensive economic and trade affairs of the people's government at or above the county level shall order to set it right; if the violation is serious, the competent department for comprehensive economic and trade affairs of the people's government at or above the county level shall submit a proposal to the people's government at the same level that it, within the limits of its power authorized by the State Council, order the unit to suspend operation or to close down.

Article 51 If, in violation of the provisions of Article 23 of this Law, a small enterprise devoid of water pollution prevention and control measures is constructed and thus it causes severe pollution to the water environment, the people's government of the city or county where it is located or the people's government at a higher level shall order it to close down.

Article 52 An enterprise or institution which has caused severe pollution to a water body but has failed to eliminate such pollution on expiration of the time limit shall, according to regulations of the State, pay twice or more the fee for excess discharge, and may, in the light of consequent damage and loss, also be fined or ordered to suspend operation or close down.

The fine shall be decided by the environmental protection department. The order for suspension of operation or shutdown of an enterprise or institution shall be issued by the local people's government which sets the time limit for elimination of the pollution; The order for suspension of operation or shutdown of an enterprise or institution under direct jurisdiction of the Central Government shall be submitted to the State Council for approval.

Article 53 If a pollutant discharging unit, in violation of the provisions of this Law, causes a water pollution accident, the environmental protection department of the people's government at or above the county level in the place where the accident occurs shall, in light of the consequent damage and loss, impose a fine on it.

If a unit causes a fishery pollution accident or a ship causes a water pollution accident, the fishery supervision and administration department or the navigation administration office of the communications department in the place where the accident occurs shall impose a fine on the unit or ship in light of the consequent damage and loss.

If a water pollution accident is relatively serious, the persons who are responsible for the accident shall be given administrative sanctions by the unit

to which they belong or by the competent department at a higher level.

Article 54 A party that refuses to accept the decision on administrative penalty may, within 15 days from the date of receiving the notification, bring a suit in a People's Court; if the party, upon expiration of the period, neither brings a suit nor complies with the decision, the organ which made the decision on the penalty shall apply to the People's Court for enforcement.

Article 55 A unit which has caused a water pollution hazard shall have the responsibility to eliminate it and make compensation to the unit or individual that has suffered direct losses.

A dispute over liability to make compensation or the amount of compensation may, at the request of the parties, be settled by the environmental protection department or by the navigation administration office of the communications department. If a party refuses to accept the settlement decision, he may bring a suit to a People's Court. The party may also bring a suit to a People's Court directly.

If the loss from water pollution is caused by a third party intentionally or negligently, the third party shall be liable to make compensation.

If the loss from water pollution is caused due to the victim's own fault, the pollutant discharging unit shall bear no liability for it.

Article 56 If the loss from water pollution is caused entirely by irresistible natural disasters which cannot be averted even after reasonable measures have been promptly taken, the party concerned shall be exempted from liability.

Article 57 If any one, in violation of the provisions of this Law, gives rise to a major water pollution accident which leads to any heavy loss to public or private property or serious injury to or death of a person, the persons who are responsible for it may be investigated for criminal responsibility by applying mutatis mutandis the provisions of Article 115 or Article 187 of the Criminal Law.

Article 58 If any supervisor or administrator from the environmental protection department or any other State functionary abuses his power, neglects his duty or engages in malpractice for personal gain, the unit to which he belongs or the competent department at a higher level shall give him an administrative sanction; if a crime is constituted, he shall be investigated for criminal responsibility according to law.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 59 The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government shall, with reference to the principles of this Law, formulate control measures governing discharge of pollutants by private industrialists and businessmen who cause serious pollution.

Article 60 For the purpose of this Law, the definitions of the following terms are:

- (1) "Water pollution" means the introduction into a water body of any substance which alters the chemical, physical, biological or radioactive properties of the water in such a way as to affect its effective use, endanger human health, damage the ecosystem or deteriorate the water quality.
- (2) "Pollutant" means a substance that is capable of causing water pollution.
- (3) "Toxic pollutant" means a pollutant that, when ingested by organisms directly or indirectly, leads to diseases, abnormal behaviour, genetic mutation,

physiological functional disturbance, organism deformity or death of the organisms themselves or their offsprings.

(4) "Oil" means any kind of oils or its refined products.

(5) "Fishery water bodies" means those parts of water bodies designated for the spawning, feeding, wintering or migratory passage of fish or shrimp, and for breeding fish, shrimp or shellfish or growing algae.

Article 61 The environmental protection department under the State Council shall, on the basis of this Law, formulate detailed rules for implementation of this Law, which shall be put into effect after being submitted to and approved by the State Council.

Article 62 This Law shall come into force on May 15, 1996.

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