

Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste

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Chapter I GENERAL PROVISIONS

Article 1

This Law is enacted for the purpose of preventing and controlling environmental pollution by solid waste, safeguarding human health, safeguarding the ecological environment and promoting the sustainable development of economy and society.

Article 2

This Law shall apply to the prevention and control of environmental pollution by solid waste within the territory of the People's Republic of China.

This Law shall not apply to the prevention and control of marine environmental pollution by solid waste or of environmental pollution by radioactive solid waste.

Article 3

The State shall, in preventing and controlling environmental pollution by solid waste, implement the principles of reducing the discharge volume and hazardousness of solid waste, fully and rationally utilizing solid waste, and making it hazardless through treatment as well as promoting clean production and recyclable economic development.

The State shall adopt economic and technical policies and measures that facilitate the comprehensive utilization of solid waste and implement full recovery and rational utilization of solid waste.

The State shall encourage and support adoption of measures for centralized treatment of solid waste in favor of environmental protection and promote the development of the industry of prevention and control of environmental pollution by solid waste.

Article 4

The people's governments at or above the county level shall include the prevention and control of environmental pollution by solid waste into national economic and social development programs and adopt economic and technical policies and measures to facilitate the prevention and control of environmental pollution by solid waste.

Relevant departments under the State Council, the people's governments at or above the county level and relevant departments under the governments thereof, when organizing and working on the planning for urban and rural construction, land use, regional development and industrial development, shall take into account as a whole to reduce the discharge volume and hazardousness of solid waste and promote the comprehensive utilization and harmless treatment of solid waste.

Article 5

The State shall, in preventing and controlling environmental pollution by solid waste, implement the principle of legal accountability by the person causing pollution. The producers, sellers, importers and users of the products shall bear liability according to law for preventing and controlling environmental pollution by the solid waste generated from their products.

Article 6

The State shall encourage and support scientific research, technological development, and dissemination of advanced prevention and control technology as well as of scientific knowledge in the field of prevention and control of environmental pollution by solid waste. The people's governments at various levels shall strengthen the propagandistic education on preventing and controlling environmental pollution by solid waste and advocate the production mode and life style that are good for environmental protection.

Article 7

The State shall encourage units and individuals to purchase and use recycled products and recyclable products.

Article 8

The people's governments at various levels shall give awards to units and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid waste and in its comprehensive utilization.

Article 9

Any unit and individual shall have the obligation to protect the environment and shall have the right to report or file charges against units or individuals that cause environmental pollution by solid waste.

Article 10

The competent administrative department of environmental protection under the State Council shall conduct unified supervision and administration of the prevention and control of environmental pollution by solid waste throughout the country. The relevant departments under the State Council shall be responsible for supervision and administration of the prevention and control of environmental pollution by solid waste within their respective functions and responsibilities.

The competent administrative departments of environmental protection under the local people's governments at or above the county level shall conduct unified supervision and administrative of the prevention and control of environmental pollution by solid waste within their jurisdictions. The relevant departments of local people's governments at or above the county level shall be responsible for supervision and administration of the prevention and control of environmental pollution by solid waste within their respective functions and responsibilities. The competent administrative department of construction under the State Council and the competent administrative departments of environmental sanitation under the local people's governments at or above the county level shall be responsible for supervision and administration with regard to cleaning up, collection, storage, transportation and treatment of house refuse.

Chapter II SUPERVISION AND ADMINISTRATION OF THE PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY SOLID WASTE

Article 11

The competent administrative department of environmental protection under the State Council shall, jointly with relevant competent administrative departments under the State Council, enact national technical norms for preventing and controlling environmental pollution by solid waste according to the national environmental quality standards and economic and technical conditions of the State.

Article 12

The competent administrative department of environmental protection under the State Council shall establish a system for monitoring environmental pollution by solid waste, formulate unified monitoring standards and, in conjunction with relevant departments, set up a monitoring network. The competent administrative departments of environmental pollution under the people's governments of large and medium-sized municipalities shall regularly publicize information on categories, discharge volume and disposal of solid waste.

Article 13

Construction of projects which discharge solid waste and of projects for storage, utilization and treatment of solid waste shall be conducted environmental effect evaluation according to

law and be in compliance with the relevant provisions of the State concerning the administration of environmental protection in respect of construction projects.

Article 14

The necessary supporting installations for the prevention and control of environmental pollution by solid waste specified in the statement of the effect of the construction project shall be designed, built and put into operation simultaneously with the main part of the project. The construction project shall be put into production or use, only after the installations for the prevention and control of environmental pollution by solid waste are examined and considered up to standards by the competent administrative department of environmental protection that examined and approved the statement of environmental effect. The installations for the prevention and control of environmental pollution by solid waste shall be checked and accepted at the same time as the main part of the project is checked and accepted.

Article 15

The competent administrative department of environmental protection of the people's government at or above the county level and other supervisory and administrative departments for the prevention and control of environmental pollution by solid waste shall, in accordance with their respective functions and responsibilities, have the right to conduct on-site inspection of units within their jurisdictions that have to do with the prevention and control of environmental pollution by solid waste. Units under inspection shall truthfully report the situation and provide the necessary information. The inspection authorities shall keep confidential the technological know-how and business secrets of the units inspected.

The inspection authorities may adopt measures such as on-site monitoring, collecting samples, consulting or copying the materials concerning prevention and control of environmental pollution by solid waste. Inspectors shall show their identification papers when they conduct on-site inspection.

Chapter III PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY SOLID WASTE

Section I Basic Provisions

Article 16

Units and individuals that discharge solid waste shall adopt measures to prevent or reduce environmental pollution by solid waste.

Article 17

Units and individuals that collect, store, transport, utilize or treat solid waste shall take measures to prevent the scattering, running off, leaking and seeping of solid waste, as well as other measures against environmental pollution; it shall not be allowed to dump, pile up, discard or let drop solid waste without authorization.

All units and individuals shall be prohibited to dump or pile up solid waste to rivers, lakes, canals, channels, reservoirs and the bottomlands, banks and slopes below the highest water lines of such sites, and other sites that are prohibited dumping and piling up castoffs by laws and regulations.

Article 18

The design and manufacturing of products and packaging materials shall be in compliance with relevant provisions concerning clean production of the State. The competent administrative department of standardization under the State Council shall, according to economic and technical conditions of the State, the situations on prevention and control of environmental pollution by solid waste, and technical requirements of products, organize to enact relevant standards in order to prevent from environmental pollution by excessive package. The enterprises producing, selling and importing the products and packaging materials that have been listed in the catalogue of compelled reclamation as prescribed by law shall reclaim such products and packaging materials according to relevant provisions of the State.

Article 19

The State shall encourage research institutions and production units to research and manufacture film covers and commodity packaging materials that are easy to be recycled or treated, or easy to dissolve or be degraded in the environment. Units and individuals that use agricultural film shall take measures to recycle it or other measures to prevent or reduce environmental pollution by agricultural film.

Article 20

Those who engage in aquaculture of domestic animals and fowls shall, according to relevant provisions of the State, collect, store, utilize or treat excrement and urine of domestic animals and fowls generated during the course of breeding in order to prevent from environmental pollution. It shall be prohibited to burn stalks in the population centralized regions, around the airports, around the communication trunk lines, and the regions delimited by the local people's governments.

Article 21

Administration and maintenance of installations, equipments and places for collection, storage, transportation and treatment of solid waste shall be improved so as to ensure their normal operation and function.

Article 22

Within the nature reserves, scenic spots or historical sites, areas of source of drinking water, and areas of basic agricultural fields as designated by the State Council, the relevant competent departments under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and other zones that need special protection, it shall be forbidden to construct installations or use the places for centralized storage and treatment of industrial solid waste or garbage-fill ground.

Article 23

Transport of solid waste out of the administrative region of a province, autonomous region or municipality directly under the Central Government for storage or treatment shall be applied to the competent administrative department of environmental protection of the people's government of a province, autonomous region or municipality directly under the Central Government in the region where the solid waste is to be moved out. The competent administrative department of environmental protection of the people's government of a province, autonomous region or municipality directly under the Central Government in the region where the solid waste is to be moved out shall, after consulting with and being consented by the competent administrative department of environmental protection of the people's government of a province, autonomous region or municipality directly under the Central Government in the region where the solid waste is to be moved in, approve the transportation of such solid waste out of the administrative region of the province, autonomous region or municipality directly under the Central Government. Movement shall not be conducted without approval.

Article 24

It shall be forbidden for solid waste from abroad to be dumped, piled up or treated in the territory of the People's Republic of China.

Article 25

Import of solid waste that cannot be used as raw materials or cannot be utilized in harmless way shall be forbidden; the solid materials that can be used as raw materials shall be imposed of the administration of import restriction and classification of automatically licensed import.

The competent administrative department of environmental protection under the State Council shall, in conjunction with the competent administrative department of foreign trade under the State Council, department of economic comprehensive macro-control under the State Council, the Customs General Administration and department of quality supervision, inspection and quarantine under the State Council, prepare, readjust and publish a catalogue of solid waste of which the import is forbidden, restricted or automatically licensed. The solid waste of which the import is listed in the catalogue of restricted import shall be examined and licensed by the competent administrative department of environmental protection under the State Council jointly with the competent department of foreign trade under the State Council. The solid waste of which the import is listed in the catalogue of automatically licensed import shall be gone through the procedures of automatic license according to law. The import of solid waste shall comply with the national environmental protection standards and pass the inspection of the departments of quality supervision, inspection and quarantine.

Specific measures for administration of import of solid waste shall be enacted by the competent administrative department of environmental protection under the State Council jointly with the competent administrative department of foreign trade under the State Council, department of economic comprehensive macro-control under the State Council, the Customs General Administration and department of quality supervision, inspection and quarantine under the State Council.

Article 26

If an importer disagrees with the Customs to categorize his imported goods into the scope of solid waste administration, he may apply for administrative reconsideration according to law and also may bring an administrative lawsuit to the people's court.

Section II Prevention and Control of Environmental Pollution by Industrial Solid Waste

Article 27

The competent administrative department of environmental protection under the State Council shall, jointly with the department of economic comprehensive macro-control under the State Council, define the environmental pollution by industrial solid waste, work out technical policies regarding the prevention and control thereof, and organize the dissemination of advanced production techniques and equipments for the prevention and control of environmental pollution by industrial solid waste.

Article 28

The department of economic comprehensive macro-control under the State Council shall, jointly with other relevant departments under the State Council, organize the research, development and dissemination of the production techniques and equipments that will serve to reduce the discharge and hazardousness of industrial solid waste, and promulgate the list of backward production techniques and equipment that discharge industrial solid waste causing severe environmental pollution and that should be eliminated within a specified period of time .

Producers, sellers, importers, and users must stop producing, selling, importing or using the equipment included in the list stipulated in the preceding Paragraph within the period of time specified by the department of economic comprehensive macro-control under the State Council in conjunction with other relevant departments under the State Council. Users of the production techniques must stop the process techniques included in the list mentioned in the preceding Paragraph within the period of time specified by the department of economic comprehensive macro-control under the State Council jointly with other relevant departments under the State Council.

Equipments eliminated in accordance with the time-limited elimination catalogue shall not be transferred to another for use.

Article 29

The relevant departments of the people's governments at or above the county level shall formulate a program for the prevention and control of environmental pollution by industrial solid waste, disseminate the advanced production techniques and equipment which can reduce the discharge volume and hazardousness of industrial solid waste, and promote the prevention and control of environmental pollution by industrial solid waste.

Article 30

Units discharging industrial solid waste shall establish and improve the responsibility system for the prevention and control of environmental pollution and adopt measures for the prevention and control of environmental pollution by industrial solid waste.

Article 31

Enterprises and institutions shall rationally select and use raw materials, energy and other resources, and adopt advanced production techniques and equipment, thereby reducing the discharge of industrial solid waste and decreasing the hazardousness of industrial solid waste.

Article 32

The State shall institute a system of report and registration for industrial solid waste.

Units discharging industrial solid waste shall, in accordance with the provisions of the competent administrative department of environmental protection under the State Council, provide information about the category, quantity, flow direction, storage treatment and other matters concerning industrial solid waste to the competent administrative department of environmental protection under the local people's government at or above the county level in the place where such units are located.

If the reported matters as prescribed in the preceding Paragraph have major changes, they shall be promptly reported.

Article 33

Enterprises and institutions shall make use of their industrial solid waste based on their economic and technical conditions; shall, in accordance with the provisions of the competent administrative department of environmental protection under the State Council, build installations and sites for storage unrecyclable or temporarily unrecyclable industrial solid waste, store industrial waste in classification safely, or make it harmless through treatment.

Installations and sites built for storage or treatment of industrial solid waste shall be subject to the national environmental protection standards.

Article 34

It shall be forbidden to, without authorization, close, leave idle or dismantle installations and sites for prevention and control of environmental pollution caused by industrial solid waste. If it is really necessary to close, leave idle or dismantle such installations and sites, it shall be subject to the verification and approval by the competent administrative department of environmental sanitation and the competent administrative department of environmental protection under the local people's government at or above the county level, and measures shall be taken to prevent from environmental pollution.

Article 35

If a unit generating industrial solid waste needs to be terminated, it shall adopt measures for prevention and control of environmental pollution on the installations and sites built for

storage or treatment of industrial solid waste in advance, and properly dispose the untreated industrial solid waste in order to prevent from environmental pollution.

If a unit generating industrial solid waste changes, the unit after the changes shall conduct safety treatment to the untreated industrial solid waste and its installations and sites for storage and treatment or adopt relevant measures to ensure the safe running of such installations and sites according to relevant provisions concerning environmental protection of the State. If there is an agreement, prior to the changes, by and between the concerned persons on the liability for prevention and control of pollution by industrial solid waste and its installations and sites for storage and treatment, such agreement shall be followed; however, the obligations of preventing and controlling pollution of the concerned parties shall not be exempted. The expenses for safety disposal of untreated industrial solid waste and its installations and sites for storage and treatment of the units that have been terminated before the implementation of this Law shall be born by relevant people's governments; however, if the right of land use of such units has been transferred according to law, the transferees of the right of land use shall bear the expenses thereof. If there is a separate agreement between the concerned parties, such agreement shall be followed; but the obligations of preventing and controlling pollution of the concerned parties shall not be exempted.

Article 36

The mining enterprises shall adopt scientific mining methods and mineral separation technologies to reduce the discharge volume and storage volume of mining solid waste such as gangue, waste rocks and mullock.

After the installations for storage of mining solid waste such as gangue, waste rocks and mullock have been stopped use, the mining enterprises shall blank off the sites in the places where the installations are located according to relevant provisions concerning environmental pollution of the State in order to prevent from environmental pollution and ecological damage.

Article 37

The breaking down, utilization and treatment of scrap electrical appliances and scrap automobiles and powerboats shall abide by relevant laws and regulations of the State and adopt relevant measures to prevent from environmental pollution.

Section III Prevention and Control of Environmental Pollution Caused by House Refuse

Article 38

The people's governments at or above the county level shall plan as a whole to arrange the facilities for collection, transportation and treatment of urban and rural house refuse, increase the utilization ratio and harmless disposal ratio of house refuse, promote the industrial development for collection and treatment of house refuse, establish and perfect the social service system for prevention and control of environmental pollution by house refuse step by step.

Article 39

The competent administrative departments of environmental sanitation under the local people's government at or above the county level shall organize cleaning, collection, transportation and treatment of urban house refuse, and may select the units satisfying relevant conditions to engage in cleaning, collection, transportation and disposal of house refuse through the forms such as inviting tender.

Article 40

Urban house refuse shall, in accordance with provisions of the competent administrative department of environmental sanitation, be put in the designated places but not be discarded, littered or piled up anywhere else at will.

Article 41

Urban house refuse shall be cleaned, collected, transported and treated in compliance with the provisions concerning environmental protection and environmental sanitation administration of the State, thus prevent from environmental pollution.

Article 42

Urban house refuse shall be cleaned up and transported away without delay and be collected and transported in classification step by step, and efforts shall be made to carry out rational utilization and to turn it into something harmless through treatment.

Article 43

Urban people's governments shall, in a planned way, improve the composition of fuel, and develop coal gas, natural gas, liquefied gas and other clean energy for use in urban areas. Relevant departments of an urban people's government shall arrange for the supply of clean vegetables to cities and towns, in order to reduce urban house refuse.

Relevant departments of an urban people's government shall make an overall plan and rational arrangement for establishing a collecting and purchasing network so as to promote the recycling of waste materials.

Article 44

Installations and sites for treatment of house refuse shall be built in compliance with the standards for environmental protection and environmental sanitation prescribed by the competent administrative department of environmental protection under the State Council and the competent administrative department of construction under the State Council. It shall be forbidden to close, leave idle or dismantle installations and sites for treatment of house refuse without authorization. If it is really necessary to close, leave idle or dismantle such installations and sites, it shall be subject to the verification and approval by the competent administrative department of environmental sanitation and the competent administrative department of environmental protection under the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 45

Substances reclaimed from house refuse shall be used in accordance with the usage or standards as prescribed by the State but not be used for producing the products harmful for human health.

Article 46

Construction units shall, in the course of construction, have their solid waste promptly cleaned up and moved away, and utilize or treat the solid waste according to relevant provisions of the competent administrative departments of environmental sanitation.

Article 47

The units engaging in public communications transportation shall clean up and collect the house refuse generated in the process of transportation according to relevant provisions of the State.

Article 48

The units engaging in urban new district development, old district rebuilding and residential district development and construction and the units operating and managing public facilities and sites such as airports, docks, stations, parks and stores shall equip and build facilities for collection of house refuse according to relevant provisions concerning environmental sanitation of the State.

Article 49

Specific measures for prevention and control of environmental pollution by rural house refuse shall be prescribed by local regulations.

Chapter IV SPECIAL PROVISIONS ON PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY HAZARDOUS WASTE

Article 50

The provisions of this Chapter shall apply to the prevention and control of environmental pollution by hazardous waste. Where it is not covered by this Chapter, other relevant provisions of this Law shall apply.

Article 51

The competent administrative department of environmental protection under the State Council shall, jointly with other relevant departments under the State Council, formulate a national catalogue of hazardous waste, lay down unified criteria and methods for identifying and distinguishing hazardous waste.

Article 52

A distinguishing mark of hazardous waste shall be put on the containers and packages of hazardous waste as well as on the installations and sites for collection, storage, transportation and treatment of hazardous waste.

Article 53

Units generating hazardous waste shall enact plans for administration of hazardous waste according to relevant provisions of the State, and report relevant materials concerning category, discharge volume, flow direction, storage and treatment of hazardous waste to the competent administrative departments of environmental protection under the local people's governments at or above the county level. The plans for administration of hazardous waste as mentioned above shall include the measures for reducing the discharge volume and hazardousness of hazardous waste and measures for storage, utilization and treatment of hazardous waste. The plans for administration of hazardous waste shall be reported to the competent administrative departments of environmental protection under the local people's governments at or above the county level in the places where the units discharge hazardous waste for the record. If the reported matters or contents of plans for administration of hazardous waste as prescribed in this Article have major changes, they shall be reported without delay.

Article 54

The competent administrative department of environmental protection under the State Council jointly with the department of economic comprehensive macro-control under the State Council shall organize to work out program for building installations and sites for centralized treatment of hazardous waste and implement such program after being approved by the State Council. The local people's governments at or above the county level shall organize to build the installations and sites for centralized treatment of hazardous waste according to the program for building installations and sites for centralized treatment of hazardous waste.

Article 55

Units discharging hazardous waste shall treat hazardous waste in accordance with relevant provisions of the State but not dump or pile up it without authorization; otherwise, the competent administrative department of environmental protection under the local people's government at or above the county level shall order them to set it right within a specified period of time. If a unit fails to treat the waste within the specified period of time, or if it has done it but not in conformity with the relevant provisions of the State, the competent administrative department of environmental protection under the local people's government at or above the county level shall assign other units to treat the waste in accordance with relevant State regulations, and, the units discharging hazardous waste shall bear the costs of treatment.

Article 56

In disposing of hazardous waste by the land-fill method, the unit that failed to comply with the provisions of the competent administrative department of environmental protection under the State Council shall pay fees for discharge of hazardous waste. The specific measures for imposition of such fees shall be prescribed by the State Council. Fees for discharge of

hazardous waste shall be used for the prevention and control of environmental pollution by hazardous waste and shall not be appropriated for other purposes.

Article 57

Units engaging in collection, storage and treatment of hazardous waste shall apply to the competent administrative department of environmental protection under the people's government at or above the county level for the business license; the units engaging in utilizing hazardous waste shall apply to the competent administrative department of environmental protection under the State Council or such departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government for the business license.. Specific measures for the administration thereof shall be prescribed by the State Council.

It shall be forbidden to collect, store, utilize or treat hazardous waste without a business license or against the provisions of the business license. It shall be forbidden to supply or entrust hazardous waste to units that do not have the business license for collection, storage, utilization and treatment.

Article 58

Hazardous wastes shall be collected and stored separately according to their different characteristics. It shall be forbidden to collect, store, transport and treat mixed hazardous wastes of incompatible nature that have not undergone safety treatment.

Hazardous waste shall be stored under the preventive and protective measures that satisfy the national environmental protection standards for not more than one year; if an extension is necessary, the extension shall be reported to the competent administrative departments of environmental protection that originally approved the business license for approval except otherwise provided by other laws and administrative rules and regulations.

It shall be forbidden to store hazardous waste mixed with non-hazardous waste.

Article 59

Whoever transfers hazardous waste, shall, according to relevant provisions of the State, fill in duplicate forms for transfer of hazardous waste and submit application to the competent administrative department of environmental protection under the people's governments at or above the municipal level in the places where the hazardous waste is to be moved out. The competent administrative department of environmental protection under the people's government at or above municipal level in the region where the hazardous waste is to be moved out shall, after consulting with and being consented by the competent administrative department of environmental protection under the people's government at or above municipal level in the region where the hazardous waste is to be moved in, approve the transportation of such hazardous waste out. Transport shall not be conducted without approval.

If the transfer passes the administrative regions except the places where the hazardous waste to be moved out and in, the competent administrative departments of environmental protection under the people's governments at or above the municipal level in the places where the hazardous waste is to be moved out shall promptly notify the competent administrative

departments of environmental protection under the people's governments at or above the municipal level in the places where the hazardous waste is to pass.

Article 60

Whoever transports hazardous waste shall adopt measures for the prevention and control of environmental pollution and observe provisions of the State concerning the control of transportation of hazardous goods. It shall be forbidden to carry hazardous waste and passengers in the same transport vehicle.

Article 61

When sites, installations, equipments as well as containers, packages and other articles for the collection, storage, transportation and treatment of hazardous waste are to be used for other purposes, they shall be put to use only after treatment to eliminate pollution.

Article 62

Units discharging, collecting, storing, transporting, utilizing or treating hazardous waste shall work out emergency and protection measures to be adopted in case of accident, and report such to the competent administrative department of environmental protection under the local people's government at or above the county level, which shall conduct inspection, for the record.

Article 63

Units that have caused severe environmental pollution by hazardous waste due to accident or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform the units and residents that may be harmed by the pollution, in the meantime, report to the competent administrative department of environmental protection under the local people's government at or above the county level and other relevant departments, and be ready for investigation and settlement of the matter.

Article 64

When severe environmental pollution by hazardous waste has happened or has been proved to happen, thus threatening the safety of the lives and property of residents, the competent administrative department of environmental protection under the local people's government at or above the county level or other supervisory and administrative departments of preventing and controlling environmental protection by solid waste shall immediately report to the people's government at the corresponding level and relevant competent administrative departments at the next higher level. The people's government shall take effective measures to prevent from or reduce the danger and damage. The relevant people's governments may order termination of operation that cause or possibly cause the accidents of environmental pollution if necessary.

Article 65

The expenses for out-of-services of installations and sites for centralized treatment of key hazardous waste shall be withheld and listed into investment budget or business cost. Specific

measures for withholding and administration of such expenses shall be prescribed by the financial department and competent price department under the State Council jointly with the competent administrative department of environmental protection under the State Council.

Article 66

It shall be forbidden to transfer hazardous waste via the territory of the People's Republic of China.

CHAPTER V LEGAL LIABILITY

Article 67

In violation of this Law, if the competent administrative department of environmental protection under the local people's government at or above the county level or other supervisory and administrative departments of preventing and controlling environmental protection by solid waste commits any of the following acts, the people's government at the corresponding level and relevant competent administrative departments at the next higher level shall order correction and give administrative sanctions to the liable persons in charge and other directly liable persons according to law; if the situation constitutes a crime, the concerned persons shall be investigated for criminal liabilities:

- (1) Failing to make administrative license or handle the documents needing approval according to law;
- (2) Failing to investigate and punish the illegal acts after discovering or receiving report on illegal acts; or
- (3) Other acts that fail to fulfill the responsibilities of supervision and administration according to law.

Article 68

If anyone, in violation of this Law, commits any of the following acts, the competent administrative department of environmental protection under the people's government at or above the county level shall order him to stop the illegal acts, put it right within a specified period of time and impose a penalty on him:

- (1) Failing to report and register industrial solid waste, as prescribed by the State, or resorting to deception in reporting and registering;
- (2) Failing to build installations and sites for safety classified storage of the industrial solid waste that cannot be used temporarily or cannot be used, or failing to adopt measures to make it hazardless through treatment;
- (3) Transferring, for use by another, the eliminated equipment that is included in the list of equipment to be eliminated within a specified period of time;

(4) Closing, leaving idle or dismantling installations or sites for the prevention and control of environmental pollution by industrial solid waste without authorization;

(5) Constructing installations or sites for centralized storage or treatment of industrial solid waste and land-filling sites for house refuse in nature reserves, scenic spots or historical sites, areas of source of drinking water, the areas of basic agricultural fields or other zones that need special protection; or

(6) Transferring solid waste out of the administrative area of a province, autonomous region or municipality directly under the Central Government for storage and treatment without authorization.

(7) Failing to adopt relevant guarding measures and thus causing dispersing, running off or leaking of industrial solid waste or causing other environmental pollution; or

(8) Casting off or scattering industrial solid waste in the process of transportation.

Anyone who commits any of the acts specified in Items (1) and (8) of the preceding Paragraph shall be imposed with a penalty of not less than RMB 5,000 but not more than RMB 50,000; anyone who commits any of the acts in Items (2), (3), (4), (5), (6) and (7) shall be imposed with a penalty of not less than RMB 10,000 but not more than RMB 100,000.

Article 69

If, in violation of this Law, a construction project is put into production or operation while its supporting installations required for the prevention and control of environmental pollution by solid waste have not been completed, have not been examined or have not passed examination, the competent administrative department of environmental protection that examined and approved the statement of the effect on the environment to be occasioned by the construction project shall order suspension of production or operation and may also impose a penalty of not more than RMB 100,000.

Article 70

In violation of this Law, if anyone refuses the on-site inspection of the competent administrative department of environmental protection under the local people's government at or above the county level or other supervisory and administrative departments of preventing and controlling environmental protection by solid waste, the department implementing on-site inspection shall order time-limited correction; if he refuses correction or conduct falsification in the inspection, he shall be imposed with a penalty of not less than RMB 2,000 but not more than RMB 20,000.

Article 71

If anyone engaging in aquaculture of domestic animals and fowls fails to collect, store and treat the excrement and urine of domestic animals and fowls according to relevant provisions of the State and thus causes environmental pollution, the competent administrative departments of environmental pollution under the local people's governments at or above the county level shall order time-limited correction and may impose a penalty of not more than RMB 50,000.

Article 72

If anyone, in violation of this Law, produces, sells, imports or utilizes eliminated equipment or employs eliminated production techniques, the department of economic comprehensive macro-control under the people's government at or above the county level shall order him to put it right; if the case is serious, the department of economic comprehensive macro-control under the people's government at or above the county level shall put forward suggestions and submit them to the people's government at the corresponding level, which shall be in accordance with the limits of authority as prescribed by the State Council, order him to suspend business or close down.

Article 73

If anyone fails to blank off the sites in the places where the installations for storage of mining solid waste such as gangue, waste rocks and mullock are located after such installations have been stopped use, the competent administrative departments of environmental pollution under the local people's governments at or above the county level shall order time-limited correction and may impose a penalty of not less than 50,000 but not more than RMB 200,000.

Article 74

In violation of relevant provisions of this Law concerning prevention and control of environmental pollution by urban house refuse, if anyone commits any of the following acts, the competent administrative departments of environmental pollution under the local people's governments at or above the county level shall order termination of such illegal acts and time-limited correction, and impose a penalty:

- (1) Discarding, shedding or piling up house refuse anywhere else at will;
- (2) Closing, leaving idle or dismantling installations and sites for treatment of house refuse without authorization;
- (3) Construction units failing to, in the course of construction, have their solid waste promptly cleaned up and moved away, and thus causing environmental pollution;
- (4) Construction units failing to utilize or dispose the solid waste discharged in the course of construction according to relevant provisions of the competent administrative departments of environmental sanitation; or
- (5) Casting off or scattering house refuse in the process of transportation.

Any unit that commits any of the acts specified in Items (1), (3) and (5) of the preceding Paragraph shall be imposed with a penalty of not less than RMB 5,000 but not more than RMB 50,000; any unit that commits any of the acts in Items (2), and (4) shall be imposed with a penalty of not less than RMB 10,000 but not more than RMB 100,000. Anyone who commits any of the acts specified in Items (1) and (5) shall be imposed with a penalty of not more than RMB 200

Article 75

If any person or unit, in violation of the provisions of this Law on the prevention and control of environmental pollution by hazardous waste, commits any of the following acts, he or it shall be ordered by the competent administrative department of environmental protection under the people's government at or above the county level to stop the illegal act, to put it right within a time limit and also imposed with a penalty:

- (1) Failing to install distinguishing marks of hazardous waste;
- (2) Failing to report and register the hazardous waste according to relevant provisions of the State or conduct falsification when reporting and registering hazardous waste;
- (3) Closing, leaving idle or dismantling installations or sites for centralized disposal of hazardous waste without authorization;
- (4) Failing to pay fees for discharge of hazardous waste according to relevant provisions of the State;
- (5) Supplying or entrusting hazardous waste to a unit that does not have the business license for relevant business activities;
- (6) When transferring hazardous waste, failing to fill in duplicate forms for transfer of hazardous waste according to relevant provisions of the State, and transferring hazardous waste without approval;
- (7) Mixing hazardous waste with non-hazardous waste for storage;
- (8) Collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
- (9) Carrying hazardous waste and passengers in the same transport vehicle;
- (10) Using sites, installations, equipments as well as containers, packages and other articles for collecting, storing, transporting and treating hazardous waste for other purposes without giving them treatment to eliminate pollution;
- (11) Failing to adopt relevant guarding measures and thus causing dispersing, running off or leaking of hazardous waste or causing other environmental pollution;
- (12) Casting off or scattering hazardous waste in the process of transportation; or
- (13) Failing to work out emergency and protection measures to be adopted in case of accident.

Anyone who commits any of the acts specified in Items (1), (2), (7), (8), (9), (10), (11), (12) and (13) of the preceding Paragraph shall be imposed with a penalty of not less than RMB 10,000 but not more than RMB 100,000; anyone who commits any of the acts in Items (3), (5) and (6) shall be imposed with a penalty of not less than RMB 20,000 but not more than RMB 200,000; anyone who commits the act specified in Item (4) of the preceding Paragraph shall pay the fees within a time limit; if he does not pay the fees beyond the time limit, he shall be

imposed with a penalty of not less than one time as but not more than three times as the fees for discharge of hazardous waste.

Article 76

In violation of this Law, if a person discharging hazardous waste does neither treat the hazardous waste discharged by him nor bear the fees for treating the hazardous waste that shall be born by him as prescribed by law, the competent administrative department of environmental protection under the local people's government at or above the county level shall order time-limited correction and impose a penalty of not less than one time but not more than three times the fees for treating the hazardous waste.

Article 77

Any person or unit that is engaged in collecting, storing, utilizing and treating hazardous waste without an business license or against the provisions of the business license shall be ordered by the competent administrative department of environmental protection of the local people's government at or above the county level to stop the illegal activity, his or its illegal gains shall be confiscated, and may also be imposed with a penalty of not more than three time the illegal gains. If any person or unit engages, against the provision of business license, in activities specified in the preceding Paragraph, his or its operation license may also be revoked by the department that issued the license.

Article 78

Whoever, in violation of this Law, has solid waste from abroad dumped, piled up, or treated within the territory of the People's Republic of China, or imports solid waste that have been forbidden import or imports solid waste that have been limited import as raw materials without authorization, shall be ordered by the Customs to transport such solid waste back to where it is dispatched and may also be imposed with a penalty of not less than RMB 100,000 but not more than RMB 1,000,000; if the situation constitutes a crime, criminal liability shall be investigated according to law. If the importer is vague, the carrier shall bear the liability for transporting such solid waste back to where it is dispatched or bear the fees for treating such solid waste. Whoever tries to avoid the supervision and control of the Customs thus to transport solid waste into the territory of the People's Republic of China, if the act constitutes a crime, shall be investigated for criminal liability according to law.

Article 79

Whoever, in violation of this Law, transfers hazardous waste via the territory of the People's Republic of China shall be ordered by the Customs to transport the hazardous waste back to the original place and may also be imposed with a penalty of not less than RMB 50,000 but not more than RMB 500,000.

Article 80

With regard to illegally imported solid waste, the competent administrative department of environmental protection of the people's government at or above the provincial level shall, according to law, put forward suggestions to the Customs regarding its disposition, the

Customs shall make a decision on punishment in accordance with the provisions of Article 78 of this Law. If such importation has caused environmental pollution, the competent administrative department of environmental protection of the people's government at or above the provincial level shall order the importer to eliminate the pollution.

Article 81

In violation of this Law, whoever causes serious environmental pollution by solid waste shall be decided by the competent administrative department of environmental protection under the people's government at or above the county level, according to the authorities prescribed by the State Council to bring it under control within a time limit; whoever fails to bring it under control beyond the time limit shall be decided business suspension or close down by the people's government at the corresponding level.

Article 82

Whoever, in violation of this Law, has caused an accident of environmental pollution by solid waste shall be imposed with a penalty of not less than RMB 20,000 but not more than RMB 200,000 by the competent administrative department of environmental protection under the people's government at or above the county level; in the case of severe damage, the penalty shall be 30% of the direct loss, but not exceeding RMB 1,000,000. Leading members who are directly in charge and other persons who are directly responsible for the accident shall be subject to administrative sanctions; whoever has caused a severe accident of environmental pollution by solid waste shall be decided business suspension or close down by the people's government at or above the county level according to the authorities prescribed by the State Council

Article 83

In violation of this Law, whoever collecting, storing, utilizing and treating hazardous waste has caused a severe accident of environmental pollution and thus constitutes a crime shall be investigated for criminal liabilities.

Article 84

Units and individuals that have suffered damage caused by solid waste pollution shall have the right to claim compensation according to law.

A dispute over the liability for damage or the amount of compensation may, at the request of the concerned parties, be mediated and settled by the competent administrative department of environmental protection or other supervisory and administrative department of prevention and control of environmental pollution by solid waste; if mediation proves unsuccessful, the concerned parties may bring a lawsuit before a People's Court. The concerned parties may also directly bring a lawsuit before a People's Court.

The State shall encourage the legal service institutions to offer legal aid for the victims in the lawsuits of environmental pollution by solid waste.

Article 85

Whoever has caused the environmental pollution by solid waste shall eliminate the hazardousness, compensate loss according to law, and adopt measures to recover the original situation of the environment.

Article 86

The defendant of a lawsuit for damage compensation due to environmental pollution caused by solid waste shall bear the burden of proof on identification as prescribed by law and no cause between the defendant's acts and the consequence of damage.

Article 87

Regarding a dispute over the liability for damage or the amount of compensation of environmental pollution by solid waste, the concerned parties may entrust the environmental monitoring authority to provide relevant monitoring data. The environmental monitoring authority shall accept the entrustment and truly provide relevant monitoring data.

Chapter VI SUPPLEMENTARY PROVISIONS

Article 88

For the purposes of this Law, the following terms shall mean:

- (1) Solid waste shall mean substance in solid, semi-solid state and gaseous substances in containers that have lost the original value of utilization or have not lost the value of utilization but have been abandoned or that has been abandoned coming from production, life and other activities and the substances and materials that have been bring into the administration of solid waste as prescribed by laws and administrative rules and regulations.
- (2) Industrial solid waste shall mean solid waste discharged from production activities of industries.
- (3) House refuse shall mean solid waste discharged from everyday life or from services provided to everyday life as well as the solid waste that is regarded as house refuse under laws and administrative rules and regulations.
- (4) Hazardous waste shall mean waste that is dangerous and is included in the national list of hazardous waste or identified as such according to the criteria and methods of identification for hazardous waste as prescribed by the State.
- (5) Storage shall mean the activities that temporarily put the solid waste in a specific installation or site.
- (6) Treatment shall mean activities conducted to reduce the quantity or volume of the discharged solid waste, reduce or eliminate their dangerous composition through incineration or other methods that can change the physical, chemical or biological characteristics of the solid waste, or land-fill activities conducted ultimately to put solid waste in sites or installations that meet the requirements of environmental protection.

(7) Utilization shall mean the activities that distill substances from the solid waste as raw materials or fuel.

Article 89

This Law shall apply to the prevention and control of pollution by liquid waste. However, the prevention and control of pollution by waste water discharged into water body shall be governed by other relevant laws, not this Law.

Article 90

If an international treaty regarding the prevention and control of environmental pollution by solid waste concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions on which the People's Republic of China has announced reservation.

Article 91

This Law shall come into effect as of April 1, 2005.